



2024

ANNUAL SECURITY REPORT

CSU MONTEREY BAY

Contents

Message from the President	6
About California State University Monterey Bay and Cuesta College	7
Preparing the Annual Security Report	7
Preparation of the Annual Disclosures of Crime Statistics	8
Clery Geography	9
Clery Crime Statistics 2021 to 2023 CSUMB Main Campus	10
Clery Crime Statistics 2021 to 2023 – CUESTA COLLEGE Campus	14
Procedures for Students and Others to Report Crime or Emergencies on Campus.....	17
Reporting of Crimes and Emergencies to Law Enforcement	18
Reporting Crime to Cuesta College Police	18
CSUMB University Police Department (UPD).....	19
Cuesta College Police.....	20
Reporting to a Campus Security Authority (CSA)	20
Voluntary and Confidential Reporting.....	22
Anonymous Reporting.....	23
Crime of Violence Disclosures	23
California Education Code section 67380(a)(6)(A).....	24
Timely Warnings	24
OTTERalerts	28
Emergency Notifications	29
Security of and Access to Campus Facilities, and Security Considerations	34
Law Enforcement Authority	36
Cuesta College Location Law Enforcement Authority	38
Security Awareness and Crime Prevention Programs	40
Monitoring and Recording Crime Activity at Noncampus Locations of Student Organizations	44
Possession, Use, Sale and Enforcement of Federal and State Alcohol and Drug Laws	44
Sanctions Administered via the Standards for Student Conduct.....	45
Student-Athlete Code of Conduct.....	46
Student Housing and Residential Life	47
Criminal Sanctions	48
Employee Assistance Program	50
Cuesta College Location Alcohol Policy	50
Alcohol and Other Drug Education and Prevention Programs	55

Universal/Entire Population-Based Programs	57
Sexual Violence Prevention.....	58
Training for Employees	60
Prevention and Awareness Programming	60
Information About Campus Reporting, Adjudication, and Discipline Procedures.....	62
Cuesta College Location Disciplinary Procedures.....	65
Risk Reduction	67
Sexual Misconduct/Sexual Assault	67
Dating/Domestic Violence	68
Stalking.....	70
Bystander Intervention	71
Written Notification of Rights and Reporting Options.....	73
Supportive Measures.....	74
Reporting Options	75
The importance of preserving evidence	76
Reporting to law enforcement and making a criminal report.....	76
Protective Orders.....	78
Civil reporting options & protective orders	78
Court-Ordered Restraining Orders	78
Emergency Protective Order (EPO)	78
Temporary Domestic Violence Restraining Order (TRO)	79
Criminal Protective Order (CPO)	79
Civil Harassment Restraining Order	79
The CSU, Restraining Orders and Protective Orders.....	79
Disciplinary Procedures	80
Simultaneous Written Notification	81
Outreach to Complainant	81
Initial Assessment & Intake Meeting	82
Confidentiality Requests and Requests Not to Investigate	83
Supportive Measures.....	86
Review of Supportive Measures (Applies only to Reports or Complaints of Sex- based Harassment)	86
No-Contact Directives	87
Criminal Complaints and Concurrent Investigations	88
Complaints.....	90

Complaints Accepted for Investigation	91
Complaint Not Accepted for Investigation.....	91
Discretionary Dismissal	91
Dismissal of a Complaint - Applies only to Complaints of Sex-based Harassment	91
Consolidation.....	93
Student Grade Appeals.....	94
Alternative Resolution Process	94
Informal Resolution.....	94
Acceptance of Responsibility	98
Investigations-The Formal Complaint Resolution Process	99
Purpose of the Investigation and Resolution Process	99
Privacy	100
Standard and Burden of Proof	101
Role of the Title IX Coordinator / DHR Administrator in the Investigation Process.....	101
Neutrality of Process	101
Investigation Where a Respondent Does Not Participate	102
Timeframe, Extensions, and Status Updates	102
Reasonable Accommodations	104
Notices of Investigation	104
Respondent Initial Meeting	106
Gathering Evidence	106
Investigations Involving Allegations of Sex Discrimination	107
Final Investigation Report.....	109
Hearings	111
Privacy	111
Appeal Procedures	121
Filing an Appeal to the Chancellor’s Office.....	121
Bases for Appeal	121
Issues and Evidence on Appeal	122
Acknowledgement of Appeal	122
Reasonable Accommodation	122
Scope of Review	123
Civil Rights Appeals Unit Response	123
Reopening a University Investigation or Hearing	123
Reversal by Civil Rights Appeals Unit	123

Registered Sex Offenders	125
Missing Student Notification Procedures for On-campus Student Housing Facilities	126
Fire Safety Report.....	128
Appendix A Jurisdictional Definitions.....	129
Appendix B Right and Options.....	147
Appendix C Resources for Survivors	161
Appendix D Clery Crime Definitions.....	165



MESSAGE FROM THE PRESIDENT

Dear campus community,

At California State University Monterey Bay, we pride ourselves on providing a safe and welcoming environment for all students, faculty and staff. As part of that responsibility, we publish an annual Fire Safety Report to ensure you are informed of the proactive work we have done to provide training and infrastructure to prevent fire incidents on campus as well as how to respond if a fire were to occur.

Our campus administrators – including the University Police Department, Student Housing and Residential Life, the offices overseeing the Clery Act compliance and Title IX enforcement and others – work hard to maintain open lines of communication with students, faculty and staff about safety issues.

We all share in the task of maintaining a safe campus and we all do our part by being alert for potentially dangerous situations.

I encourage you to familiarize yourselves with the resources outlined in this report. Working together we can help keep CSUMB a great place to live, work and learn.

Vanya Quiñones
President, CSUMB

About California State University Monterey Bay and Cuesta College

California State University Monterey Bay is one of twenty-three (23) campuses within the California State University system, the nation's largest four-year public university system. For more information see our CSUMB [Fact Book](#).

California State University Monterey Bay (CSUMB) has partnered with Cuesta College to offer a collaborative pathway for the associate degree (ADN) in Nursing to Bachelor of Science in Nursing Degree. This program allows Cuesta College registered nursing students to enroll in CSUMB nursing courses in the summers following their first and second years of Cuesta's AND program. Students complete additional required coursework the year after earning their ADN to earn their BSN degree one year after completing their ADN at Cuesta College.

For more information on the program, contact Candi Prado, CSUMB Nursing Program Advisor at (831) 582-5330 or by email caprado@csumb.edu.

Other important contacts are:

Dr. Alyssa Erikson
BSN Nursing Chair
aerikson@csumb.edu

Marcia Scott
Director of BSN at Cuesta College
marscott@csumb.edu

Physical Address:
Highway 1, San Luis Obispo, CA 93405
Phone (805) 546-3100

PREPARING THE ANNUAL SECURITY REPORT

CSUMB publishes an Annual Security Report each year, on or before October 1st, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Annual Security Report (hereafter "ASR") is prepared, published and disseminated by CSUMB's Clery Director of the Clery Compliance Office (CCO), by and with the collaboration of several other internal offices. The information in this ASR should be reviewed by all members of the CSUMB and Cuesta College community to become familiar with available programs and services. It is

only through our collective efforts that we can keep our students, employees and visitors informed and safe.

A variety of CSUMB campus partners contribute information related to the policy disclosure statements and institutional policies contained in the Annual Security Report. These campus partners include, but are not limited to, University Police, student conduct, student housing, student affairs, facilities, capital development, human resources and others. The policy disclosure statements and procedures contained within this report are current as of publication, as the university recognizes this document as an immediate reference to possible current inquiries.

The Annual Security Report 2024 was compiled by the Clery Director, Dr. Mardi Walters, and was reviewed by CSUMB administrators, and internal offices that provide information regarding policy disclosure statements. For questions concerning the Annual Security Report please email Dr. Walters at: mardwalters@csumb.edu.

The California State University system policy implementing the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act") can be viewed [here](#).

Preparation of the Annual Disclosures of Crime Statistics

The Clery Director requests, collects and reports annual crime statistics obtained from internal CSUMB offices, from Cuesta College, and from local, state, national and abroad law enforcement agencies. The Clery Director sends annual written requests for Clery crime data to external law enforcement with jurisdiction over Cuesta College's Clery geography. After receiving responses from external law enforcement, the Clery Director cross references the crime data with internal crime data collected to ensure double counting does not occur. If a crime report from external law enforcement is received through this effort that is not previously known to CSUMB or University Police, and is Clery reportable, it will be included in the annual crime statistical disclosures.

The internal sources of crime statistics are collected from records of crimes reported to and in the possession of University Police and local law enforcement.

Campus Security Authorities (CSAs) are required to promptly report allegations of Clery crimes that occur within a Campus' Clery Geography that are reported to them. A report may be a written or verbal disclosure

made by any person to the CSA, including information shared with the CSA by witnesses or other third parties. CSA reports must include the following, if known: The crime that was reported and the information provided, the exact location where the reported crime occurred, the date and time the reported crime occurred, and any witness and perpetrator information, and victim/survivor information, unless the victim requests confidentiality. In the event a victim requests confidentiality, enough information must be obtained and provided by the CSA about the criminal incident to prevent over-reporting or "double counting" of the incident.

Employees may be required to share the reported information with other offices if they have responsibilities under other laws and policies including, but not limited to, mandatory reporting of Child Abuse and Neglect Reporting Act (CANRA), and for the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation.

Under the Clery Act, counting and disclosing criminal offenses (including sex offenses), hate crimes, and arrest and disciplinary referral statistics are based on definitions¹ provided by the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program. The crimes of Dating Violence, Domestic Violence, and Stalking are counted and disclosed based on the definitions provided by the Violence Against Women Act of 1994 (VAWA) and repeated in the Department of Education's Clery Act implementing regulations at 34 C.F.R. Section 668.46: Dating Violence, Domestic Violence, and Stalking.

Clery Geography

Crime statistics are reported by the location where they occurred and are separated by the following geographical areas, which are known collectively as Clery Geography:

- **On-campus**
- **On-campus student housing**
- **Public property** (within and immediately adjacent to an institution);
and
- **Non-campus property** (either owned or controlled by the institution).

CLERY CRIME STATISTICS 2021 TO 2023 CSUMB MAIN CAMPUS

Murder/Non-Negligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	1	1	0	0
2022	4	6	0	0
2023	5	4	0	0

Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	1	3	0	0
2022	4	5	0	0
2023	0	0	0	0

Incest

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Statutory Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	0	2	0	0
2022	0	2	0	0
2023	0	0	0	0

Robbery

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	1	1	0	0
2022	0	0	0	0
2023	0	0	0	0

Aggravated Assault

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	2	7	1	0
2022	4	5	0	0
2023	0	0	0	0

Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	3	5	1	0
2022	1	2	0	0
2023	0	0	1	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	0	1	1	0
2022	1	1	0	0
2023	0	1	0	1

Arson

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	0	1	0	0
2022	0	0	0	0
2023	0	0	0	0

Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	5	18	0	0
2022	13	16	0	0
2023	5	24	0	0

Dating Violence¹

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	1	1	0	0
2023	0	0	0	0

Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	2	8	0	0
2022	1	6	0	0
2023	8	12	9	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	2	5	0	0
2022	1	3	0	0
2023	0	0	0	0

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	0	16	2	0
2022	0	8	0	0
2023	0	0	0	0

Arrests for Alcohol Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	6

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	1	1	0	0

¹ The CSU Systemwide Clery Office has advised CSU's that all crimes of Dating Violence should be reported in the Domestic Violence category beginning with calendar year 2023 to avoid conflict with California Domestic Violence laws that include persons in a social relationship of a romantic or intimate nature.

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	2	3	0	0
2022	5	9	0	0
2023	38	40	0	9

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	5	5	0	0
2022	0	12	0	0
2023	5	8	0	0

Unfounded Crimes

Year	Total
2021	5
2022	1
2023	8

Hate Crime Definition

A Hate Crime, under the Clery Act, is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes includes any offense in the following group: murder and nonnegligent manslaughter, sexual assault including rape, fondling, incest and statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property.

Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

Hate Crime reporting covers all Clery geography including on campus, residential facilities, noncampus buildings or property, and public property.

Hate Crime Statistics

2021 – One on-campus *Intimidation* hate crime incident characterized by a racial bias.

2022 – Three reported hate crimes. One on-campus *Intimidation* incident characterized by a sexual orientation bias as well as race bias. One on-campus *Simple Assault* incident characterized by a sexual orientation bias. One on-campus *Simple Assault* incident characterized by gender bias.

2023 – No hate crimes reported.

CLERY CRIME STATISTICS 2021 TO 2023 – CUESTA COLLEGE CAMPUS

Murder/Non-Negligent Manslaughter

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Negligent Manslaughter

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Rape

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Fondling

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Incest

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Statutory Rape

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Robbery

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0

Year		Campus Total	Noncampus	Public Property
2023	0	0	0	0

Aggravated Assault

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Burglary

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Motor Vehicle Theft

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Arson

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Domestic Violence

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Dating Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Stalking

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0

Year		Campus Total	Noncampus	Public Property
2022	0	0	0	0
2023	0	0	0	0

Arrests for Weapons Law Violations

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Arrests for Drug Law Violations

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Arrests for Alcohol Law Violations

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Referrals to Disciplinary Action for Weapons Law Violations

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Referrals to Disciplinary Action for Liquor Law Violations

Year		Campus Total	Noncampus	Public Property
2021	0	0	0	0
2022	0	0	0	0
2023	0	0	0	0

Unfounded Crimes

Year	Total
2021	0
2022	0
2023	0

Hate Crime Statistics

2021 There were no reported hate crimes.

2022 There were no reported hate crimes.

2023 There were no reported hate crimes.

PROCEDURES FOR STUDENTS AND OTHERS TO REPORT CRIME OR EMERGENCIES ON CAMPUS

The California State University (CSU) system supports transparency, communication, and engagement of members of the campus community through the publication of policies that govern law enforcement activities on all 23 campuses. These policies are referred to as Standard Law Enforcement policies which can viewed [here](#).

California State University Monterey Bay

Each member of the university community has the obligation to report threats or acts of violence to the appropriate university authority. CSUMB strives to prevent threats and acts of violence through coordinated services for students, faculty, and staff. The university works to prevent violence from occurring through training, education, awareness, and reporting. When violence or threats of violence have occurred, the university will act promptly to support and protect victims, potential victims, and witnesses from further threats or acts of violence. The university will work closely with reporters of alleged threats or acts of violence to address concerns of retaliation.

Individuals should report acts of violence, threats of violence, or any other behavior which by intent, act, or outcome harms another person by calling 911 in an emergency situation.

When appropriate, criminal investigations will be referred by the University Police Department (UPD) to the Office of the Monterey County District Attorney for both CSUMB's main campus and the Salinas campus for prosecution.

CSUMB students, employees, and residents that commit acts of violence, threats of violence, a crime, or any other behavior which by intent, act, or outcome harms another person may also be referred to the appropriate university administrator for administrative review and/or conduct process.

Reporting of Crimes and Emergencies to Law Enforcement

The university encourages the complete, accurate, and prompt reporting of all crimes to the following entities:

- **CSUMB recommends individuals experiencing an emergency situation call 9-1-1 for assistance.**
- **University Police Department for the CSUMB main campus:**

If you are a victim of crime or a witness to a crime while on campus or near campus, report it to the CSUMB University Police Department in person or by calling 831-655-0268 as soon as possible.

Call: 831-582-3000 for emergencies

Visit CSUMB University Police Department at Valley Hall, 2081 Inter-Garrison Road, Seaside, CA 93955.

[Visit CSUMB Police Department online](#)

[To file a non-emergency report](#)

Emergency alerts are posted on this UPD webpage:

[https://csumb.edu/police/emergency/.](https://csumb.edu/police/emergency/)

Reporting Crime to Cuesta College Police

For emergency situations, contact Campus Police by:

- Calling (805) 546-3205
- Dialing 3911 from any on-campus phone
- By pushing the button on any one of the [blue light emergency phones](#) located throughout campus.

Visit Cuesta College Police: Building 7500
(Across from the baseball field on Chorro Valley Rd. near parking lot 7)

Phone: (805) 546-3205

Email: ccpd@cuesta.edu

Routine Business Hours: Monday - Friday 8:30am - 4:30pm

After hours, please contact Campus Police by calling (805) 546-3205.

Email: ccpd@cuesta.edu

More emergency Information for Cuesta College can be found at

<https://www.cuesta.edu/emergency/index.html>

CSUMB University Police Department (UPD)

The California State University system has established Law Enforcement Policies to be followed by each of its twenty-three campuses.

The University Police Department (UPD) provides 24-hour law enforcement service, throughout the entire calendar year, including all holidays. In-progress suspicious or criminal acts and all police, fire², or medical emergencies should be reported directly to UPD or local law enforcement, as appropriate, by dialing 9-1-1. UPD may also be contacted by pushing the button on a "blue light³" campus emergency phone. There are over sixty-two blue-light emergency phones in operation at any given time except when impacted by construction or maintenance that are located throughout the Seaside campus. Blue light phones are available 24 hours a day and are easily recognizable by their blue color and the blue light at the top of the phone box.

Use blue light phones to report:

- Fire and medical emergencies
- Crimes in progress
- Accidents
- Suspicious behavior or activity

Classroom and office phones may be used to dial 9-1-1 in the event of an emergency. When calling in an emergency, be prepared to provide the

² For more information on how to report on-campus fires and fire safety, please see the [Fire Safety Report](#)

³ Blue-light phones and emergency call boxes are tested monthly, and if one is not working, it is immediately repaired or replaced. The number of blue-light emergency phones decreased with the building of the Otter Student Union.

police dispatcher with your name, telephone number, the nature of the emergency, and location, as well as any pertinent information regarding the emergency (such as crime that occurred, suspect and vehicle description, direction of travel for suspect and vehicle, nature of the medical or other emergency needing assistance, etc.). Always stay on the line until the dispatcher ends the call. For all non-emergencies and regular business, call Police Dispatch at 831-655-0268.

The following are university off-site properties. In the event you need to report a non-emergency, please call the number listed. It will direct you to the police agency with primary jurisdiction.

- Soledad Street Community Learning Center is located at 2 Soledad Street, Salinas, CA 93901. To report a crime or emergency call Salinas Police Department at 831-758-7321.
- CSUMB at Salinas City Center is located at 1 Main Street, Salinas, California 93901. To report a crime or emergency call Salinas Police Department at 831-758-7321
- The University Corporation at Monterey Bay (the "Corporation") is located at 8 Upper Ragsdale Drive, Monterey, CA, 93940. To report a crime or emergency call Monterey Police Department at 831-646-3830

Criminal complaints and other investigations made directly to UPD will be handled and investigated by UPD personnel, and if appropriate and applicable, may include assistance from an outside agency upon request from UPD.

Cuesta College Police

Cuesta College Police Department (CCPD) provides services to the San Luis Obispo and North County/Paso Robles campuses. College Police officers are vested with full law enforcement powers and responsibilities throughout the State of California, identical to municipal police and sheriff departments.

Reporting to a Campus Security Authority (CSA)

The university encourages all members of the campus community to contact University Police for the CSUMB main campus if they have been the victim of or have witnessed a crime. Members of the campus community may also notify a Campus Security Authority (CSA) of a crime, without notifying law enforcement, if they choose to do so. The Clery Act requires institutions to designate and train relevant employees as CSAs to promptly report allegations of Clery Act reportable crimes reported to

them, immediately to the Clery Director located in the Clery Compliance Office.

The reporting of Clery Act crime statistics in the Annual Security Report specifically includes crimes that occurred on four locations, which are referred to as Clery Geography, which has been defined in an early section of this report titled: *Preparation of the Annual Crime Statistical Disclosures*.

The Clery Act identifies four separate categories of institutional personnel that are designated and trained as a Campus Security Authority (CSA) as follows:

Campus police or department of public safety;

Individuals who have responsibility for campus security but are not members of a campus police or department of public safety (e.g., residential security, event security, library monitors);

Individuals specified by an institution as their preferred receivers of reports;

Personnel who have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings.

Individuals may also be designated as CSAs if their official job responsibilities involve significant interaction with students 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, or crimes and other troubling situations, or have oversight for disciplinary procedures.

For a full listing of CSA-qualified positions, see csumb.edu/csa. For contact information regarding personnel in these various positions, visit the university's Directory at csumb.edu/directory.*

The [Campus Security Authority Reporting Form](#) is used to report Clery crimes to the Clery Compliance Office.

For more information on Campus Security Authorities visit <https://csumb.edu/csa/>.

The Clery Act crimes which should be reported to Campus Security Authorities are:

Murder and Non-Negligent Manslaughter	Negligent Manslaughter	Aggravated Assault	Arson
Burglary	Robbery	Motor Vehicle Theft	Rape
Fondling	Statutory Rape	Incest	Domestic Violence
Dating Violence-/	Stalking	Hate Crimes ⁴	Hate crime: Simple Assault
Hate crime: Intimidation	Hate crime: Larceny-theft	Hate crime: Destruction, damage and/or vandalism of property	

To view the definitions of Clery Act crimes see Appendix D.

Cuesta College Location

A Campus Security Authority (CSA) is a campus employee with significant responsibility for student and campus activities or staff designated as individuals or departments to whom crimes should be reported. Crime reports from CSAs are included in annual statistics, the daily crime log, and assessed for the possibility of a campus alert to warn the community about ongoing risks.

To report a Clery crime use the [Campus Security Authority form](#). For more [information about Campus Security Authorities](#) at Cuesta College.

Voluntary and Confidential Reporting

CSUMB provides voluntary confidential reporting options through the University Police Department (UPD) for inclusion in the ASR for its Seaside and Salinas campuses. Should you want to make a report confidentially through UPD, you can make a request. However, any request for confidentiality is honored to the extent permitted by law. It is the university’s responsibility to weigh any request for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the campus community.

⁴ Hate crimes involving any of the preceding Clery crimes listed that demonstrate evidence of perpetrator’s bias.

All confidential sources (pastoral and professional counselors and the Campus Advocate) are encouraged to inform individuals they are counseling of all options (including anonymous reporting) and support resources for reporting crimes on campus for administrative or criminal investigation and action.

Pastoral and professional counselors are exempt from reporting but may, if they choose, report an incident confidentially by calling UPD criminal investigations at 831-582-4705.

Note: all publicly available record keeping will be maintained without the inclusion of personally identifiable information about the victim.

Anonymous Reporting

Anonymous reporting is directly with the UPD. Victims or witnesses who wish to inform UPD of crimes on a voluntary, anonymous basis for inclusion in the annual disclosure of crime statistics may do so by calling the Tip Line at 831-582-4747, by calling UPD Criminal Investigations at 831-582-4705, or by filling out an anonymous tip online at csumb.edu/police. The purpose of an anonymous report is to comply with your wish of not having personally identifiable information included while taking steps to ensure your future safety and the safety of others. With such information, CSUMB can keep an accurate record of the number of incidents involving students, employees, and visitors, determine whether there is a pattern of crime with regard to a particular location, methods, or assailant, and alert the campus community to potential dangers. Complaints filed in this manner may be counted and disclosed in the Annual Security Report if they are Clery crimes and occurred on CSUMB's Clery geography.

Cuesta College Location

Cuesta College does not have anonymous reporting. How persons wishing to report crime anonymously in the area may contact Crimestoppers:

Crimestoppers: • Phone: 805-549-STOP (7867) •

Website: <http://sanluisobispo.pocounty.crimestoppersweb.com/>

Download the free mobile app at P3TIPS.COM.

CRIME OF VIOLENCE DISCLOSURES

The institution will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of

any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such a victim shall be treated as the alleged victim.

CALIFORNIA EDUCATION CODE SECTION 67380(A)(6)(A)

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

The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and

- The immediate assistance of the local law enforcement agency is necessary to contact or detain the alleged assailant.

TIMELY WARNINGS

The Timely Warning policy describes the procedures that will be used to provide members of the community with information to aid in preventing them from becoming victims of crimes posing a serious or ongoing threat to the Campus communities. It is intended to provide faculty, staff, and students with timely information about Clery reportable crimes occurring within the defined Clery Geography of their Campuses, and to comply with the Timely Warning requirements of the Jeanne Clery Act.

As required by the Clery Act, CSU Campuses will keep their campus communities informed by providing a timely warning when appropriate.

Upon receipt of a Campus Security Authority (CSA) report of a Clery crime on Clery Geography, a Timely Warning analysis shall be completed and documented by the Clery Director. The Clery Director shall have authority to delegate this responsibility as appropriate. It is not necessary to document the completed Timely Warning analysis for referrals to disciplinary action.

If it is determined that the report includes a Clery crime on Clery Geography, the Clery Director and Chief of Police (or management designee) will confer to analyze the known pertinent facts to determine whether they constitute a serious or ongoing threat to the Campus community. The unavailability of the Clery Director shall not unduly delay the issuance of a Timely Warning.

If a CSA report includes 1) a Clery crime 2) on Clery Geography and 3) a discernible serious or ongoing threat, a timely warning as described below shall be issued expeditiously. In the absence of any of these three elements, no timely warning will be issued.

The Chief of Police (or the management designee) shall have ultimate authority and responsibility for determining whether to issue a Timely Warning.

Each reported incident must be analyzed on a case-by-case basis. All known factors shall be considered in the case-by-case analysis to determine whether a timely warning should be issued. No single factor should govern the decision regarding the issuance of a timely warning. Campuses are prohibited from circumventing a case-by-case analysis by issuing a blanket rule that timely warnings will be issued for all reports of any given Clery reportable crime. Requests from an outside law enforcement agency to refrain from issuing a timely warning is insufficient grounds on its own for not issuing or delaying the issuing of a timely warning, unless the Chief of Police concurs that by issuing a timely warning, an identified risk can be articulated that would compromise the law enforcement efforts of the outside agency investigating the crime to gather evidence and/or apprehend suspect(s).

Case by Case Analysis

The case-by-case analysis will involve reviewing relevant factors including, but not limited to, the following, if known:

The timing of the report: shortly after the occurrence of the crime vs. days or weeks after the occurrence of the crime, i.e., a "cold report"

Physical injury to the victim

Use of weapons

Forced entry used and/or tools used in commission of the crime

A suspect arrested or incapacitated by injury

A suspect that is identified or otherwise can be located by law enforcement

A suspect that is out of the area

A victim who fears for their safety from the suspect
A clear modus operandi and/or pre-planning indicated
Multiple suspect(s) involved
A pattern of similar crimes established
The possible risk of compromising law enforcement efforts, such as to gather evidence and/or apprehend suspect(s), if a warning was issued

Additional Considerations

The Clery Director (or management designee) shall notify the campus president, as soon as practicable, that a timely warning will be or has been issued.

The Chief of Police (or management designee) is responsible for collaborating with surrounding law enforcement agencies to encourage them to share information with University Police Department (UPD) about crimes reported to local law enforcement that occur in Clery Geography.

Nothing in this policy precludes Campuses from maintaining a Campus policy about informing, re-publicizing and/or sharing with the Campus community crimes or other informational notices, (e.g., traffic advisories, events, prevention information) the Campus deems may be of interest to the Campus community. Such a policy is separate and distinct from the Timely Warning Policy. Such notices must differ in appearance or be distributed in a manner that assures that members of the community understand such notices are different from a timely warning notification required by the Clery Act; members of the Campus community should not be misled to believe such notices are timely warnings.

Contents of a Timely Warning

When a timely warning is issued it shall be entitled "Timely Warning Crime Bulletin" and contain the following:

A statement that reads, "This Timely Warning Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the Campus community to aid members from becoming the victim of a similar crime."

Identify the Clery reportable crime that occurred (i.e., rape, burglary, motor vehicle theft, arson, etc.)

The date, time, and location the crime occurred.

The date the Timely Warning Bulletin is issued.

Description of the suspect when deemed appropriate, and if there is sufficient detail. Only include a description of the suspect when the descriptors provided by the reporting party could reasonably lead to conclusive identification of the perpetrator(s).

At least three preventative tips or points of information specifically related to the circumstances of the crime which occurred that could help others from becoming the victim of a similar crime.

The phone number of UPD and a statement encouraging community members to report all information about crimes to UPD.

If appropriate, the phone number of support services.

The Timely Warning shall not include, under any circumstances, the name of the victim, or information so specific (i.e., specific address or dorm room number or floor) that would or likely could identify the victim of the crimes of Sexual Violence, Rape, Dating Violence, Domestic Violence, or Stalking. Timely Warning Bulletins should use gender-inclusive and culturally appropriate language and avoid victim blaming and bias language.

Methods of Distribution

Timely Warnings will be distributed as quickly as possible in a manner that will likely reach the entire campus community. Distribution methods vary from campus to campus and include, but are not limited to, any of the following:

- All employee and student mass email distribution
- University website
- Public area video display monitors
- Hard copies posted on campus building entrance doors
- Press Release

This list is not intended to be exhaustive or intended to prioritize the method of distribution. The Chief of Police will confer with the Clery Director (or management designee), if available, to determine the most appropriate method(s) to distribute a Timely Warning. In the absence of the Clery Director (or management designee), the Chief of Police will determine the appropriate method of distribution. Campuses are required to maintain a list of the methods of distribution for timely warnings and include said list in the Campus's Annual Security Report.

At CSUMB, Timely Warnings will be distributed community-wide in a manner where there is a reasonable expectation to reach the entire campus community, which is typically sent via mass e-mail. Timely Warning issued are posted on the [CSUMB Clery webpage](#).

If a person is triggered by a Timely Warning and wishes to seek mental health services, they are encouraged to contact the [Personal Growth and Counseling Center](#).

If seeing a Timely Warning empowers someone to report their crime victimization, they can contact University Police by dialing the non-emergency number (831) 655-0268, Title IX by emailing stopdiscrimination@csumb.edu, or may make a report to a [Campus Security Authority](#).

OTTERalerts

In the event of an emergency, CSUMB will first issue an **OTTERalert**, which is CSUMB's emergency alert system. OTTERalert delivers emergency alerts via email, text, and an outdoor speaker system to all members of the CSUMB community.

CSUMB employees and students *automatically* receive emergency alert emails to their campus email address whenever there is an emergency on campus or when the system is undergoing testing.

OTTERalert by text

Students, staff, and faculty have the option to receive OTTERalerts emergency notifications through text by signing up for them. This is a great way to get immediate information right to your mobile phone. Invite your family and friends to sign up also, so they are kept informed as well.

[Sign Up for Texts](#)

Community members

Parents, supporters, visitors, and community members can sign up for OTTERalerts to receive emergency text alerts and emails from the campus.

[Community Sign Up](#)

Update your information

If your email or phone number has changed, please [update your OTTERalert information](#).

Cuesta College Location

Rave Guardian App

Cuesta College partners with Cuesta College partners with Rave Mobile Safety to provide the Campus Safety App, “Rave Guardian” to all students and staff. This app is free to download for all apple and android devices through the device appropriate app store. Simply type in “Rave Guardian” and follow the on-screen instructions to download and install.

Rave Guardian is a comprehensive Campus Safety “tool-box” for communications and campus resources including:

Inbox – This feature provides a method to send targeted “push- notification” alerts to Guardian users, even when the user does not have a cellular signal.

Call Directory – This contains telephone numbers for commonly used resources at Cuesta like the Health Services, Financial Aid, and Academic Counseling, as well as the suicide prevention hotline, among others.

Safety Timers – Friends and family can serve as a “virtual escort” using this feature. App users set a timer, tell their Guardian where they are going, and decide when their Guardians can call and check on them.

Campus Resources – This provides a helpful list of campus resource links, such as campus maps, academic and student life calendars, as well as our current emergency information and annual security report.

Chat – This feature allows the user to text message the on-duty Cuesta Police Dispatcher. The user can also attach pictures, when reporting graffiti, or text anonymously, allowing confidential crime reporting.

Campus Police – This allows the user to call campus police without need of the telephone number. The user can also choose to share their GPS location, allowing an expedient police and medical response.

EMERGENCY NOTIFICATIONS

This policy describes the procedures that will be used to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees occurring on the campus, as required by the Clery Act.

Any member of the campus community with information believed to constitute a significant emergency or a dangerous situation that poses an imminent or immediate threat shall report the information to University Police Department (UPD) and/or by calling "911." Examples include, but are not limited to, the following types of incidents:

- Severe weather warning (e.g., flash flooding, tsunami, hurricane, etc.)
- Environmental emergency within an on-campus facility (e.g., hazardous chemical spill, fire, earthquake, building collapse)
- Criminal activity with an imminent threat to Campus community (e.g., active shooter, murder, fleeing suspect with a weapon)
- Public Health Emergency (e.g., measles outbreak, swine flu outbreak, etc.)

Once UPD has received the report, the Chief of Police (or management designee) will, without delay and taking into account the safety of the community, confer with any appropriate public official (e.g., fire chief, health department) and any Campus officials responsible for managing the on-campus emergency, if available, to confirm both: 1) a legitimate emergency or dangerous situation exists impacting on-Campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community. This confirmation process may include, but is not limited to, visual observation, officer investigation, the assistance of key Campus administrators, local or Campus first responders, and/or official government reporting through agencies such as the National Weather Service.

If neither of the above factors are not met, no emergency notification is required. If it is determined that both of the above factors are met, then an emergency notification as described below shall be issued. The Chief of Police (or management designee) will confer with the Clery Director, if available, to prepare the content of the notification and determine which members of the Campus community are threatened and need to be notified. The content of the message will be developed based on a careful but swift analysis of the most critical facts.

Once the notification is prepared, the Chief of Police and/or the Clery Director (or their management designees) will, without delay and taking into account the safety of the community, transmit the emergency notification unless doing so would delay the ability to mitigate and/or contain the emergency, including the ability to provide immediate, life saving measures. If an emergency notification is issued, a timely warning is not required for the same incident.

Contents of the Emergency Notification

The emergency notification shall contain the following information:

- A statement as to what the emergency or dangerous situation is, in specific terms (e.g., chemical spill, active shooter, building fire)
- A statement providing direction as to what actions the receiver of the message should take to ensure their own safety
- A statement as to where or when additional information may be obtained

The Chief of Police and/or Clery Director (or management designees) will provide updates to the emergency notification with pertinent updates or direction to persons for their safety when new information becomes available. Updates will be provided in regular intervals until the emergency has been mitigated or no longer poses an imminent threat, e.g., fire is out, and building has re-opened.

Methods of Distribution

Emergency Notifications will be distributed as quickly as possible in a manner that will likely reach the segment(s) of the on-campus community threatened by the emergency. Segmentation will be considered by the Chief of Police (or management designee) by evaluating which persons are likely to be at risk based on the circumstances at the time and notifying those persons. Segmentation should not be considered if making this determination would delay issuing the emergency notification. The Chief will determine if notification to the larger community is appropriate. Distribution methods, including distribution to the larger community, vary from Campus to Campus and depending on the nature of the emergency, may include:

- A Campus mass notification system, including but not limited to phone, Campus email, or text messaging. Systems should provide currently enrolled students, faculty and staff the ability to adjust their subscription preferences to select multiple contact methods from text messages, emails and phone calls, or if desired, to 'opt out' of the service and not receive any notifications
- Audio/visual message boards
- Audible alarms/sirens
- Campus public address systems

- In person or door-to-door notifications in a building or residence halls
- Local media
- Social media
- Other means appropriate under the circumstances, which campuses shall disclose in their ASRs as applicable.

Testing and Evacuation System

Testing of the Emergency Notification System and evacuation will be done at least once annually. The Tests may be announced or unannounced. Tests must be scheduled, contain drills, exercises and appropriate follow-through activities, and be designed for assessment and evaluations of emergency plans and capabilities. However, the campus emergency response and evacuation procedures will be publicized in conjunction with at least one test per calendar year. Each Test will be documented to include a description of the exercise, the date of the Test, the start and end times of the Test, and whether the Test was announced or unannounced. The California State University Emergency Management policy describes these Tests and defines responsibility for their completion. A copy of the documentation will be provided to the Clery Director.

CSUMB Emergency Communications

The university has several means of communicating emergency information to the campus community. There is no single form of perfect communication, so it is critical that emergency information be communicated in a variety of ways to reach the greatest number of people possible.

Depending on the severity of the situation, the university may use any combination or all of the following forms of communication.

- **OTTERalert Notification System:** This tool is used to send emergency notifications to every registered user. If a registered user does not have a phone, the message goes to their preferred email account.

All students, faculty and staff are automatically enrolled in the emergency email message alert system. Students, faculty and staff are encouraged to sign up for emergency text messaging notifications in Otteralert.

Emergency notifications using OTTERAlert have four options for methods of dissemination. When the notification system is initiated, posts to Facebook, Twitter, and all authenticated user dashboards occur simultaneously. All computers provided by the university will also receive desktop notifications. Students, faculty and staff will need to opt-out in order to stop receiving messages: csumb.edu/otteralerts.

- **Outdoor Notification System:** External speakers have been placed throughout the Main Campus. In the event of an emergency, information can be broadcast over the campus via wireless system, utilizing solar power and battery backup systems.
- **Mass Email:** These global email lists allow the University to send an email message to every student, staff and faculty members' official CSUMB email account.
- **University Websites:** In the event of an emergency or natural disaster on campus, the University will post emergency information on the CSUMB Home Page and/or the UPD Home Page at <https://csumb.edu/> and <https://csumb.edu/police>, respectively.
- **Mass Voicemail:** This voicemail broadcast tool can send a recorded voicemail to every voicemail box on the CSUMB phone system. When this is activated, the voicemail light will light up on phones. When users check their voicemail, they will hear a recorded message.
- **Emergency Update Hotline:** In the event of an emergency, the Emergency Response Team will regularly update a message on this phone number with critical information. The number is x5044 or 831-582-5044.
- **Local Media:** In the event of an emergency where cell phone towers may not be operable, a local TV station, the Campus TV Channel, and three local radio stations have agreed to broadcast emergency information for the University. These stations are: KSBW TV (Channel 8 on campus, Channel 6 on Comcast); Campus TV Channel 72 (on campus only); KAZU 90.3 FM; KWAV 96.9 FM.
- **Emergency Alert Systems:** The University's police vehicles are equipped with public address systems and can be utilized to announce information in public areas, if necessary, in an emergency.

- **Reverse 9-1-1:** Telephone Emergency Notification System (TENS) allows the UPD to make mass notifications to residential phone lines using the 9-1-1 system.

To view CSUMB's emergency operations plan, emergency action plan and active shooter protocol [visit this website](#). The Emergency Management Health & Safety (EMHS) Division of the University Police Department offers training and education programs intended to educate the campus community on disaster preparedness. For more information [visit this website](#).

Cuesta College Location

For information on emergencies at Cuesta College visit <https://www.cuesta.edu/emergency/index.html>

SECURITY OF AND ACCESS TO CAMPUS FACILITIES, AND SECURITY CONSIDERATIONS

Notice of Pending Policy Change – Time, Place and Manner

The new California State University system-wide policy about Time, Place and Manner was implemented by the Office of the Chancellor and applies to all universities in the CSU system. Individual campuses have limited latitude related to implementation. All [CSU Time, Place and Manner Policy](#) information will be posted on this CSUMB page. CSUMB has its own [Interim CSUMB Addendum](#) to the CSU Systemwide Time, Place and Manner Policy.

View the California State University System's [Interim Time, Place, and Manner Policy](#) in its entirety.

CSUMB Main Campus

CSUMB maintains a policy which addresses the security of and access to university facilities, including campus residences, and security considerations used in the maintenance of university facilities. This policy complements the campus' Facilities and Grounds Use Policy. The Security of and Access to University Facilities policy can be viewed [here](#).

CSUMB employs both safety and security video systems and intrusion alarm systems at crucial areas throughout its main and separate campuses to strengthen its security capabilities. For added security, UPD is responsible for patrolling main campus facilities to monitor conditions and respond to emergencies. When necessary, UPD may make security-

related maintenance recommendations that may include but are not limited to:

- Trimming ground cover, bushes, and trees to provide a greater visibility.
- Repairing and replacing inoperative or vandalized lighting fixtures, windows, doors locks and security hardware.

University facilities are inspected on a regular basis to ensure that repairs (e.g., broken windows and locks, failing video and intrusion alarm systems, and failing card readers) are made in an expeditious manner.

CSUMB Student Housing

Housing staff, sworn UPD officers, and CSOs patrol student housing facilities as part of their regular duty functions, noting deficiencies, reporting concerns, and responding to incidents.

Resident Advisors (RA) and professional staff are on duty at all times. Residential Life live-in professional staff continue to be available for assistance and support of students.

Students living on main campus are granted access to their residence hall using their Otter ID card. The card is not universal and does not permit entry into all residence halls on campus. Each student room is hard keyed, and the student is assigned a key that matches their room door's lock. In the event a student lives in a suite, they are given a second key. The first key will access the suite's lock. The second accesses their individual room, which is locked differently than the suite entrance. The front door key to the residence hall room, suite, or apartment also serves as a student's mailbox key.

Students residing in suite and apartment style spaces on Main Campus have hard-keyed front doors and bedroom doors.

North Quad suites on the second, third, and fourth floors have exterior and interior hallways leading to front doors, while access to first floor rooms is only accessible via an interior hallway. All apartment front doors are only accessible via an interior hallway. The front door key is separate from the bedroom key and each only open the entry point for which it is designated.

Students living in East Campus (Frederick Parks I and II) apartments have hard-keyed front doors, each with its own entryway. Each student receives four keys,

one for the front entrance, one for their individual room and additional keys to the roll-up garage door and mailbox. The bedroom is keyed differently from the front/back doors of the apartment.

Providing access to buildings, or rooms within buildings, to those other than residents, staff, or invited guests by any means including, but not limited to: failing to lock or secure doors; propping entrance doors open; lending of room key; or allowing a person entrance into a building and leaving them unattended is not permitted. Students whose licenses have been revoked are not allowed access to any residential facility.

Unauthorized use, possession, provision, or duplication of access key/cards is prohibited, including having duplicate keys made for individuals who are not listed on the License Agreement. East Campus residents are required to notify SHRL on the Main Campus and the Greystar Property Management Company for East Campus, within 24- hours of a lost or missing key. In either situation, the student is responsible for any fees that accompany a re-key of the room/apartment, and/or replacement of the temporary ID card.

All RAs have keycard access to all residential facilities to assist and support safety and security measures as needed. To review the SHRL Community Standards in full, [visit https://csumb.edu/housing/community-standards/](https://csumb.edu/housing/community-standards/).

LAW ENFORCEMENT AUTHORITY

Persons employed and compensated as members of a California State University police department, when so appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their powers or authority⁵ except (a) at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University, or by trustees or the state on behalf of the California State University, and (b) as provided in Section 830.2 of the Penal Code.

The arrest authority outside the jurisdiction of the CSU Police Department includes (Penal Code § 830.2(c); Penal Code § 836):

When the officer has probable cause to believe the person committed a felony.

⁵ Including the authority to make arrests

When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.

When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.

In compliance with an arrest warrant.

On duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed within the State, or while assisting another agency.

On duty officers who discover criminal activity outside the jurisdiction of the State should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

The California State University system encourages accurate and prompt reporting of crime. All members of the campus community are encouraged to promptly contact the UPD and/or other appropriate police agencies when they have been the victim of, or have witnessed criminal actions, including when the victim of crime elects not to or is unable to make such a report.

UPD maintains an operational agreement/memoranda of understanding (MOU) with the Monterey County Sheriff's Office in compliance with *California's Kristin Smart Campus Safety Act and Higher Education Opportunity Act* to share information regarding the investigation of Part I crimes. The intent of these agreements is to clarify and affix responsibility for providing police service for the campus, as defined by Cal. Education Code section 67381. UPD will be responsible for reporting and investigating all crime on campus, including Part I crimes. The Monterey County Sheriff's Office may be the primary investigating law enforcement agency for all homicides occurring on campus. This does not preclude UPD from requesting assistance on any investigation, as appropriate. Both agencies will continue to provide mutual aid assistance as appropriate, when

requested. Further, each agency assumes responsibility for preparing the appropriate reports for the FBI UCR.

UPD also adheres to the Monterey County's Chief Law Enforcement Officers' Association protocols that encourage prompt law enforcement response and collaboration in incidents requiring inter-agency law enforcement collaboration. These agreements include the Implementation and Deployment of a Regional Police Special Response Unit (SRU) Consisting of Special Weapons & Tactics, Tactical Medicine and Crisis Negotiation Team Components among the cities of Seaside, Marina, Monterey, Pacific Grove, Sand City, Del Rey Oaks, Carmel and Cal State Monterey Bay, and the Peninsula Regional Violence Narcotics Team MOU. For the latter, those same agencies, in addition to the California Highway Patrol and County of Monterey Office of the District Attorney, entered into the MOU as a participating agency that has made a commitment of resources and personnel as they relate to the Peninsula Regional Violence and Narcotics Team ("Task Force"). The UPD headquarters is located at 100 Campus Center, Valley Hall, Suite E.

Cuesta College Location Law Enforcement Authority:

The Cuesta College Police Department is a full-service, certified police agency within the State of California staffed by sworn police officers and non-sworn professional staff. Officers of CCPD are California Peace Officers per Penal Code Section 830.32. and possess the same authority and powers, including the authority to arrest, as do police officers and deputy sheriffs in other areas of the State.

Each Cuesta College Police Officer receives ongoing training in compliance with state of California P.O.S.T. mandates that include firearms, defensive tactics, first aid/CPR, legal updates, and other specialty training as needed. Jurisdiction: Officers are responsible for reporting and investigating all crimes, issuing traffic and parking citations, responding to medical and fire emergencies, handling traffic accidents, and handling other incidents requiring law enforcement assistance on all Cuesta College controlled property. This includes the main campus located in San Luis Obispo, the North County Campus located in Paso Robles, and 75 acres of property located adjacent to the San Luis Obispo campus on the opposite side of Hwy 1.

All crimes or activity reported regarding the south county center in Arroyo Grande will be handled by to the Arroyo Grande Police Department.

Agreements:

CCPD maintains an excellent working relationship with neighboring law enforcement agencies and has several standing agreements. They include the following:

San Luis Obispo County Sheriff's Office:

Major crimes occurring on campus property may exhaust the resources of CCPD. By agreement, the San Luis Obispo Sheriff's Department shall be asked to provide appropriate law enforcement or investigative assistance in those cases. CCPD can access state law enforcement databases through this agreement.

The Sheriff's department also has jurisdictional authority on the San Luis Obispo Campus for calls involving Rape, Homicide, and reports of missing children and adults. In addition, the Sheriff's department assumes responsibility for the SLO campus and response during times where Cuesta College does not have a sworn officer available.

This includes all evenings after the last class is over, on certain weekend days, and during district holidays when CCPD is closed.

Paso Robles Police Department:

By agreement, the Paso Robles Police Department has jurisdictional authority over calls on the North County Campus (NCC) located in Paso Robles that include reports of Rape, Homicide, and reports of missing children and adults. In addition, the Paso Robles Police Department assumes responsibility for the NCC campus and response during times where Cuesta College does not have a sworn officer available. This includes all evenings after the last class is over, on Saturdays and Sundays, and during district holidays when CCPD is closed.

Arroyo Grande Police Department:

By agreement, the Arroyo Grande Police Department has jurisdictional authority over all law enforcement activities on the Arroyo Grande High School campus, where the Cuesta College south county center is located. The Arroyo Grande Police Department will notify the Cuesta College Police Department of any such crime involving the Cuesta College south county center.

California Highway Patrol:

By agreement, the California Highway Patrol aids Cuesta College in cases of major and/or fatal traffic collisions, where such investigations are beyond the scope of resources for CCPD. The CHP also responds to and takes over investigations from Cuesta College related to driving under the influence or alcohol and/or drugs.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

The following programs are designed to inform CSUMB's main campus students and employees about campus security procedures and practices and encourage students and employees to be responsible for their own security and the security of others. They are available to students at both the main and Salinas campuses.

Active Shooter Presentations

UPD aims to enhance preparedness through a community approach by providing training on issues such as active shooter awareness. Active shooter situations are very unpredictable in nature, so in an effort to better prepare community members to respond, active shooter presentations are facilitated upon request. Learning objectives include:

Strategies to prevent and prepare;

Options to enhance survival;

Describe actions needed to safely interact with responding officers.

This training is done live upon request and is also available virtually. If your department is interested in receiving a UPD Active Shooter training presentation, contact UPD by emailing upd@csumb.edu.

UPD has also developed a community video to provide more information about their options and police response to Active Shooter Incidents. For viewing, please visit: <https://csumb.edu/police/active-shooter-preparedness>.

New Student and Employee Presentations

Various departments are involved in the orientation of new students and their parents, the training of student leaders, and the welcoming of new employees. Orientation includes discussions about safety and security measures, general crime prevention strategies, crime and incident reporting structures. Orientation also includes information on CSU and CSUMB policies which prohibit sexual violence, discrimination, harassment and retaliation, alcohol and drug use and

abuse and the possession and use of weapons on campus. Traditional orientation for all new students occurs in June each year.

Orientation for employees can occur at any point during the year for new employees as they may be hired at any time throughout the year.

Disaster Service Worker (DSW) Virtual Academy

The DSW Academy provides resources, information, and training to better prepare all public employees (i.e., CSUMB and outside agencies) when disaster strikes, including securing your family and pets if you are required to evacuate to an emergency shelter. Pursuant to California Government Code §3101, all public employees in the State of California are disaster service workers. This means that all CSUMB university employees have disaster worker status. The oath or affirmation per California Government Code §3102 is signed by all CSUMB employees as part of the hiring paperwork when first hired.

New CSUMB employees are encouraged during their orientation to take the training. The online training modules can be taken at any time. For the training, visit: <https://csumb.edu/police/emergency-management/training-and-education/>

Security Surveys

UPD will evaluate the concerns (e.g., lighting, and furniture placement and exit obstruction) and make recommendations for buildings and areas upon request.

Building Emergency Coordinator (BEC) Program

The BEC program is established pursuant to Title 3, Division 8, Part 55, Article I, beginning with Section 89000 of the California Education Code, facilitates enhanced emergency preparedness, and coordinated initial emergency procedures in every regularly occupied Seaside campus building outlined in a BEC Plan.

The BEC Plan establishes the concurrent responsibilities of staff and faculty assigned as a BEC, and procedural guidelines to assist them in the performance of those duties prior to and during an emergency event to help facilitate establishment of effective initial strategic response priorities; allocation of available resources; and accurate, timely event-related communications to the campus and external communities.

Training is offered twice an academic year. If you would like to become a BEC, please contact the Emergency Manager by dialing 831-582-3589 or emailing safety@csumb.edu.

Home Security and Neighborhood Watch

CSUMB has a large residential population with students residing in residential halls, suites, and apartments on the main campus and East Campus, especially Frederick Park. Additionally, there are faculty, staff, and educational partners residing in the East Campus, specifically Schoonover Park, housing areas. The Home Security and Neighborhood Watch program is only available at the Seaside campus. Information about residential hall safety and the East Campus Neighborhood Watch program is available on the UPD web page at csumb.edu/police/personal-safety/.

Online Training

Faculty, staff, and students are assigned various online training through the CSUMB web-based e-learning portal at the time of hire or new assignment and enrollment, respectively. Topics include injury and illness prevention, data security and privacy, and Family Education Rights Privacy Act (FERPA) protection.

Crime Prevention Programs

UPD personnel present programs on a variety of topics to students, employees and residents as requested (unless otherwise noted) designed to inform students and employees about the prevention of crimes. UPD personnel are also available to develop programs and presentations to address specific needs upon request and also perform a variety of services designed to inform students and employees about the prevention of crimes. Programs and services available to both the Seaside and Salinas campuses (unless otherwise indicated) include, but are not limited to the following:

Bicycle Registration

Registering a bicycle increases the chances of it being returned to the registered owner if ever lost or stolen. Students and employees who register their bikes are also provided with information on theft prevention, the techniques and how to avoid them, and where bikes can be stored safely at the Seaside campus. Free bicycle registration is available to students, faculty and staff at csumb.edu/bikereg. This service is only provided to the Seaside campus.

Night Walk Safety Escorts

University Police will provide escorts between Main Campus and Promontory locations to anyone, regardless of their affiliation with the University Monday through Friday from 5:00 pm to midnight during the fall and spring semesters. For

Night Walk service, call 831-655-0268. Night Walk safety escorts are only available at the Seaside campus.

Crime Prevention Through Environmental Design (CPTED)

According to the International CPTED Association, "CPTED is defined as a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts by affecting the built, social, and administrative environment."

Some sworn personnel have received specialized training to evaluate campus infrastructure and make safety recommendations, including landscape, lighting, and general safety improvements. Evaluations are conducted during major campus Planning and Development projects or when a safety concern is reported to UPD. A CPTED evaluation conducted by UPD is only available at the Seaside campus.

Violence in the Workplace

UPD offers virtual workplace violence prevention training sessions to campus departments upon request. Safety and Security Camera Systems through the UPD, Campus Design and Construction, Information Technology, University Corporation, and the Office of the President have worked to install security cameras at key locations throughout the campus. The hundreds of security cameras record events on campus and the recording can be reviewed by police officers in the event of a crime, disturbance, or suspicious event on campus. There are also interior and exterior security cameras at CSUMB at North Salinas.

Cuesta College Location

Cuesta College works cooperatively amongst several departments to provide educational materials, programs, and ongoing training to staff and students in support of crime prevention and awareness. These programs include the following:

Online Training: The department of Human Resources provides ongoing mandated training to address important issues on college campuses including sexual assault, domestic violence, dating violence, and stalking. This is facilitated through Keenan Safe Colleges and is provided to all students and staff.

MONITORING AND RECORDING CRIME ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS

Although no university recognized student organization owns any off-campus properties, student organizations can control properties on either a frequent or a repeated use.

When a CSUMB student is involved in an off-campus offense, UPD officers may assist with the investigation in cooperation with local, State, or federal law enforcement. Many students live in the neighborhoods of Monterey County. While local police have primary jurisdiction in all areas off-campus, UPD officers can and do respond to student-related incidents that occur in close proximity to campus. Any student who has been arrested for or found guilty of committing a crime off-campus may be subject to the campus disciplinary process for violation of Title V of the California Code of Regulations.

Should a crime or incident occur at an off-campus location used by students in support of education that is reported by a CSA or local law enforcement, this too may be subject to the student disciplinary process. However, there are no agreements in place with local law enforcement in relation to monitoring and recording incidents involving non-campus locations of student organizations.

Annually, UPD will correspond with the appropriate law enforcement agencies to update the status of any non-campus building or property. Additionally, in a reasonably good faith effort, the Clery Compliance Office or University Police will request the record of any criminal activity that may have occurred at those locations.

For more information on CSUMB's [student conduct procedures and codes](#).

This is a link to view the [California State University Student Conduct process](#).

Cuesta College Location

Cuesta College does not have non-campus locations owned by student organizations.

POSSESSION, USE, SALE AND ENFORCEMENT OF FEDERAL AND STATE ALCOHOL AND DRUG LAWS

California State University, Monterey Bay prohibits the unlawful possession, use or distribution of illicit drugs and alcohol by students and employees. The university's drug and alcohol abuse education and prevention program is designed to prevent

the unlawful possession, use, and distribution of drugs and alcohol on campus and at recognized events and activities.

Alcohol continues to be the most commonly used drug among CSUMB students and results in the highest number of violations of the Student Code of Conduct each year.

While education and prevention remain a top priority, the consistent and timely enforcement of the Student Code of Conduct rules and regulations is critical to the quality of the educational environment and the success of students. Enforcement is focused on harm and risk reduction intervention strategies and decreased recidivism. Delivery is personalized and attentive to both the needs of individual students and the community as a whole.

The university enforces the Student Code of Conduct and Student Conduct Procedures, the Discrimination, Harassment, and Sexual Misconduct Policy, the Alcohol and Drugs Policy, and the Drug-Free Workplace and Schools Policy and documents incidents of potential policy violations. Students involved in potential conduct violations are afforded a conduct hearing in accordance with the Student Code of Conduct, and those students found in violation are given appropriate sanctions.

The Dean of Students is responsible for the oversight and direction of student conduct administration. Considerable authority for the administration of student conduct is delegated to the Student Conduct Administrator. Due to the diffuse nature of enforcement, the Office of the Dean of Students works closely and collaboratively with the Student Housing & Residential Life and student conduct administrators working in the Office of the Dean of Students to ensure student conduct policies are consistently enforced.

Sanctions Administered via the Standards for Student Conduct

Students found responsible for violating prohibited behaviors regarding alcohol or other drugs are held accountable in accordance with the policies described in the Standards for Student Conduct. Accused students are requested to attend a student conference to determine if they are responsible for violating the policy. The meeting is conducted by the Student Conduct Administrator in the Office of Student Conduct. The student conduct administrator determines sanctions as appropriate. More than one sanction may be imposed for any single violation, and the sanction(s) imposed on any student or organization are progressively more severe, if the student or the student organization has previously violated the Standards for Student Conduct. Sanctions are structured to be consistent with the seriousness of the offense.

Student conduct administrators consider several factors in determining sanctions including:

- Helping the student accept responsibility for their actions.
- Helping the student learn how their behavior affects themselves and others.
- Helping the student make better choices in the future.
- The risk of the offender being a danger to themselves or to others in the community.
- Consistency of sanction(s) with the university mission.
- The impact of the behavior upon other individual(s).

In addition to the factors described above, student conduct administrators evaluate the attitude and level of understanding of the violation of the accused student, and their previous disciplinary history. Additionally, CSUMB has various educational options for sanctions to utilize for alcohol and drug violations.

The Office of the Dean of Students supports training of student conduct administrators including Student Housing & Residential Life staff to foster greater consistency in sanctioning. The training includes discussion about the philosophy of student conduct administration, the factors used in determining sanctions, and guidelines for choosing educational interventions in alcohol-related offenses. The training facilitates a common framework for all student conduct administrators to use in assigning educational interventions for alcohol violations.

Student-Athlete Code of Conduct

The Athletics Department utilizes a Student-Athlete Code of Conduct that describes the expectations of student-athletes in addition to those expectations defined in the university Student Conduct Code. CSUMB student-athletes have the responsibility to conduct themselves in accordance with relevant department, university, conference, and NCAA policies, in addition to federal, state, and local laws.

The Department of Athletics does not tolerate substance abuse, use of any substance banned by the NCAA, underage drinking or the inappropriate use of alcohol. Participation in intercollegiate athletics is a privilege. Student-athletes who refuse to sign the NCAA Drug-Testing Consent Form or refuse to participate in substance abuse prevention education programs will not be eligible to participate in intercollegiate athletics at CSUMB.

The Department of Athletics works closely with the Dean of Students in administering disciplinary action. Incidences brought to the attention of the CSUMB Athletic Department involving the unauthorized use of any NCAA Banned Substances or abuse of alcohol will result in sanctions. The Athletic Director and/or Assistant Athletic Director will determine the sanctions placed when such incidents occur. Incidents would not include monitoring specific team rules.

Possible sanctions include:

1. Warning - The issuance of a written warning.
2. Probation - Special status with conditions imposed for a limited time.
3. Restitution - Payment for damaged property.
4. Temporary Suspension - Removal of a student-athlete from all Department of Athletics activities, including athletic participation in team events, for a limited period of time.
5. Suspension - Removal of a student-athlete from all Department of Athletics activities, including athletic participation in team events, for a specified period with financial aid revoked.
6. Expulsion - Permanent removal from a team and/or Department of Athletics activities with all financial aid revoked.
7. Withdrawal of Financial Aid - Termination of athletic-related financial aid could be applied to probation, temporary suspension and suspension.

Possible sanctions for team violations (i.e. Hazing) include:

1. Team Probation.
2. Cancellation of Contests.
3. Cancellation of Season.

Student Housing and Residential Life (SHRL)

Resident Advisors are responsible for monitoring, documenting, and reporting all incidents of violations or abuse involving alcohol, cannabis, and other drugs in Student Housing and Residential Life facilities via Maxient.

Documentation and reporting is conducted in the following manner:

1. A person/s who is found in possession of alcohol in a public area and who appears to be a minor or is known to be a minor is:

- a. Asked for their student ID/s;
- b. Asked to show all alcohol being consumed for documentation;
- c. Educated on documentation procedure and follow up process;
- d. Directed and escorted to pour out the alcohol in the nearest room or restroom sink and dispose of container/s in recycle bin outside;
- e. Asked to instruct all who do not reside in the unit and non-residential students to leave the premises.

2. When a staff member responds to a room for any reason and learns underage persons may be in possession of alcohol, the staff member requests:

- a. All present person to provide their student ID;
- b. Photographs evidence of alcohol (if safely able to do so);
- c. Explains documentation procedure and follow up process;
- d. Has one resident pour out the alcohol in the manner described above;
- e. Asks resident(s) of the room/unit to have others present leave the room or the building if they do not reside in unit or are non-residential students;

3. SHRL staff members do not assume responsibility for residents in situations when residents are documented or cited by University Police but not arrested or transported to the hospital or county jail. Police take the necessary steps to find someone to care for the student if necessary.

4. SHRL staff members do not transport students to the hospital or assume responsibility for care of an intoxicated student.

5. All students who are documented as being present during incidents which violate alcohol policies are referred through the community standards process or referred to the campus Title 5 conduct process. Residents of a room/unit may be held responsible if they or other minors in the room were in possession of alcohol.

Criminal Sanctions

The California State University, Monterey Bay University (CSUMB) Police Department (UPD) is made up of the Police Division and the Parking Division and is a fully accredited law enforcement agency and not a branch of any other law enforcement agency. UPD employs sworn peace officers who are vested with full arrest authority in the State of California, pursuant to California Penal Code, Section 830.2(c) and Education Code, Section 89560.

UPD officers' arrest authority may extend to any place within the State of California and maintain primary law enforcement jurisdiction for all crimes occurring in or on all properties owned and operated by CSUMB. UPD Police officers meet all the requirements specified by the California Peace Officer Standards and Training Commission, which are mandated for all sworn California law enforcement officers. Law enforcement duties and responsibilities of UPD police officers mirror those of municipal and county law enforcement agencies in your home communities.

UPD shares concurrent law enforcement jurisdiction on all adjacent public streets, areas, and in communities surrounding CSUMB properties. UPD patrol has concurrent jurisdiction one mile beyond the exterior boundaries of the core campus and in or about other grounds owned, operated, controlled, or administered by CSUMB pursuant to Section 830.2 of the California Penal Code and Section 89560 of the California Education Code. CSUMB maintains operational agreement/memorandums of understanding with the Monterey County Sheriff's Office that comply with the Kristin Smart campus Safety Act and Higher Education Opportunity Act in regard to sharing information and the investigation of Part I crimes; however, UPD is the primary law enforcement agency. UPD also adheres to the Monterey County Chief Law Enforcement Officers' Association protocols that encourage prompt law enforcement response and collaboration in incidents requiring inter-agency law enforcement collaboration. UPD officers who respond to alcohol and drug law and policy violations involving students have a degree of discretion in determining how to best respond. Several factors are considered by officers in determining the appropriate response including:

- The seriousness of the offense
- Impact of the crime on other individuals, property, and the community
- The level of impairment and actions of the violator
- The living arrangements of the violator and any victims
- Level of danger the violator poses to self or others
- Previous interactions with the offender

The officer may elect to arrest the student and refer the student to the Office of Student Conduct for disciplinary action. Regardless of whether an arrest is made, the officer documents the incident, and the department reports the matter to the Office of Student Conduct using an informational report. The Office of the Dean of Students then determines if disciplinary action against the student is appropriate.

If the violator is not a student but attends another college or university, the referral form may be submitted to the Office Dean of Students who may then forward the report to the respective college or university student conduct officer.

Maxient Discipline Database

California State University, Monterey Bay uses the Maxient database system. The system provides functionality, tracking of prior incidents, sanction follow-up, and reporting functions. Administrators use the system to study the number of violations of behavior and the recidivism rate of alcohol and other drug-related offenses.

Employee Assistance Program (EAP)

CSUMB offers EAP services through Empathia. Employees are eligible for up to 5 sessions of in-person counseling, per issue annually. Employees are eligible to utilize counseling services across the state and country, through a network of counselors contracted with Empathia. In addition, employees have access to financial counseling, legal counseling, life coaching, 24-hour assistance with a licensed mental health counselor, and MyLifeMatters.com web resources. For a full summary of EAP services, visit: <https://csumb.edu/up/employee-assistance-program>.

Cuesta College Location Alcohol Policy

Section A: Cuesta College Expectations of Behavior

Cuesta College recognizes that alcohol can be consumed in a responsible and legal manner and has identified expectations of behavior that support the safe and legal consumption of alcohol. Any student who consumes alcohol retains responsibility for any violation of the College's Code of Student Conduct. The Vice President of Student Services Office is responsible for the clarification, interpretation and implementation of the alcohol policy.

Underage Students: Students under the age of 21 may not possess or consume alcohol. A state of intoxication implies consumption.

Behavior: Behavior that results from the use of alcohol may not disrupt the community of the campus or surrounding environment. Students of legal age who use alcohol must do so in a way that does not compromise the rights and safety of others.

1. Possession of Alcohol: Alcohol, including open containers, is not permitted in any area of Cuesta College. Possession of open containers,

including empty bottles used as decoration, by anyone under the age of 21 is prohibited.

2. **Irresponsible Use of Alcohol:** Organized drinking games or items used for the purpose of quick or mass consumption of alcohol are prohibited. Public intoxication and events where there is pressure or an expectation to consume excessive amounts of alcohol are prohibited.
3. **Providing of Alcohol:** Providing alcohol to underage individuals is prohibited. Hosts are responsible for their guests' alcohol consumption.
4. **Sale of Alcoholic Beverages:** The unlicensed sale of alcoholic beverages is prohibited. This includes the selling of tickets to events where alcoholic beverages are provided, charging admission or accepting donations for any activity involving alcohol. Also, a student organization may not use College funds to purchase or provide alcohol at its social events, either on or off campus.
5. **Driving under the influence:** Operating a vehicle under the influence of alcohol is prohibited.
6. **Off-Campus:** Students who demonstrate that they are unable or unwilling to abide by College policy, federal, state, or city laws and ordinances, in addition to risking arrest, are subject to disciplinary action from the College.

Section B: California State Alcoholic Beverage Laws and Penalties

All colleges must abide by state and local laws and all campus policies reflect the application of law to college life. The laws of the State of California specify that people under the age of 21 may not consume, possess or distribute alcohol. In addition, it is unlawful for any person to sell, furnish or give any alcoholic beverage to anyone under the age of 21. Minors who use false identification in order to obtain alcoholic beverages are guilty of a misdemeanor. In compliance with state and local laws, Cuesta College prohibits the illegal use of alcohol on college property and as part of any College-sponsored activity.

Cuesta College does not shield its students from the law or from the consequences of their own behavior. Violations of California law, even within regularly scheduled College facilities, occur at the risk of the individuals and are not the responsibility of the College. The College does not, cannot, and should not serve as a haven from law enforcement agencies.

California laws regarding the use of alcoholic beverages are highlighted here. The laws are abbreviated for general use and may not cover all situations. It is the responsibility of the server or consumer of alcoholic beverages to be aware of, and abide by, all state and local ordinances.

Most common offenses and penalties are:

1. Open Container Age 21: Possession of an open container of alcohol on public streets, sidewalks, highways, parking lots or alleys can result in a \$108 fine (California Business And Professions Code section 25620 (a)).
2. Minor in Possession (MIP): Any person under the age of 21 years who has any alcoholic beverage in his/her possession on any street or highway or in any public place or in any place open to the public is guilty of a misdemeanor and shall be punished by a fine of \$250 or the person shall be required to perform not less than 24 hours or more than 32 hours of community service hours (California Business and Professions Code section 25662 (a)).
3. Driving Under the Influence (DUI): Driving under the influence with a blood alcohol content (BAC) level of .08 or higher or driving under the influence of a drug or combination of both is a misdemeanor with possible fines of upwards of \$7,000, county prison sentence, and driver's license suspension (California Vehicle Code sections 23152 (a) & (b)).
4. Driving Under the Influence (DUI) While Under Age 21: Drivers under 21 with a BAC of .01 or higher can have their vehicles towed and driver's license suspended, and be sentenced to not less than 96 hours in jail nor more than six months, and completion of an alcohol program and three years probation (California Vehicle Code sections 23136 and 23140).
5. Cycling Under the influence (CUI): Bicycling under the influence (.08 BAC or higher) can result in jail sentencing and a base fine of \$250. Riders under 21 may also lose their driver's license for one year (California Vehicle Code section 21200.5).
6. Providing False Identification: Attempting to purchase alcohol using false identification can result in jail time and a minimum fine of \$200 (California Business and Professions Code section 25661).
7. Under 21 Purchase of Alcohol: Any person under the age of 21 years who purchases any alcoholic beverage or any person under the age of 21 years who consumes any alcoholic beverage in any on-sale premises (e.g., bar or

licensed club or restaurant) is guilty of a misdemeanor (California Business and Professions Code section 25658(b)).

8. Selling Alcohol without a License: is a misdemeanor (California Business and Professions Code section 23301).
9. Drunk in Public (DIP): Public intoxication is considered disorderly conduct, which is a misdemeanor offense and can result in jail time and a fine (California Penal Code section 647(f)).
10. Furnishing Alcohol to a Person Under 21 or an Intoxicated Person: Selling or furnishing alcohol to a person under 21 or to an obviously intoxicated person is a misdemeanor (California Business and Professions Code section 25658).

II. Drug Policy

Federal and state statutes specify that persons involved in the use, sale, or distribution of illegal drugs are liable to criminal action, including arrest, fine, and imprisonment. Cuesta College fully supports these laws by prohibiting the possession, use, sale, and/or distribution of illegal drugs on campus.

"Illegal Drugs" refers to "Controlled Substances" as defined in Schedules I through V, section 22 of the Controlled Substances Act (21 U.S.C. Section 812) and also found in the Health and Safety Code Section 11054-11058.

Section A: General Guidelines

1. As a general rule, law enforcement agencies are disposed to permit an educational institution to handle the illegal use of drugs by students according to its own disciplinary policies and procedures, on the assumption that the College will deal with such problems effectively and responsibly. However, the College cannot deny the San Luis Obispo County Sheriff's Department or federal or state narcotics officers the right of access to the campus or entry to College buildings for the purpose of investigating the illegal use or sale of drugs.
2. In circumstances where it becomes evident that the College is unable to contain the use of drugs or drug paraphernalia, and in specific cases where members of the College community, guests or visitors, may be involved in the sale or distribution of illegal drugs, the College will request outside assistance to protect the integrity of the institution.

3. Students who use drugs or drug paraphernalia inevitably implicate the College in illegal actions and thus invite intervention; disciplinary action by the College is not necessarily precluded.

Section B: Cuesta College Expectations of Behavior

1. Substance Use: The use, abuse, sale, manufacturing, possession and/or distribution of illegal drugs or drug paraphernalia is prohibited. Distribution is not limited to a cash exchange. This includes any student who provides, shares, jointly purchases, or otherwise makes available any of the above substances to others.
2. Pharmaceuticals and other Substances: The abuse, sale, and/or distribution of over-the-counter, prescription drugs, or other substances is prohibited. This includes use of the drug/substance for anything aside from its intended purpose, by someone other than the intended recipient, and in a dosage other than the prescribed. Any student who sells, provides, shares or otherwise makes available prescription pharmaceuticals to another person may be found responsible for violating the Cuesta College drug policy. Distribution is not limited to a cash exchange. This includes any student who provides, shares, jointly purchases, or otherwise makes available any of the above substances to others.
3. In presence of controlled substances: Students who are in the presence of such activities/items as outlined above may also face disciplinary action.

Section C: Drug Offenses and Penalties

The Federal Controlled Substances Act provides penalties of up to 15 years imprisonment and fines up to \$25,000 for unlawful distribution or possession with intent to distribute illegal drugs. For the unlawful possession of a controlled substance, a person is subject to up to one year of imprisonment and fines up to \$5,000. Any person who unlawfully distributes a controlled substance to a person under twenty-one years of age may be punished by up to twice the term of imprisonment and fined otherwise authorized by law.

The unlawful use, possession, distribution, manufacturing, or dispensing of illegal drugs is prohibited by Cuesta College. Criminal Sanctions under California Law for the unlawful possession or distribution of illegal drugs and alcohol include the following:

1. Possession of Controlled Substances: Imprisonment in State prison for possession of specified controlled substances, including opium derivatives and cocaine (Health and Safety Code Section 11350).

2. Selling of Controlled Substances: Imprisonment in State prison for two to four years for possession or sale of specified controlled substances including opium derivatives and cocaine (Health and Safety Code Section 11351).
3. Possession of Marijuana: Possession of less than 25.8 grams of marijuana is subject to a misdemeanor and shall be fined not more than \$100 (Health and Safety Code Section 11357 (b)); Possession of more than 25.8 grams shall be punished by imprisonment in county jail and/or a fine of not more than \$500, or imprisonment in State prison for possession of concentrated cannabis (Health and Safety Code Section 11357 (a)).
4. Possession with Intent to Sell Marijuana: shall be punished by imprisonment in the State prison (Health and Safety Code Section 11359).
5. Distribution of Prescription Drugs: it is unlawful for any person who is not a pharmacist to manufacture, compound, furnish, sell, or dispense any dangerous drug or dangerous device, or to dispense or compound any prescription (Business and Professions Code Section 4051 (a)).
6. Under the Influence of Controlled Substance: No person shall use or be under the influence of any controlled substance. Any person convicted of violating this is guilty of a misdemeanor and shall be sentenced to serve a term of not less than 90 days or more than one year in a county jail. (Health and Safety Code Section 11550 (a)).

ALCOHOL AND OTHER DRUG EDUCATION AND PREVENTION PROGRAMS

The Health Promotion and Education program coordinates alcohol and other drug (AOD) preventive, educational, and supportive services for students on campus. The Campus Health Center and Personal Growth and Counseling Center also provide AOD supportive services for students, while university personnel coordinates supportive services for employees. Enforcement and adjudication oversight for students is provided by the University Police Department, Student Housing and Residential Life, and the Dean of Students Office. Services provided by these departments include:

- Presentations and prevention programming for students, faculty, and staff.
- Training programs by Health Promotion and Education, Student Housing and Residential Life and other campus departmental trainings.

- Consultation and referral services for students.
- Interventions for alcohol and other drug policy violators.
- Maintenance of an alcohol and other drug incident database
- Currently enrolled students may access no additional cost individual and group counseling sessions via the Personal Growth and Counseling Center.
- Employees eligible for health insurance are provided access to an Employee Assistance Program (EAP). Although Health and Wellness Services is the primary provider of alcohol and other drug prevention education, many departments and campus partners are involved in educating students, staff, faculty and families.

Personal Growth and Counseling Center Individual Counseling

The Personal Growth and Counseling Center (PGCC) utilizes a screening form to assess both alcohol and drug use at the initial intake appointment. While the PGCC does not provide substance abuse treatment, clinicians assist students in accessing the resources that best suit their needs and make referrals when needed. PGCC clinicians are also available to consult with faculty, staff, and student supporters to strategize the best ways to support students contending with AOD issues.

Campus Health Center Substance Abuse Referrals

The Campus Health Center intake form includes screening questions to assess both alcohol and drug use. Patients complete this for every visit. If the patient has positively answered high-risk questions, they are given the opportunity to have the health risks and concerns addressed by a healthcare professional and be provided with a referral to substance abuse resources as appropriate.

Health Promotion and Education

Group Presentations, Educational Workshops, and Outreach Events

In addition to professional Health and Wellness Services staff providing health education, the Health Promotion and Education department houses the campus POWER Peer Educator program, a group of certified peer educators who provide wellness outreach and programming to their peers on campus. Workshops, trainings, and group presentations are provided upon request to targeted student populations (i.e. first-year students, international students, sororities/fraternities, students living in the residence halls, athletes). The following are outreach events,

workshops, and group presentations related to alcohol and other drugs that HWS Professional Staff or Peer Health Educators offered to CSUMB students:

- National Collegiate Alcohol Awareness Week Fall 2023
- Yoga and Recovery: A collaboration with Associated Students and Sun Street Centers.
- Global Alcohol Culture: Panel discussion featuring students from different countries and religious denominations.
- Mocktail Happy Hour: Mocktail mixing demonstration and discussion, featuring recipes submitted by students. Hosted by POWER Peer Educators.

New Student Orientation Programming Health Promotion and Education, along with other departments within Health and Wellness Services, facilitates “Otter Be Healthy” workshops for incoming first time freshmen and transfer students attending new student orientation. The workshop includes information about campus and community resources dedicated to providing support for students concerned about their own alcohol use, and/or use by friends or family.

Safe Spring Break Health Promotion and Education hosts an annual Safe Spring Break event during the week prior to spring break. This wellness event provides students with interactive opportunities to learn about alcohol safety, sun safety, sexual health, sexual assault prevention, and other wellness topics and related resources.

Student Organization Officer Training: All student organization leaders (president, vice president, treasurer, and secretary) complete an annual online risk management course. This online course covers substance harm reduction, sexual misconduct prevention, hazing prevention and active bystander intervention.

Universal/Entire Population-Based Programs

AlcoholEdu

AlcoholEdu is a 2 to 3 hour online alcohol education course that is required to be completed by all incoming first time freshmen and transfer students. Designed for students entering college, this interactive online program uses the latest evidence-based prevention methods to create a highly engaging user experience, inspiring students to make healthier decisions related to alcohol and other drugs. This course includes tailored content that engages abstainers, light to moderate drinkers, and frequent drinkers with customized messaging; educates students on the mental and physical effects of alcohol; and prepares students to engage in bystander intervention.

Social Marketing Campaigns

Health and Wellness Services provides on-going education to students via health promotion messages on social media. Focus is placed upon events related to priority health topics such as: alcohol safety, sexual assault prevention, safety in social settings, spring break safety, and mental health. In addition, social media outlets are used to promote health and wellness resources.

Passive Programming

Health and Wellness Services is involved in many tabling and displays across campus as a passive approach to create awareness and enhance education/prevention to the universal 12 population. Examples of passive programming as it relates to substance abuse prevention and alcohol safety include safe spring and alcohol awareness week programming related to alcohol safety, sexual assault prevention, safety in social settings, and bystander intervention.

For more information on Alcohol and Other Drug Education and Prevention Program Elements, visit the [CSUMB Biennial Review](#) at page 10.

Related Policies:

CSUMB [policy on illicit drug use](#).

CSUMB [policy on alcohol](#).

CSUMB [Student Conduct Policies](#).

CSUMB Student Housing [Community Standards 2024-2025](#).

CSU Systemwide Policy on [Smoke and Tobacco Free Environment](#)

SEXUAL VIOLENCE PREVENTION

The California State University (CSU), and each of its campuses, promote a safe living, learning, and working environment through systemwide policies and through a variety of campus educational programs provided to students, faculty, and staff. The CSU prohibits dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, and provides programs to prevent, educate, and promote awareness of these topics, in accordance with the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking,

and Retaliation (“Nondiscrimination Policy”). These prohibited behaviors are also crimes as defined by 34 C.F.R. §668.46, and California criminal definitions.

The CSU provides comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to stop dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking before they occur through the promotion of behaviors that foster healthy relationships, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

The CSU’s prevention programs and initiatives are sustained over time and focus on increasing awareness and understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, using a range of strategies with audiences throughout the CSU community. This includes both community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, reduce perpetration, promote safety and a culture of respect.

Campus programs must include primary prevention and awareness training: (1) for all new students⁶; and new employees; (2) refresher programs at least annually for all students; (3) twice a year for all students who serve as advisors in residence halls; (4) annually for all student members of fraternities and sororities; (5) annually for all student athletes and coaches; and (6) annually for all employees consistent with their role in responding to and reporting incidents.

Ongoing prevention and awareness campaigns for all students and employees will also be conducted. The CSU system will provide online training for all employees and each campus will provide online training for all students. All training must be consistent with the applicable CSU policy and state and federal regulations.

Each campus must assess which student organizations participate in activities that may place students at risk and ensure that they receive annual supplemental training focused on situations the group’s members may encounter.

To ensure that all students receive the necessary information and training enumerated above on dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, campuses should impose consequences such as registration holds on those students who do not participate in and complete such mandatory training.

⁶ This includes incoming transfer, graduate, online, and extended education Students. The programs should occur no later than the first few weeks of the semester.

Training for Employees

Training will be mandatory for all employees within six months of their initial hiring, and on an annual basis thereafter. Such training will include, but not be limited to: what constitutes discrimination, harassment, retaliation, sexual misconduct/sexual assault, dating and domestic violence, sexual exploitation and stalking under applicable law; the rights and responsibilities of each Employee relating to discrimination, harassment, retaliation, sexual misconduct/sexual assault, dating and domestic violence, sexual exploitation and stalking including the duty to report and exceptions; the protection against retaliation for Employees who report discrimination, harassment, retaliation, sexual misconduct, dating and domestic violence, sexual exploitation and stalking; the procedures provided under the CSU Nondiscrimination Policy for filing, investigating and resolving a complaint; and the option and method for filing complaints with external government agencies such as the Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC).

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

Prevention and Awareness Programming

California State University campuses provide primary prevention programs to all incoming students and new employees. California State University campuses provide ongoing prevention programs to all students and employees during their time at the institution. To comply with CSU Policy and 34 C.F.R. §668.46., campus-specific programs to prevent dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking will include:

1. A statement that the CSU prohibits dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking as defined under CSU policy and 34 C.F.R. §668.46.
2. The definitions of "dating violence," "domestic violence," "sexual assault," and "stalking" in the applicable jurisdiction, California (California Penal Code) and the definitions under CSU policy (to also include the CSU policy definition of "sexual exploitation").

3. The definition of “consent,” in reference to sexual activity, in the applicable jurisdiction, California (California Penal Code), and the definition of “affirmative consent” under CSU policy.
4. Common facts and myths about the causes of sexual misconduct/sexual assault.
5. A description of safe and positive options for bystander intervention, as exemplified below.
6. Information on risk reduction, exemplified below.
7. Information regarding campus, criminal, and civil consequences of engaging in acts of sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking.
8. Information about reporting, adjudication, and disciplinary procedures as required by 34 C.F.R. §668.46 and as described in the procedures under the CSU Nondiscrimination Policy.

Cuesta College Location

Campus Education and Prevention Programs

The Department of Human Resources, under the coordination of the Cuesta College Title IX coordinator, provides ongoing mandated staff and student training about sexual violence awareness in compliance with the Violence Against Women Act (VAWA). This training takes the form of on-line courses offered via the campus-wide email system through “Keenan Safe Colleges.”

The Admissions Office is responsible for providing sexual assault awareness and prevention material to all incoming students during the online, My Cuesta, registration process. The material includes awareness about both Clery and SaVe Acts, reporting sexual assault, bystander intervention, definitions of sexual crime, domestic violence, dating, and stalking, as well as provides a link to the Cuesta College Annual Security Report.

The Cuesta College Police Department supports Sexual Violence Awareness and Prevention by providing a link on the department webpage that contains sexual assault and violence prevention information, providing a flier in our lobbies and at festivals, as well as links to outside resources available in the local community. That website address is:

<https://www.cuesta.edu/about/depts/publicsafety/SexualAssaultandViolenceAwarenessInformation>.

INFORMATION ABOUT CAMPUS REPORTING, ADJUDICATION, AND DISCIPLINE PROCEDURES

Campus training programs will reference the procedures outlined in the CSU Nondiscrimination Policy that victims/survivors may follow if an incident of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking has occurred. Training programs will also reference information about preserving evidence, reporting to the appropriate authorities, confidentiality options, available protective and supportive measures.

Campuses apply the relevant CSU policy and procedures when responding to all reports of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking. Campuses shall establish processes to provide a print and/or digital copy of the "Rights and Options for Victims" as outlined in the CSU Nondiscrimination Policy to any community member who reports experiencing such harm, regardless of whether the incident occurred on or off campus.

Campus training programs regarding the procedures for reporting and addressing reports of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking will include the following:

- A statement explaining that the campus' primary concern is the safety of members of the campus community; that the use of alcohol or drugs never makes the victim/survivor at fault for sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking; that Students who experience or witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking should not be deterred from reporting incidents out of a concern that they might be disciplined for related violations of drug, alcohol, or other CSU policies; and that Students who experience or witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking shall not be subject to discipline for related violations of conduct policies at or near the time of the misconduct unless the violation is egregious (including actions that place the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.)
- A statement that "CSU policy prohibits retaliation against a person who: reports sex discrimination, sexual harassment, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking; assists someone with a report of such conduct; or participates in any manner in a related investigation or resolution.

- Retaliation means that a substantial motivating reason for an Adverse Action taken against a person was because the person has or is believed to have:
 - Exercised their rights under this policy,
 - Reported or opposed conduct which was reasonably and in good faith believed to be in violation of this policy,
 - Assisted or participated in an investigation/proceeding under this policy, regardless of whether the Complaint was substantiated,
 - Assisted someone in reporting or opposing a violation of this policy or assisted someone in reporting or opposing Retaliation under this policy.
 - Adverse Action means an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.
 - Retaliation may occur whether or not there is a power or authority differential between the individuals involved.
- What someone should do if they have experienced or witnessed sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- Individuals to whom incidents may be reported along with information regarding what degree of confidentiality may be maintained by those individuals.
- The availability of, and contact information for, campus and community resources for victims/survivors of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- A description of campus and systemwide policies and disciplinary procedures available for addressing alleged violations and the consequences of violating these policies, including the fact that such proceedings shall:
 - Provide a prompt, fair, and impartial investigation and resolution; and,

- Be conducted by officials who receive annual training on issues related to sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking and how to conduct an investigation and hearing process that protects the safety of victims/survivors and promotes accountability.
- The fact that the Complainant and the Respondent will be afforded the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice.
- The fact that both the Complainant and the Respondent shall be simultaneously informed in writing of:
 - The outcome of any disciplinary proceedings that arises from an allegation of a sex discrimination, sexual harassment, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
 - The CSU's procedures for the Complainant or Respondent to appeal the results of the disciplinary proceeding.
 - Any change to the disciplinary results that occurs prior to the time such results become final.
 - When disciplinary results become final.
- Possible sanctions or remedies the campus may impose following the final determination of a campus disciplinary procedure regarding sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- How the campus will protect the confidentiality of Complainants, including how publicly available recordkeeping (e.g., campus Clery reports) will be accomplished without the inclusion of identifying information about the Complainant to the extent permissible by law.
- That all students and employees must receive written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims/survivors, both on campus and in the community.⁷

⁷ California State University Monterey Bay complies with this requirement by providing this information to the campus community in writing each year through CSULearn assignment.

- That all students and employees who report being a victim/survivor of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking must receive written notification of available assistance in, and how to request changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim/survivor chooses to report the incident to campus police or local law enforcement.
- Procedures victims/survivors are recommended to follow if sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking has occurred, as well as the fact that the following written information must be provided to victims:
 - The importance of preserving evidence following an incident of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking, which may also be used to obtain a temporary restraining or other protective order.
 - The name and contact information of the campus Employee(s) to whom the alleged incident should be reported.
 - Reporting to law enforcement and campus authorities, including the option to: (a) notify law enforcement authorities, including on-campus and local police; (b) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and, (c) decline to notify such authorities.
 - Where applicable, the rights of victims/survivors and the campus' responsibilities regarding orders of protection, no contact directives, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

Cuesta College Location Disciplinary Procedures

Cuesta College does not tolerate sexual assault, domestic violence, dating violence, or stalking in any form. Even if the survivor or the criminal justice authorities choose not to prosecute, Cuesta College can still pursue disciplinary action if the assailant is a student, staff, or faculty member. If the incident involves someone under the age of 18 years, the appropriate legal guidelines and notifications to parents/guardians will be followed.

Incidents involving non-members of Cuesta College community will be processed according to local and state laws.

Cuesta College is committed to conducting a prompt, fair, and impartial investigation and resolution in dealing with all sexual assault, domestic violence, dating violence, and stalking investigations. The standard by which the final determination regarding guilt will be a preponderance of evidence, based on Title IX guidelines. Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding sexual assault, domestic violence, dating violence, and stalking, maybe one or any combination of the following:

- Warning
- Censure
- Disciplinary Probation
- Restitution
- Interim Suspension
- Suspension
- Dismissal
- Expulsion

In all cases, the accuser and the accused are entitled to the same opportunities to have others present including the opportunity to be accompanied by the advisor of their choice during a campus disciplinary proceeding.

Both the accuser and the accused shall be informed, in writing, of the outcome of any campus disciplinary proceeding brought about alleging sexual assault, domestic violence, dating violence, and stalking.

Disciplinary proceedings shall be conducted by officials who, at a minimum, receive annual training on:

- Issues related to dating violence, domestic violence, sexual assault and stalking
- How to conduct an investigation and hearing process that protects the safety of survivors and promotes accountability.

Student Discipline Disciplinary proceedings for students at Cuesta College are governed by guidelines contained in the Cuesta College Board of Trustees Manual Section AP 5520 - Student Discipline Procedures and BP 5520 – Student Discipline website: https://www.cuesta.edu/about/leadership/vpss/student-code-of-conduct-anddiscipline/discipline_due_process.html

Employee Discipline Disciplinary proceedings for employees at Cuesta College are governed by guidelines contained in the Cuesta College Board of Trustees Manual Section BP 4500, 4510, and 4520, along with Education Code sections 87660-87683, 87730- 87740, along with applicable sections of the Collective Bargaining Agreements for those employees.

Risk Reduction

The CSU provides community members with information and strategies for risk reduction designed to decrease perpetration, promote bystander intervention and healthy relationships, empower marginalized voices, and support victims/survivors. Information and strategies for risk reduction help promote safety and help individuals and communities address conditions that facilitate violence.

Sexual Misconduct/Sexual Assault

The CSU is committed to maintaining a safe campus for all members of the CSU community. Risk reduction strategies are focused on creating a culture of respect, reducing the risk for perpetration and for victimization. It is important to emphasize that only those who engage in sexual misconduct/sexual assault, dating violence, domestic violence, sexual exploitation, and stalking are responsible for those actions. With this in mind, the following tips provide some possible strategies to help promote a caring community and mitigate personal risk.

- Communication is key to healthy relationships and healthy sexual interactions. Obtain Affirmative Consent from your partner for all sexual activity.
 - Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity.
 - Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.
 - Affirmative Consent can be withdrawn or revoked at any time.
 - Affirmative Consent to sexual activity in the past does not mean consent in future – there must be voluntary consent for all sexual activity.
 - Lack of protest, resistance, or mere silence does not equal Affirmative Consent.

- Sexual activity between a minor (a person younger than 18 years old) and a person who is at least 18 and two years older than the minor always constitutes Sexual Misconduct, even if there is Affirmative Consent to all sexual activity.
- Do not engage in sexual activity with someone who is incapacitated.
 - A person who is incapacitated by alcohol or drugs cannot give Affirmative Consent.
 - A person who is unconscious or asleep cannot give Affirmative Consent.
 - A person's own intoxication or incapacitation does not diminish their responsibility to obtain Affirmative Consent from any person with whom they engage in sexual activity.
- Signs that someone does not respect the importance of consent:
 - They pressure or guilt you into doing things you may not want to do.
 - They suggest you "owe" them something (including sexual acts) because you're dating or because they have done or claim to have done something for you.
 - They react negatively with sadness, anger, or resentment if you don't consent to something or don't do so immediately

[Source: [Love Is Respect](#)]

Dating/Domestic Violence

Common signs of abusive behavior in a relationship

According to the National Domestic Violence Hotline, one feature shared by most abusive relationships is that an abusive partner tries to establish or gain power and control through many different methods, at different moments. Even one or two of the following behaviors is a red flag that a partner may be abusive.

- Showing extreme jealousy of friends or time spent away from a partner.
- Preventing or discouraging one's partner from spending time with friends, family members, or peers.
- Insulting, demeaning, or shaming a partner, especially in front of other people.

- Preventing one's partner from making their own decisions about working or attending school.
- Controlling finances in the household without discussion, including taking a partner's money or refusing to provide money for necessary expenses.
- Pressuring one's partner to have sex or perform sexual acts they are not comfortable with.
- Pressuring a partner to use drugs or alcohol.
- Threatening to harm or take away a partner's children or pets.
- Intimidating one's partner with weapons
- Destroying a partner's belongings or home

If you notice warning signs in your relationship or that of someone you care about, remember there are support resources available on your campus, including individuals with whom you can speak confidentially and who can assist you with making a safety plan. A good starting place for a list of resources is your campus Title IX webpage. You can also contact the National Domestic Violence Hotline at 1.800.799.SAFE (7233), which is free and confidential.

[Source: National Domestic Violence Hotline]

- Abusive behaviors can be difficult to recognize in a relationship, even if you are the one engaging in them. In addition to some of the common signs of abusive behavior outlined above, ask yourself if your partner:
 - o Seems nervous around you,
 - o Seems afraid of you,
 - o Flinches, cringes, or retreats when you are emotional,
 - o Seems scared, or unable to contradict you or speak up around you, and/or
 - o Restricts their own interactions with friends, family, coworkers, or others in order to avoid upsetting you

If you recognize the behaviors above in yourself, or in how your partner reacts, these could be signs that you are hurting them. This can be a difficult realization to come to but it's vital that you do so if you want to change and stop harming your partner. By acknowledging that your actions are harmful and taking responsibility for them, you can continue to progress on the path toward correcting them.

You could consider contacting the psychological counseling center on your campus to speak with a counselor confidentially, or you could contact the National

Domestic Violence Hotline at 1.800.799.SAFE (7233), which is free and confidential.

[Source: [National Domestic Violence Hotline](#)]

Abusive behaviors can be difficult to recognize in a relationship, even if you are the one engaging in them. In addition to some of the common signs of abusive behavior outlined above, ask yourself if your partner:

- Seems nervous around you,
- Seems afraid of you,
- Flinches, cringes, or retreats when you are emotional,
- Seems scared, or unable to contradict you or speak up around you, and/or
- Restricts their own interactions with friends, family, coworkers, or others in order to avoid upsetting you

If you recognize the behaviors above in yourself, or in how your partner reacts, these could be signs that you are hurting them. This can be a difficult realization to come to but it's vital that you do so if you want to change and stop harming your partner. By acknowledging that your actions are harmful and taking responsibility for them, you can continue to progress on the path toward correcting them.

You could consider contacting the psychological counseling center on your campus to speak with a counselor confidentially, or you could contact the National Domestic Violence Hotline at 1.800.799.SAFE (7233), which is free and confidential.

[Source: National Domestic Violence Hotline]

Stalking

Respecting boundaries

If someone tells you that they do not want you to contact them or do something like visit their home or send them gifts, or if they have stopped interacting with you, respect their choice. Everyone has the right to set boundaries.

Recognizing stalking behaviors

A person who engages in stalking may:

- Repeatedly call or send other unwanted communication such as text messages, emails, social media messages, letters, etc.
- Follow the person and seem to "show up" wherever they are.
- Send unwanted gifts.

- Damage home, car, or other property.
- Monitor phone calls or computer use.
- Drive or linger near the home, school, or work of the person they are stalking.
- Use other people to try and communicate with the person they are stalking, like children, family, or friends.

[Source: [Victim Connect Resource Center](#)]

Below are some tips from the Stalking Prevention Awareness and Resource Center (SPARC) regarding steps one can take if they are experiencing stalking

- Trust your instincts – if you/someone feels they are in immediate danger or fear a threat of harm, call 911
- Keep a record or log of each contact with the stalker
- Save evidence when possible, such as emails, text messages, postings on social media, etc.

Know that there are support resources available on each CSU campus, including individuals with whom individuals can speak confidentially and who can assist in making a safety plan and/or seeking a protective order. A good starting place for a list of resources is your campus [Title IX webpage](#).

Bystander Intervention

The California State University and the campuses provide training on safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Information about bystander intervention is included in a variety of prevention, outreach, and awareness programs across the CSU. This training encourages employees and students to:

- Notice the Event
- Interpret the Event as a Problem
- Assume Personal Responsibility
- Learn How to Help
- And Step Up by utilizing the “4 Ds” – Direct, Distract, Delegate, and Delay

- Direct – Directly addressing the situation.
- Distract – Making a simple (or elaborate) distraction to diffuse the situation.
- Delegate – Finding someone else to address the concern.
- Delay – Checking in with the person after to see if you can do anything to support them.

CSU Policy Definitions

Definitions of conduct that is prohibited under CSU policy are found in Article VII of the interim [CSU Nondiscrimination Policy](#). These definitions are applicable in relation to the university's administrative processes and may differ from the criminal law definitions (California) found in Appendix A.

Cuesta College Location

Cuesta College strongly encourages all members of the campus community who believe they are victims of sexual assault, domestic violence, dating violence, and stalking to immediately report the incident. Timely reporting is an important factor in the subsequent investigation and prosecution of sexual assault cases should the survivor desire to do so.

We recommend the following steps after an assault:

- **Go to a safe place.** Your safety is our first concern
- **Call for help.**
 - **On campus: Cuesta College Police Department, (805)546-3911** or from a campus phone **x3911**. (**x4911** at NCC)
 - **Off campus: 911.**
- **Get medical attention, regardless of whether you choose to report the assault to law enforcement.**
- **Try to preserve all the physical evidence of the assault.**
 - Do not wash, use the toilet, bathe or change clothing if you can avoid it. If you must change clothes, place all clothing you were wearing at the time of the assault into a paper bag.

Call an advocate, counselor, friend, family member, or someone you trust for support and assistance.

SERVICES

Cuesta College Student Health Center

- 805-546-3171 (SLO Campus)
- 805-591-6200 ex 4207 (NCC Campus)

SLO Hotline: 800-783-0607 (24 hours)

Lumina Alliance San Luis Obispo (Formerly RISE)

WRITTEN NOTIFICATION OF RIGHTS AND REPORTING OPTIONS

The Title IX Coordinator will provide Complainants alleging Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence or Stalking, with the information in Attachment D to the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation - Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating and Domestic Violence, And Stalking. This same information is provided in writing to all students and employees within the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation, and as part of annually assigned training.

This written notice (annually to all students and employees, and specifically to complaints as outlined above) includes the information below, including:

- Supportive measures
- Rights and options available throughout the reporting process and/or the duration of any formal or informal complaint resolution process, including campus and criminal reporting options, available advocates, preserving evidence, medical Care and treatment, and protective orders.
- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available

You have the right to be offered and receive reasonably available support services and supportive measures, available both on and off campus. You do not have to file a formal complaint or a criminal complaint in order to receive support services and/or supportive measures. Supportive services and supportive measures include, but are not limited to, counseling, victim/survivor advocates, extensions

of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator, University Police Department and victim/survivor advocate on your campus can provide some of these services directly and/or provide you with information about and a referral to these and additional resources on and off campus for support.

Supportive Measures

Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether a Formal Complaint is filed. Supportive Measures are designed to restore or preserve equal access to CSU education programs or activities, or the workplace without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational or work environment. Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, campus escorts, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator/DHR Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures.

Appendix B is a document titled Rights and Options, which provides a list of on-campus and off-campus resources that offer a variety of services in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas. Campus advocates can help provide information about and referral to any of these resources if requested. These resources are available to victims/survivors whether or not they choose to make a criminal or administrative report.

Regardless of whether a victim/survivor decides to maintain confidentiality, these individuals will still assist victims/survivors in receiving other necessary protection and support, such as victim advocacy, medical, mental health services, and/or legal services. However, these individuals may have limited ability to assist a victim/survivor with university academic support or accommodations, or changes to university-based living or working schedules, as such accommodations likely require the involvement of other University officials.

Contact the campus Title IX Coordinator to request assistance, to file a report and other information:

Raquel Bonilla, Director
Title IX Coordinator
DHR Administrator (Discrimination, Harassment & Retaliation)
California State University, Monterey Bay
She/Her/Hers
Email: raqbonilla@csumb.edu
Webpage: <https://csumb.edu/titleix>
Reporting form: [California State University - Monterey Bay | Reporting \(maxient.com\)](https://maxient.com)

Cuesta College Location

If you have questions or want to report a Title IX violation at Cuesta College, please contact Melissa Richerson, Title IX Coordinator or Cinda Bitz, Deputy Title IX Coordinator at (805) 546-3129 or email titleix@cuesta.edu. For more information, please visit the Cuesta College [Title IX webpage](#).

Reporting Options

Reporting to University Administration

Complaints of discrimination, harassment, sexual misconduct and sexual assault, dating and domestic violence, sexual exploitation, and stalking may be addressed through the university administrative process⁸. A complainant or reporting party can report an incident to the University by contacting the Title IX Coordinator on their campus. A complainant has the right to have a support person present with them while making a complaint.

The university will protect the privacy of everyone involved in a report to the greatest degree possible under applicable law and University policy. Personally identifiable information about the involved parties will be shared only on a need-to-know basis, e.g., to those who are investigating/adjudicating the report or those involved in providing support services. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any supportive measures and remedies provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures and remedies.

The CSU does not publish the name of victims/survivors or other identifiable information regarding victims/survivors in the Daily Crime Log or in the crime

⁸ See page 75.

statistics that are disclosed in the *Annual Security and Fire Safety Report*. Furthermore, if a Timely Warning is issued on the basis of a report of sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the name of and other personally identifiable information about the victim/survivor will be withheld.

The importance of preserving evidence

Victims/survivors are encouraged to preserve all physical evidence, including but not limited to: clothing worn during the assault, bed sheets, and/or photos of any injuries. This evidence may be helpful in proving that a crime occurred, in the event the victim/survivor chooses to report now or in the future. It may also be helpful in obtaining a court-ordered protective or restraining order. If a victim/survivor does not have any evidence preserved, they still have an option to report the crime and request a medical evidentiary examination.

Victims/survivors of sexual misconduct, sexual assault, sexual exploitation, stalking, dating violence and domestic violence are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that may be useful to University investigators or police should the victim/survivor decide to report now or in the future.

Reporting to law enforcement and making a criminal report

If your physical safety is at imminent risk, we encourage you to seek immediate assistance from the police.

Some forms of misconduct prohibited under the Nondiscrimination Policy may also be prohibited by law. You have a right to be informed of law enforcement options and information regarding the availability of a criminal or civil prosecution for victims of crime.

It is a victim's/survivor's choice to report a crime. You have the right to report or decline to report an incident to law enforcement. You have the right to not be forced, coerced, or pressured into reporting to law enforcement.

A victim/survivor may report an incident to law enforcement at any time. In the event of an emergency where immediate assistance is required, a victim/survivor should dial 9-1-1 to be connected with the nearest police department. If there is no emergency, victims/survivors can file a police report at any time in the jurisdiction where the assault occurred. A confidential victim advocate can assist the victim/survivor in filing the report if requested.

Victims/survivors of crimes such as sexual assault, sexual exploitation, stalking, dating violence, domestic violence, abuse, threats of abuse and/or serious harassment all have a right to petition the court in the appropriate jurisdiction for a protective order (also referred to as a restraining order).

Your Campus Advocate, University Police Department and Title IX Coordinator are all able to provide you with more information about pursuing criminal prosecution, civil prosecution and/or protective orders.

A victim/survivor of specific offenses [enumerated in California Government Code section 7923.615(b)(1)] has the right to request to be listed as a confidential victim in a law enforcement agency's report. Being listed as a confidential victim in a law enforcement agency's report prevents the law enforcement agency from disclosing the confidential victim's name and address as a matter of public record. However, the confidential victim's information can be released to the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law. Please see California Penal Code section 293 for more information.

Employees of the University Police Department have a duty to report to the Title IX Coordinator / DHR Administrator any time they know or have reason to know of incidents that may violate this Nondiscrimination Policy, so that the Title IX Coordinator or DHR Administrator can carry out their duties under the law and under this Nondiscrimination Policy. At a minimum, the information to be reported includes all the information authorized to be disclosed under the law in response to records requests, but without requiring a formal request⁹. Such information includes but is not limited to the time, substance, and location of all complaints or requests for assistance received by University Police and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age of the victim, the factual circumstances surrounding the crime or incident, the identity of the alleged perpetrator, and a general description of any injuries, property, or weapons involved¹⁰.

⁹ See Government Code 7923.615

¹⁰ See Government Code 7923.615

For certain sex offenses ¹¹the victim has the right to affirmatively request from University Police, after being informed of their options, that the victim's identity remain confidential¹². However, even if the victim requests confidentiality of identity, the University Police should specifically ask the victim if the victim's name can be provided to the Title IX Office so that the Title IX Coordinator can contact the victim to discuss supportive measures that can be offered. And in all cases, even when the victim requests confidentiality, the identity of the alleged perpetrator (if known) must be reported to the Title IX Coordinator.

Protective Orders

Civil reporting options & protective orders

A victim/survivor may choose to file a civil lawsuit against the alleged offender, whether or not criminal charges have been filed. A civil lawsuit provides an opportunity to recover actual money damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress. An Advocate can assist a victim/survivor with identifying the necessary steps and processes for filing a lawsuit if requested.

Court-Ordered Restraining Orders

A victim/survivor may choose to obtain a 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 help protect a victim/survivor who has experienced or is reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

Emergency Protective Order (EPO)

An Emergency Protective Order (EPO) is a type of restraining order that only law enforcement can ask for by calling a judge. Typically, this is done by an officer responding to the scene of a domestic violence incident. Judges are available to issue EPOs 24 hours a day. The EPO takes effect immediately and can last up to seven calendar days. The judge can order the alleged abuser to leave the domicile

¹¹ See Penal Code Sections 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6.

¹² Additionally, the confidential victim's information can be released to the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law. Please see California Penal Code section 293 for more information.

and stay away from the victim and their children for up to a week. This provides the victim with time to go to court to request a temporary restraining order.

Temporary Domestic Violence Restraining Order (TRO)

A TRO is a type of protective order. In order to obtain one, the victim/survivor must fill out paperwork explaining the facts and why a protective order is needed. If a judge agrees that protection is needed, the judge will issue a temporary restraining order. Temporary restraining orders usually last until the court hearing date, typically 20 to 25 days after the petition is filed.

Criminal Protective Order (CPO)

When there is a claim that a domestic violence incident occurred, a criminal charge (or charges) may be filed by a prosecutor (such as the City Attorney or District Attorney) against the person who allegedly committed the criminal act. The prosecutor commonly asks a judge to issue a Criminal Protective Order while the criminal case proceeds. A CPO typically requires the defendant (the person who allegedly committed the criminal act) to stay away from and not to hurt, threaten, or communicate with the victim/accuser. If the defendant is convicted of or pleads guilty to the criminal charge(s), the CPO may last for up to ten years after the case is over.

Civil Harassment Restraining Order

This type of court order is available to individuals who have been harassed by any of the following: a neighbor, roommate (as long as no dating/romantic relationship existed or exists), friend, family member more than two degrees removed (e.g., an aunt/uncle, niece/nephew, cousin, or more distant relative), stranger, or another person not closely related to the victim of the harassment.

An individual who has been civilly harassed by a current or former spouse/partner, or someone with whom a dating/romantic relationship existed, or a close relative (parent, child, brother, sister, grandmother, grandfather, in-law) may qualify for a domestic violence restraining order but would not qualify for a civil harassment restraining order.

The CSU, Restraining Orders and Protective Orders

The CSU complies with California law in recognizing restraining orders and protective orders. If you obtain a restraining order a copy should be provided to your campus Police Department. In order to comply with the restraining order, Title IX Coordinators, DHR Administrators, Advocates and/or the University Police Department on your campus may assist with setting up escorts, establishing special parking arrangements, changing classroom or employment locations, or

additional measures as needed. Victim/Survivor Advocates on your campus can offer assistance with obtaining a restraining order.

DISCIPLINARY PROCEDURES

Disciplinary procedures for sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking will provide a prompt, fair, and impartial process and resolution, outlined in the following excerpts from the [CSU Nondiscrimination Policy](#). As required by law, the excerpts in this Annual Security Report capture the steps, decisionmakers, and anticipated timelines for both formal and informal resolution processes, as applicable. For details beyond the steps, decisionmakers, and anticipated timelines, please see the policy.

The campus Title IX Coordinator is the designated administrator to receive reports of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation.

The Title IX Coordinator for CSUMB is:

Raquel Bonilla, Director

Title IX Coordinator

DHR Administrator (Discrimination, Harassment & Retaliation)

California State University, Monterey Bay

She/Her/Hers

Email: raqbonilla@csumb.edu

Webpage: <https://csumb.edu/titleix>

Reporting form: [California State University - Monterey Bay | Reporting \(maxient.com\)](#)

Complaints alleging violations of this Nondiscrimination Policy against a President, Title IX Coordinator / DHR Administrator, the Chancellor, or member of the Board of Trustees will be made to the Office of Civil Rights Programming & Services at CO-Complaints@calstate.edu. Any person may report an alleged violation of the Nondiscrimination Policy.

Reports may be made at any time, and individuals are encouraged to report an alleged violation of the Nondiscrimination Policy regardless of how much time has passed. The University's ability to interview witnesses and otherwise investigate or act, however, may be limited by various factors, including the passage of time, fading witness memories, and/or preservation of evidence. In all cases, the Title IX Coordinator/DHR Administrator is available to discuss Supportive Measures with the Complainant at any time, regardless of how much time has passed since the incident described in the report.

The university's primary concern is the safety of the campus community. Any person who reports an alleged violation of the Nondiscrimination Policy should discuss any concerns about safety with the Title IX Coordinator/DHR Administrator

The Nondiscrimination Policy prohibits Retaliation. If a Student or Employee is reluctant to report because they fear Retaliation, they should discuss their concerns with the Title IX Coordinator/DHR Administrator as soon as possible.

Any Student who participates as a Complainant or witness in a Complaint process (including investigation or hearing) relating to Sex-based Harassment that falls under these Procedures will not be disciplined for related violations of the Standards for Student Conduct at or near the time of the incident, unless the University determines that the violation was egregious. The University may, however, take other appropriate action including having an educational discussion with the Student. Egregious conduct includes, but is not limited to, action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

Simultaneous Written Notification

Communication with the Parties regarding a Complaint, an investigation, or hearing will be sent to their designated CSU campus email address, unless the Party has specifically requested in writing to the Title IX Coordinator/DHR Administrator, Investigator, or Hearing Coordinator that communication be sent to a different email address. Communication with Parties who are neither Students nor Employees will be sent to an email address that they provide. Any communications relating to the outcome of an investigation or hearing, including any changes to the outcome or when the outcome becomes final, will be provided in writing to the Complainant and the Respondent at the same time.

Outreach to Complainant

After receiving a report, the Title IX Coordinator/DHR Administrator will assess the report and provide outreach to the possible Complainant named in the report. This outreach will include the following:

- a. A statement that the University has received a report of conduct that may be prohibited by the Nondiscrimination Policy (e.g. Discrimination, Harassment, Sex-based Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, Prohibited Consensual Relationship, or Retaliation.)
- b. A description of the role of the Title IX Coordinator/DHR Administrator.

- c. A request for the Complainant to meet with the Title IX Coordinator/DHR Administrator, or other designated employee, to discuss the Complainant's options and next steps.
- d. A statement that the Complainant can be accompanied by an Advisor of their choice during any meeting relating to the report and any subsequent Complaint process.
- e. Information regarding counseling, resources, and potential Supportive Measures.
- f. An explanation of how the University responds to reports of Nondiscrimination Policy violations and a description of potential disciplinary consequences.
- g. A summary of the investigation procedures.
- h. A statement regarding the importance of preserving evidence.
- i. A statement that the Complainant may, but is not required to, report to law enforcement any allegations that could constitute criminal behavior.
- j. A statement that retaliation for making a Complaint or participating in a Complaint process is prohibited by the Nondiscrimination Policy.

In addition to the information provided in the outreach communication, the Title IX Coordinator/DHR Administrator will provide Complainants alleging Sexual Misconduct, Sexual Exploitation Dating Violence, Domestic Violence or Stalking, with the information in Attachment D - Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating And Domestic Violence, And Stalking.

Initial Assessment & Intake Meeting

The Title IX Coordinator/DHR Administrator will offer to conduct an intake meeting with any Complainant who responds to outreach communication, or otherwise makes a report of a potential Nondiscrimination Policy violation to discuss the Complainant's options, explain the available processes (including informal resolution and the formal complaint resolution process), and provide information about Supportive Measures. The Title IX Coordinator/DHR Administrator will consider the need for a follow-up meeting with the Complainant, as appropriate. Any subsequent investigation will include an interview with the Complainant conducted by the assigned investigator. The investigatory interview will be intended to build upon and clarify the information provided during intake.

All persons involved in implementing these procedures (e.g., the campus Title IX Coordinator and any Deputy Title IX Coordinator(s), Investigators, Human Resource

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

The Complainant and Respondent may choose to be accompanied by one Advisor of their choice, who may be, but is not required to be, an attorney or a union representative during meetings or any stage of the Complaint process.

The University will not limit the choice or presence of the Advisor for the Complainant or Respondent in any meeting or proceeding. However, the unavailability of a specific Advisor will not unduly interfere with prompt scheduling.

A Party's Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent. However, the Advisor may observe and consult with the Complainant or Respondent.

The Parties also have the right to consult with an attorney, at their own expense, or a union representative at any stage of the process if they wish to do so.

Confidentiality Requests and Requests Not to Investigate

Confidentiality Requests

The University will maintain confidentiality of reports, Complaints, and associated processes whenever possible. When necessary, to protect the campus community and to facilitate investigations and/or Supportive Measures, certain information may be shared on a "need-to-know" basis. Therefore, the University cannot guarantee confidentiality.

Requests not to Investigate

When a Complainant requests that no investigation occur, the Title IX Coordinator/DHR Administrator will balance the request against the University's duty to provide a safe and non-discriminatory environment for all members of the campus community. In cases where the Complainant does not want to pursue an investigation, the Title IX Coordinator/DHR Administrator should inform the Complainant that the ability to take corrective action may be limited.

The Title IX Coordinator/DHR Administrator will consider, at a minimum:

- a. The Complainant's request not to proceed with initiation of a Complaint;
- b. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- c. The risk that additional acts of Discrimination, Harassment, or Retaliation would occur if a Complaint is not initiated;
- d. The severity of the alleged Discrimination, Harassment, or Retaliation including whether the conduct, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the Discrimination, Harassment, or Retaliation and prevent its recurrence;
- e. Whether the Respondent poses an imminent threat to the campus community, which may include violence, threats of violence, use of a weapon, physical restraints, or unwanted physical contact.
- f. The age and relationship of the Parties, including power imbalance and whether the Respondent is an Employee of the University;
- g. The scope of the alleged conduct, including information suggesting a pattern (such as multiple or prior reports of misconduct against the Respondent), ongoing conduct, or conduct alleged to have impacted multiple individuals;
- h. Whether the University is able to conduct a thorough investigation and obtain relevant evidence without the Complainant's cooperation;
- i. The availability of evidence to assist a decisionmaker (Investigator or Hearing Officer) in determining whether Discrimination, Harassment, or Retaliation occurred;
- j. Whether the University could end the alleged Discrimination, Harassment, or Retaliation and prevent its recurrence without initiating the formal complaint resolution process; and
- k. For Employee Complainants, the University will also consider its obligation to maintain a safe work environment in determining whether an investigation is necessary.
- l. The Title IX Coordinator/DHR Administrator will document the basis for the decision to initiate or to not initiate the investigation based on this assessment criteria

Decision to Proceed with Complaint

Based on the assessment criteria above, the Title IX Coordinator/DHR Administrator has discretion to initiate an investigation without the Complainant's participation.

Decision to Proceed with Complaint

When the Title IX Coordinator/DHR Administrator decides to proceed with an investigation without a Complainant's participation, the Title IX Coordinator/DHR Administrator will make the Complaint on behalf of the University. The Title IX Coordinator/DHR Administrator will remain neutral in applying the Nondiscrimination Policy and these Procedures. In these cases, the Title IX Coordinator/DHR Administrator will provide the impacted party with the same notices, updates, and opportunities to participate as the Respondent throughout the investigation and, where applicable, hearing process, unless the impacted party confirms in writing that they do not want to receive these communications and do not wish to participate in the process. The impacted party may rescind this notice at any time in writing to the Title IX Coordinator/DHR Administrator.

When the Title IX Coordinator/DHR Administrator initiates an investigation without the Complainant's participation, the Complainant will be informed in advance of the Title IX Coordinator/DHR Administrator disclosing the Complainant's identity and details of the Complaint or report to the Respondent or initiating an investigation. The Title IX Coordinator/DHR Administrator will work with campus partners to take steps to arrange reasonable safety measures for the Complainant if appropriate. At the Complainant's request, the Title IX Coordinator/DHR Administrator will inform the Respondent that the Complainant asked the University not to investigate or seek discipline.

A Student Complainant will not be required to participate in an investigation if they do not wish to do so.

Decision not to proceed with investigation:

If a request for confidentiality or no investigation is granted, the Title IX Coordinator/DHR Administrator will nevertheless take reasonable steps to limit the effects of the alleged Discrimination, Harassment, or Retaliation, and prevent its recurrence without initiating formal action against the Respondent or revealing the identity of the Complainant. Examples include increased temporary monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys. Reasonable steps will be taken to provide for the safety of a Complainant while keeping the Complainant's identity confidential as appropriate and if possible. These steps may include

changing living arrangements or course schedules, assignments, or tests. The Complainant will be notified that the steps the campus will take may be limited by the request for confidentiality.

Supportive Measures

The University will offer and coordinate Supportive Measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to the University's education programs, activities, employment, or to provide support during the University's formal complaint resolution process or during the informal resolution process. Supportive Measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; changes to employee reporting line; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Discrimination, Harassment, and Retaliation.

The Title IX Coordinator/DHR Administrator will describe and offer Supportive Measures to Complainants during the initial assessment (even if no Complaint is made or the Complaint is ultimately not investigated), and to Respondents during an initial meeting.

The Title IX Coordinator/DHR Administrator is responsible for coordinating the effective implementation of Supportive Measures if requested and reasonably available.

Review of Supportive Measures (Applies only to Reports or Complaints of Sex-based Harassment)

A Complainant or Respondent may request modification or reversal of a decision to provide, deny, modify, or terminate Supportive Measures applicable to them. This request will be reviewed by an appropriate and impartial Employee:

- a) If the original decision about Supportive Measures was made by a person with authority delegated by the Title IX Coordinator/DHR Administrator, the review will be conducted by the Title IX Coordinator/DHR Administrator.
- b) If the original decision about Supportive Measures was made by the Title IX Coordinator/DHR Administrator, the review will be conducted by a Systemwide Director for Civil Rights.

If the reviewer determines that the decision to provide, deny, modify, or terminate the Supportive Measure was inconsistent with the Nondiscrimination Policy's

requirements, expectations, or standards for Supportive Measures, they may modify or reverse the decision. In making this determination, the reviewer should consider:

- a) Do the Supportive Measures unreasonably burden a Complainant or Respondent?
- b) Are the Supportive Measures punitive?
- c) Are the Supportive Measures reasonably available and restore access to the CSU's programs, activities, or employment?
- d) Are the Supportive Measures being offered or provided during the informal resolution process or formal complaint resolution process?

A Complainant or Respondent may also seek additional modification or termination of a Supportive Measure applicable to them if circumstances change materially by contacting the Title IX Coordinator / DHR Administrator.

The University will not share information about any Supportive Measures with anyone other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to provide the Supportive Measure or restore or preserve a Party's access to the CSU's education programs, activities, or employment, or when otherwise required by state or federal law.

No-Contact Directives

No-contact directives may be issued as a Supportive Measure, Remedy, or in connection with an Informal Resolution Agreement, with or without an investigation. When reasonably requested by a Complainant or otherwise needed to protect health and safety or to preserve the integrity of the investigation, the University will issue an interim no-contact directive, which may be unilateral (prohibiting the Respondent from contacting the Complainant) or mutual (prohibiting the Parties from contacting each other) while the investigation is pending.

No-contact directives that are not part of an Informal Resolution Agreement must meet the following requirements:

1. No-contact directives that limit an individual's movement on a University campus may only be issued where the conduct alleged is egregious or where an objective threat of physical harm exists.
2. A mutual no-contact directive (applicable to both Parties) may only be issued prior to an investigation outcome. Mutual no-contact directives will not be issued automatically. The Title IX Coordinator/DHR Administrator

must consider, based on the circumstances of each case, whether a mutual no-contact directive is necessary or justifiable to protect the Respondent's safety or well-being, or to address concerns about interference with an investigation.

3. If there is a finding that the Nondiscrimination Policy has been violated and a mutual no-contact directive is already in effect, unless there are extenuating circumstances, the no-contact directive will promptly be converted to a unilateral no-contact directive (applicable only to the Respondent).
4. Any no-contact directive (whether mutual or unilateral) will be delivered to both Parties in writing and will be accompanied by a written explanation of the terms of the directive and the consequences for violating the no-contact directive. A no-contact directive is intended to be temporary and should be periodically assessed to confirm the continued need for, and appropriateness of, its specific terms (conditions), including whether it should be mutual (applicable to both Parties), or unilateral (only applicable to the Respondent).
5. Violations of no-contact directives will be addressed by the campus Student Conduct Administrator in the same manner as any violation of the Student Conduct Code if the Respondent is a Student, or by Human Resources or Faculty Affairs, if the Respondent is an Employee. If the alleged violation of the no-contact directive is itself a violation of the Nondiscrimination Policy, the matter will be referred to the Title IX Coordinator/DHR Administrator.

In considering the reasonableness and terms of a requested no-contact directive, the Title IX Coordinator/DHR Administrator may consider various factors, including the need expressed by the Complainant or Respondent; the ages of the Parties involved; the nature of the allegations and their continued effects on the Complainant or Respondent; whether the Parties continue to interact directly in the University's education program or activity, including through student employment, shared residence or dining facilities, class, or campus transportation; and whether steps have already been taken to mitigate the harm from the Parties' interactions, such as implementation of a civil protective order.

Criminal Complaints and Concurrent Investigations

Complainants will be informed during the intake meeting of their right to make a criminal complaint with University police or other appropriate law enforcement agencies. The Title IX Coordinator/DHR Administrator will offer to assist the Complainant and will assure them that filing a criminal complaint will not

unreasonably delay the University's investigation. The University will typically not wait until the conclusion of a criminal investigation to begin its own investigation. Although it may be necessary to temporarily delay the investigation while law enforcement is gathering evidence, once notified that law enforcement has completed the fact gathering portion of their investigation, the University will promptly resume and complete its own investigation. Individuals who first report to University police will be encouraged to also make a Complaint with the Title IX Coordinator/DHR Administrator.

Interim Suspension

An interim suspension may be considered for a Student Respondent, where there is reasonable cause to believe that interim suspension of that Student is necessary to protect the personal safety of persons within the Campus community or Campus property, and to ensure the maintenance of order during an investigation. Such interim suspensions will be implemented in accordance with the procedures under the Student Conduct Process and will only remain in effect during the Complaint process until determined to be no longer necessary. In determining whether an interim suspension is necessary, the Title IX Coordinator/DHR Administrator will coordinate with the Student Conduct Administrator to ensure appropriate on-going assessment and implementation occurs.

Emergency Removal – Applies only to Reports or Complaints of Sex-based Harassment:

The University may remove a Respondent from its education programs or activities, including Student employment, on an emergency basis in the absence of a Complaint, before an investigation concludes or where no investigation or hearing is pending. Prior to the removal, an individualized safety and risk analysis will be conducted. The removal is referred to as an "Emergency Removal," and has the effect of an Interim Suspension, as set forth in the Student Conduct Process, including that during the period of the Emergency Removal, the Student may not, without prior written permission from the University president or designee, enter any campus of the CSU. As with Interim Suspensions in the Student Conduct Process, the president or vice president designee, in consultation with the Title IX Coordinator/DHR Administrator, will determine whether there is an imminent and serious threat to the health or safety of a Complainant or any Students, Employees, or other persons arising from the allegations of Sex-based Harassment that justifies removal.

Where a determination is made that justifies Emergency Removal, the Respondent will be provided with notice and given an opportunity to challenge

the decision immediately following the removal, in accordance with the procedures in the Student Conduct Process. This includes the right to a hearing within 10 Working Days of a request by the Respondent for such a hearing to determine if there is an imminent and serious threat to the health or safety of a Complainant or any Students, Employees, or other persons arising from the allegations of Sex-based Harassment that justifies removal. The hearing will be conducted under the Student Conduct Process and not these Procedures as they relate to hearings.

Administrative Leave

A campus may place a non-student Employee on Administrative Leave (sometimes referred to as Temporary Suspension) in accordance with applicable Collective Bargaining Agreements or CSU policies while the Complaint process is pending.

Transcript Notations

If a Respondent withdraws, transfers, or disenrolls from the University pending an investigation or disciplinary proceeding concerning a violation of the Nondiscrimination Policy, transcript notations may be appropriate and will be addressed under the Student Conduct Process. As appropriate to the situation, the University may place an administrative hold on registration transactions, release of records, and transcripts of a Student who has been sent written notice of a pending investigation or disciplinary matter concerning that Student, and may withhold awarding a degree otherwise earned until the completion of the investigation or disciplinary process, including the completion of all sanctions imposed.

Complaints

When the Title IX Coordinator/DHR Administrator receives a Complaint, they will determine whether to open an investigation after making a preliminary inquiry into the allegations. An investigation may not be warranted where the reported information does not allege facts with enough specificity or include conduct that would, even if true, constitute a violation of the Nondiscrimination Policy. These determinations will be documented in writing by the Title IX Coordinator/DHR Administrator and maintained in accordance with systemwide records retention policies.

When more than one Complainant or more than one Respondent is involved, references in these Procedures to a Party, Complainant, or Respondent include the plural, as applicable.

Complaints Accepted for Investigation

Within 10 Working Days of the date of an intake meeting or receipt of a request for investigation from the Complainant (whichever is later) or making a determination that an investigation is necessary without a request from or participation by the Complainant, the Title IX Coordinator/DHR Administrator will send a Notice of Investigation to the Complainant and Respondent.

Complaint Not Accepted for Investigation

If the Title IX Coordinator/DHR Administrator determines that the Complaint does not allege a violation of the Nondiscrimination Policy, the Title IX Coordinator/DHR Administrator will, within 10 Working Days of the date of the intake or receipt of a written request for investigation (whichever is later), notify the Complainant in writing that the Complaint will not be investigated without further information. The Title IX Coordinator/DHR Administrator may refer the Complaint to another campus office if appropriate and will notify the Complainant of any referral. The Title IX Coordinator/DHR Administrator will retain a record of the Complaint, the written determination and any referrals made to another campus office.

Discretionary Dismissal

At any time after a Complaint has been accepted for investigation, it is within the discretion of the Title IX Coordinator/DHR Administrator to dismiss a Complaint, or any part of a Complaint, if:

- A. The Complainant notifies the Title IX Coordinator/DHR Administrator in writing that they would like to withdraw the Complaint or any part of it, or
- B. If the specific circumstances prevent the University from reasonably gathering evidence necessary to reach a determination as to the Complaint or part of the Complaint.

Dismissal of a Complaint - Applies only to Complaints of Sex-based Harassment

The Title IX Coordinator/DHR Administrator may dismiss a Complaint of Sex-based Harassment if:

- a. The University is unable to identify the Respondent after taking reasonable steps to do so;
- b. The Respondent is not participating in the University's education program or activity and is not employed by the University;
- c. The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator/DHR Administrator declines to initiate a Complaint, and the University determines that, without the Complainant's

withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex-based Harassment even if proven; or

- d. The University determines the conduct alleged in the Complaint, even if proven, would not constitute Sex-based Harassment. Before dismissing the Complaint, the University will make reasonable efforts to clarify the allegations with the Complainant. Complaints that are dismissed on this basis may be referred to another process or another campus office for review under other potentially applicable policies or codes of conduct (such as the grade appeal process, student code of conduct, employee grievance procedures, ADA process, to be addressed as unprofessional conduct, etc.).

When a complaint is dismissed, the University will promptly notify the Complainant of the basis for the dismissal in writing. If the dismissal occurs after the Respondent has been notified of the allegations, then the University will also notify the Respondent of the dismissal in writing and the basis for it. When a Complaint is dismissed, the University will, at a minimum:

- a. Offer Supportive Measures to the Complainant as appropriate;
- b. If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
- c. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator/DHR Administrator to ensure that Sex-based Harassment does not continue or recur within the University's education program or activity.

The University will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the University will also notify the Respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- a. Procedural irregularity occurred that would have likely changed the outcome of the decision to dismiss;
- b. New evidence that was not reasonably available at the time of the dismissal and would have likely changed the outcome of the decision to dismiss; or
- c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Appeals will be submitted to the Civil Rights Appeals Unit at the Chancellor's Office and will be addressed to:

Civil Rights Appeals Unit
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802
<mailto:CO-Appeals@calstate.edu>

1. If a Party is unable to submit an appeal or a response to an appeal electronically, they should contact the campus Title IX Coordinator/DHR Administrator for assistance.
2. When an appeal is submitted, the Civil Rights Appeals Unit will notify the other Party and the campus Title IX Coordinator/DHR Administrator in writing. The non-appealing Party may submit a written statement in support of or challenging the dismissal no later than 5 Working Days after the notice of appeal. Within 10 Working Days of the Civil Rights Appeals Unit's receipt of the appeal, the Civil Rights Appeals Unit will notify the Parties (via email and at the same time) of its decision.
3. The Civil Rights Appeals Unit will not consider evidence that was not introduced to the campus during the Complaint review process unless the new evidence was not reasonably available at the time of the Complaint review.
4. The Civil Rights Appeals Unit has discretion to extend the timelines for the dismissal appeal process for good cause or for any reasons deemed to be legitimate by the Civil Rights Appeals Unit. This includes the time for filing an appeal and the time for the Civil Rights Appeals Unit to respond to the appeal. The Civil Rights Appeals Unit will notify the Parties and the Title IX Coordinator/DHR Administrator of any extensions of time granted pertaining to any portion of the appeal process.
5. The Civil Rights Appeals Unit appeal response is final and concludes the discretionary dismissal process under these Procedures.

Consolidation

The university may consolidate Complaints of Discrimination, Harassment, or Retaliation against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations of Discrimination, Harassment, or Retaliation arise out of the same or substantially similar facts or circumstances. The Title IX Coordinator/DHR

Administrator will determine whether a Complaint should be consolidated (subject to FERPA and other applicable privacy laws). In addition, during the course of the investigation, the investigation may reveal the existence of additional or different violations of the Nondiscrimination Policy, which may also be consolidated following notification to the Parties. Depending on the timing and circumstances, the Title IX Coordinator/DHR Administrator retains discretion to resolve Complaints using the same investigator or following the resolution of the initial Complaint, such as through appropriate Disciplinary Sanctions.

Student Grade Appeals

Grade appeals that allege a violation of the Nondiscrimination Policy proceed under the campus procedures per *CSU Grading, Repetition of Courses, Academic Renewal, and Appeals Policy* (or any superseding policy) and under these procedures as follows:

1. The Student will promptly request a grade appeal and note that the grade appeal procedure should be paused until such time as the campus investigation and any appeal process under these Procedures have concluded.
2. The determination whether a violation occurred under the Nondiscrimination Policy will be provided to the campus grade appeal committee, and the committee will be bound by the determination when the grade appeal process resumes.

Alternative Resolution Process

Informal Resolution

The Parties may voluntarily choose to participate in an informal resolution process to resolve an alleged violation of the Nondiscrimination Policy. The filing of a formal Complaint is not required to initiate the informal resolution process.

General Principles

The Title IX Coordinator / DHR Administrator has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to allow informal resolution despite the request of one or more of the Parties.

Circumstances when the Title IX Coordinator/DHR Administrator may decline to allow informal resolution include but are not limited to:

- i. When they determine that the alleged conduct would present a future risk of harm to others.
- ii. When the Complaint involves allegations made by a Student against an Employee. Informal resolution in these cases is generally discouraged and

may be permitted with the approval of the Systemwide Director for Civil Rights assigned to the University following a request by the Title IX Coordinator/DHR Administrator. In addition, any informal resolution agreement between a Student and an Employee will be reviewed by the assigned Systemwide Director for Civil Rights prior to being finalized.

The Title IX Coordinator/DHR Administrator will conduct or oversee the informal resolution process and conduct an initial and on-going assessment as to whether the process should continue.

Prior to approving an informal resolution, the Title IX Coordinator/DHR Administrator will consult with the appropriate administrator responsible for discipline.

The Title IX Coordinator/DHR Administrator will make the final determination on all informal resolution processes regarding whether the terms agreed to by the Parties are appropriate considering all of the circumstances of the Complaint.

When the informal resolution process is offered, and to the extent necessary, the Title IX Coordinator/DHR Administrator will also take other appropriate prompt and effective steps to ensure that the alleged violations of the Nondiscrimination Policy do not continue or recur within the University's education programs, activities, or employment.

Neither Party will be required or pressured to participate in an informal resolution process. The Title IX Coordinator/DHR Administrator must obtain the Parties' voluntary written consent to participate in the informal resolution process and must not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, employment or continuing employment, or exercise of any other right.

The person facilitating the informal resolution process must not be the same person as the Investigator or the Hearing Officer in the formal complaint resolution process. A Title IX Coordinator/DHR Administrator may facilitate the informal resolution process. When the Title IX Coordinator/DHR Administrator facilitates the informal resolution process, they cannot serve as the Investigator. In addition, any informal resolution agreements facilitated by the Title IX Coordinator/DHR Administrator must be signed by the assigned Systemwide Director for Civil Rights.

The person facilitating the informal resolution process must not be the same person as the Investigator or the Hearing Officer in the formal complaint resolution process. A Title IX Coordinator/DHR Administrator may facilitate the

informal resolution process. When the Title IX Coordinator/DHR Administrator facilitates the informal resolution process, they cannot serve as the Investigator. In addition, any informal resolution agreements facilitated by the Title IX Coordinator/DHR Administrator must be signed by the assigned Systemwide Director for Civil Rights.

Any person facilitating an informal resolution process will receive appropriate training and must be free from a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Notice of Informal Resolution Process

Before beginning the informal resolution process, the Title IX Coordinator/DHR Administrator will explain in writing to the Parties:

- a. The allegations;
- b. The requirements of the informal resolution process;
- c. That any Party has the right to withdraw from the informal resolution process and begin or continue with the formal complaint resolution process at any time before agreeing to a resolution;
- d. The Parties' right to consult with an Advisor;
- e. Any resolution must be in writing and signed by both Parties and the Title IX Coordinator/DHR Administrator;
- f. That if the Parties agree to a resolution at the end of the informal resolution process, they cannot begin or continue with the formal complaint process in relation to the same allegations;
- g. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- h. What information the University will maintain and whether and how the University could disclose such information for use in the formal complaint resolution process if such procedures begin or resume.

Potential Terms

Potential terms that may be included in an informal resolution agreement include, but are not limited to:

- a. Apology, written or verbal;

- b. Relocation or removal from a residence hall or other University provided housing, subject to availability;
- c. Changes in academic arrangements, such as changing class sections or locations;
- d. Changes in work schedules or locations;
- e. Limitations on or agreements related to participation in and/or presence in/at events, extracurricular activities, student organizations, recreational facilities, athletics, etc.
- f. Participation in and/or successful completion of alcohol or drug education or counseling;
- g. Participation in counseling services for mental or behavioral health;
- h. Participation in specific educational opportunity or training;
- i. Voluntary educational, mentoring, coaching, or counseling sessions, which may or may not include stipulations, such as proof of successful completion or statement of active participation from the mentor / coach / counselor;
- j. Verbal counseling or warnings;
- k. Collaborative agreements on behavioral or institutional changes;
- l. No-contact directives, or other restrictions on contact, communication, and/or interactions between the Parties;
- m. Restrictions on Respondent's movement or access to specific locations at the University;
- n. Alternative seating arrangements for graduation;
- o. Complainant sharing of an impact statement with the Respondent;
- p. Admission or acceptance of responsibility for causing harm and/or the alleged conduct;
- q. Community service;
- r. Voluntary participation in formal disciplinary action for Respondent;
- s. Restrictions on the Respondent's participation in one or more University programs or activities or attendance at specific events, including restrictions the University could have imposed as Remedies or Disciplinary Sanctions had it determined at the conclusion of the formal complaint

resolution process that a violation of the Nondiscrimination Policy occurred;
or

- t. Other mutually agreed upon outcomes or resolutions.
 - Any agreed-upon Remedies and Disciplinary Sanctions agreed to in an informal resolution have the same effect as Remedies given and Disciplinary Sanctions imposed following an investigation or hearing.

Timeframe

The informal resolution process may take place at any time before a determination of responsibility is made, but no later than 60 Working Days after both Parties provide voluntary, written consent to participate in the informal resolution process. The Parties and the Title IX Coordinator / DHR Administrator may agree to one or more extensions of the 60 Working Day deadline, which will be confirmed in writing. The timeline of the formal complaint resolution process will be paused during the pendency of any informal resolution process.

Written Agreement-Not Subject to Appeal

The terms of any informal resolution must be in writing and signed by the Parties and the Title IX Coordinator/DHR Administrator. Use of electronic signatures is permitted. A signed agreement to an Informal Resolution is final and is not appealable by either Party.

Restrictions on Mediation Between the Parties

Mediation between the Parties cannot be used, even on a voluntary basis, to resolve Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking Complaints.

Acceptance of Responsibility

The Respondent may, at any time during the investigation or hearing process, prior to an Investigator or Hearing Officer issuing their determination, choose to accept responsibility for the alleged conduct prohibited under the Nondiscrimination Policy.

Before a Respondent accepts responsibility for the alleged misconduct, the Title IX Coordinator / DHR Administrator or designee will discuss with the Respondent that the matter will be referred to the University president or designee for a decision regarding an appropriate Disciplinary Sanction, and that the acceptance of responsibility could – but will not necessarily – be regarded as a mitigating factor that results in less severe sanctions.

Acceptance of responsibility will only be recognized if the Respondent accepts responsibility by signing a written document prepared by the Title IX Coordinator

/ DHR Administrator that describes the range of Disciplinary Sanctions that the president or designee will consider in reaching a decision about Disciplinary Sanctions.

If the Respondent has accepted responsibility in writing, the Title IX/DHR office will issue a brief written summary of the allegations and a statement that the Respondent has accepted responsibility. The written summary will be sent to both the Complainant and the Respondent.

Within 5 Working Days of receiving the written summary from the Title IX/DHR Office, each Party may submit to the Title IX Coordinator / DHR Administrator an impact statement or other statement regarding discipline that is no more than 2000 words in length. The document is an opportunity for each Party to suggest disciplinary outcomes and to provide information that they believe is important for the president or designee to consider when reaching a sanction decision. The Student Conduct Administrator and/or Title IX Coordinator / DHR Administrator will also submit a written statement regarding aggravating and mitigating factors (that is, factors that would warrant a more severe or less severe sanction), including whether the Respondent was previously found to have violated the Standards for Student Conduct or the Nondiscrimination Policy. These written statements will be provided to the president or designee who will decide an appropriate sanction.

The Parties may appeal the sanction only on the grounds that the sanction(s) imposed was objectively unreasonable, or arbitrary based on the conduct for which the Respondent accepted responsibility.

Where there is an acceptance of responsibility regarding some but not all of the alleged conduct, the investigation and hearing process will continue to conclusion, unless otherwise resolved through Informal Resolution

Investigations-The Formal Complaint Resolution Process

Purpose of the Investigation and Resolution Process

The investigation and resolution of Complaints under these Procedures is not intended to be an adversarial process between the Complainant, the Respondent, and witnesses. Rather, it is a process and opportunity for the University to educate students, provide an environment free from Discrimination, Harassment, and Retaliation, and comply with its obligations under law. The University will provide for adequate, reliable, and impartial investigation of Complaints. The University will treat Complainants and Respondents equitably.

Cooperation in the Investigation Process

All Employees, and Students who are not Parties to the Complaint, are required to cooperate with the investigation and other processes set forth in these Procedures, including but not limited to, attending meetings and interviews, and being forthright and honest during the process.

Written Notice

The University will provide a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate.

Prohibition on Retaliation

The University strictly prohibits Parties or witnesses from engaging in Retaliation against anyone for reporting or filing a Complaint, assisting or participating in an investigation or hearing, interfering with a Party's or witness's rights or privileges under the Nondiscrimination Policy, or for assisting someone else in reporting or opposing conduct prohibited by the Nondiscrimination Policy. Any acts of Retaliation are subject to disciplinary action.

Privacy

The University will take reasonable steps to protect the privacy of the Parties and witnesses, including ensuring compliance with the Family Educational Rights and Privacy Act (FERPA) and other applicable privacy laws. During the formal complaint resolution process, beginning with the Notice of Investigation and concluding when the deadline for an appeal has passed or the Civil Rights Appeals Unit has issued its final response, the Parties and witnesses are prohibited from using or disclosing the information or records obtained through the formal complaint resolution process. This prohibition shall not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses, consulting with family members, confidential resources, or Advisors, or otherwise preparing for or participating in the formal complaint resolution process. These restrictions also do not apply to information learned through other means, such as personal experience, or to disclosures made during another administrative proceeding or through litigation. For especially sensitive materials, including but not limited to recordings and medical records, the University will provide such records for viewing or inspection only -- and not for copying or possessing. The Parties and their Advisors may be asked to sign written acknowledgements agreeing to these restrictions on disclosure and re-disclosure. Whether or not such acknowledgements are signed, violations of these prohibitions, including disregarding any restrictions on the use of records (such as

re-disclosing records to unauthorized individuals or copying records that are provided for viewing only), may subject a Student or Employee to discipline.

Standard and Burden of Proof

The standard of proof for hearings and investigations under these Procedures is the Preponderance of the Evidence. Preponderance of the Evidence is a standard of proof that determines whether alleged conduct more likely than not occurred based on the evidence presented or facts available at the time of the decision. The responsibility is not on the Parties – but on the University – to conduct an investigation that gathers sufficient evidence to determine whether Discrimination, Harassment, or Retaliation occurred. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct. The University presumes that the Respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the formal complaint resolution process.

Role of the Title IX Coordinator / DHR Administrator in the Investigation Process

The Title IX Coordinator/DHR Administrator will either investigate the Complaint or assign this task to an Investigator. If assigned to an Investigator, the Title IX Coordinator/DHR Administrator will supervise and oversee the investigation, including reviewing all draft investigation reports before they are final to ensure that the investigation complies with these Procedures. If the Title IX Coordinator/DHR Administrator investigates the Complaint, a Systemwide Director or other appropriately trained administrator will review all draft investigation reports in the place of the Title IX Coordinator/DHR Administrator.

Neutrality of Process

The University requires that any Title IX Coordinator/DHR Administrator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A decisionmaker may be the same person as the Title IX Coordinator/DHR Administrator or investigator. The Title IX Coordinator/DHR Administrator will take affirmative steps to ensure that anyone involved in conducting investigations, finding facts, and making disciplinary decisions in a matter will be impartial, neutral, and free from actual conflicts of interest. A conflict of interest exists if a person has a personal relationship with one of the Parties or witnesses, has a reporting employment relationship with a Party, or has demonstrated actual bias towards a Party or witness or towards Complainants or Respondents in general. Mere belief or opinion does not constitute evidence of bias or conflict of interest.

Investigation Where a Respondent Does Not Participate

The Respondent will not be found to have violated the Nondiscrimination Policy solely because the Respondent did not participate in the investigation or hearing process. Nor will the Respondent be found not to have violated the Nondiscrimination Policy solely because a Complainant or other witness did not participate in the investigation or hearing process.

Timeframe, Extensions, and Status Updates

The University has established the following timeframes for the major stages of the formal complaint resolution process:

Stage	Timeframe
Complaint accepted or not accepted for investigation	Within 10 Working Days of the date of the intake or receipt of a written request for investigation (whichever is later)
Investigation – Review of Evidence Response Submission	10 Working Days from date Preliminary Investigation Report sent to Parties
Investigation – Final Investigation Report	100 Working Days from the date the Notice of Investigation is sent to Parties
Notice of Hearing	At least 20 Working Days prior to date of hearing
Hearing Officer’s Decision Report	15 Working Days from end of hearing
Final Decision from President or Designee	10 Working Days from receipt of Hearing Officer’s sanction recommendation
Appeal Submission	10 Working Days from date Notice of Investigation Outcome (non-hearing) or Final Decision (hearing) is sent to the Parties
Appeal Determination	30 Working Days after receipt of the written appeal

The University has also established the following process that allows for the reasonable extension of timeframes in these Procedures on a case-by-case basis for good cause. A Party, Investigator, and/or Hearing Officer may request a reasonable extension of the timeframes in these Procedures at any time from the Title IX Coordinator/DHR Administrator. The Title IX Coordinator/DHR Administrator may also initiate a reasonable extension of the timeframes in these Procedures at any time. For an extension to be granted, the following process must be followed:

1. Good cause for the extension must exist. Good cause may include:
 - a) To ensure the integrity and thoroughness of the investigation;
 - b) The reasonable absence of a Party, Party's advisor, or witness;

- c) To comply with a request by law enforcement, including a concurrent law enforcement investigation;²
 - d) Based on the need to provide language assistance, disability accommodations, or other modifications to allow the full participation of a Party or witness;
 - e) Academic breaks or exam periods;
 - f) A particularly complex investigation or hearing process, such as one involving multiple Complainants, multiple Respondents, a large number of witnesses, voluminous evidence, or length of the written record;
 - g) The severity and extent of the alleged misconduct; or
 - h) Other extenuating or unforeseen circumstances that are not within the control of the University, Party, witnesses, Investigator, or Hearing Officer.
2. The Title IX Coordinator/DHR Administrator is the final decision-maker with respect to all extensions
 3. The Parties receive written notice from the Title IX Coordinator/DHR Administrator or designee that an extension is necessary and an explanation for the delay. The notice will indicate if the extension alters the timeframes for the major stages of the Complaint process and provide a new estimated timeline.

Requests for Extensions

While requests for delays by the Parties and witnesses may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a Complaint under the Nondiscrimination Policy.

- a. Students – As required by California law, the Title IX Coordinator/DHR Administrator will not unreasonably deny a Student Party's request for an extension during periods of examinations or academic breaks.
- b. Employees – The fact that an Employee is off contract or between semesters, without more, does not excuse an Employee from their expected participation in the Complaint resolution process.

Status Updates

In addition to the communications at each major stage of the process, the University will provide a status update to the Complainant and Respondent every

30-days, beginning from the date that the Notice of Investigation is issued until the Notice of Investigation Outcome or Final Decision is issued to the Parties, unless a Party requests in writing not to receive these updates.

- a. For cases of Sex-based Harassment, the Title IX Coordinator/DHR Administrator shall notify the Complainant of any Disciplinary Sanctions imposed against a Respondent.
- b. The Civil Rights Appeals Unit will provide status updates to the Parties and Title IX Coordinator/DHR Administrator as required by the timelines in these Procedures.
- c. In addition, either Party may, at any time, request from the Title IX Coordinator/DHR Administrator a status updates regarding investigation, hearing, and appeal timeframes.

Reasonable Accommodations

Any person with a Disability who seeks reasonable accommodations to participate in the Complaint submission or investigation process will be referred to the appropriate campus administrator (for Students, the services for students with disabilities administrator, and for Employees the appropriate human resources administrator) who may consult with the Title IX Coordinator/DHR Administrator to determine the reasonableness of a requested accommodation.

Notices of Investigation

The University will prepare Notices of Investigation for the Parties upon initiation of the formal complaint resolution process. The Notices of Investigation must be issued to the Parties in writing, at the same time, and with sufficient time and information for the Parties to prepare a response before any initial interview. A Notice of Investigation must include the following information:

6. An overview summary of the Complaint allegations (e.g., "who," "what," "when," and "where"), including the identities of the Parties, the conduct alleged to constitute Discrimination, Harassment, or Retaliation, and the date(s) and location(s) of the alleged incident(s);
7. A copy of, or internet link to, these Procedures and the Nondiscrimination Policy, as well as a summary of the alleged Nondiscrimination Policy violations;
8. A summary of the Nondiscrimination Policy formal complaint resolution process, including the right to appeal and the informal resolution process;
9. That Retaliation is prohibited;

10. The Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the formal complaint resolution process. Prior to such a determination, the Parties will have an opportunity to provide Relevant evidence to a trained, impartial decisionmaker (Investigator or Hearing Officer);
11. The estimated timeline for completion of the investigation;
12. Information regarding counseling and other Supportive Measures;
13. The Parties may have one Advisor of their choice who may be, but is not required to be, an attorney or union representative;
14. The Parties will have an equal opportunity to access the Relevant and not otherwise impermissible evidence used in the investigation;
15. A statement that the Complainant and Respondent will have equal opportunities to identify Relevant witnesses and evidence in connection with the investigation and at any hearing, including the ability to:
 - a. Submit documentary information to the Investigator;
 - b. Submit a list of potential witnesses to the Investigator; or
 - c. Request that the Investigator attempt to collect additional relevant evidence;
16. A statement that any evidence available, but not disclosed during the investigation might not be considered in any findings made, including at any hearing, and likely will not be considered for purposes of appeal;
17. A statement that the Standards for Student Conduct prohibits furnishing false information to a University official, faculty member, or campus office;
18. A statement that the Complainant and Respondent will be provided with periodic status updates in accordance with the timelines established in these Procedures; and
19. A statement regarding the possible range of Disciplinary Sanctions. If new but related allegations are raised during the investigation that are materially different from those described in the Notice of Investigation, the Title IX Coordinator / DHR Administrator will issue a revised Notice of Investigation to the Parties, along with a corresponding revised timeline for completion, if appropriate.

Respondent Initial Meeting

In the Notice of Investigation, the Title IX Coordinator/DHR Administrator will offer to have an initial meeting with the Respondent. This meeting is not intended to be investigatory in nature. At this meeting, the Title IX Coordinator / DHR Administrator will explain the allegations against the Respondent, as well as the investigation process and the Respondent's rights during the process. The Title IX Coordinator/DHR Administrator will also explain that during the investigation process the Respondent and the Complainant will have the opportunity to present evidence, identify witnesses, and review evidence.

Gathering Evidence

During the investigation, the Investigator will take reasonable steps to gather all Relevant evidence from the Parties, witnesses, or other sources, including interviews with the Complainant, the Respondent, and Relevant witnesses. The University will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory (meaning that it shows or tends to show a person's involvement in the alleged conduct) and exculpatory (meaning that it shows or tends to show that a person was not involved in the alleged conduct) evidence that is Relevant. The Investigator will interview the Parties and Relevant witnesses and review documents and physical evidence. As appropriate to the investigation, the Investigator may conduct follow-up interviews or request responses to questions in writing.

Opportunity to Submit Evidence and Identify Witnesses

The Complainant and Respondent will be asked to identify witnesses and provide other Relevant information, such as documents, communications, and other available evidence. The Parties are encouraged to provide all Relevant information as soon as possible to facilitate a prompt resolution to the Complaint. The Investigator may receive any information presented by the Parties, but the Investigator, not the Parties, is responsible for gathering Relevant evidence. If a Party or witness declines to voluntarily provide material information or delays in doing so, the University's ability to conduct a prompt, thorough, and equitable investigation may be impacted. The University will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present Relevant evidence. Parties and witnesses must not engage in actions that could be considered Retaliation, including confronting, threatening, intimidating, attempting to influence, or otherwise taking inappropriate actions against any Party, witness, or anyone else participating in the investigation or hearing process. The Investigator will document the steps taken to gather evidence, even when those efforts are not successful.

Bases for Declining a Request to Gather Evidence

The Investigator will gather evidence and ask questions proposed by the Parties, except as follows:

- a. The Investigator determines that the questions are repetitive, irrelevant, or harassing.
- b. The request seeks information that can be reasonably and adequately obtained by the requesting Party from other independent or publicly available sources.
- c. The burden of obtaining the information is likely to substantially outweigh the benefit that the evidence bears on a disputed issue.
- d. The requested information can be reasonably obtained through other means less likely to intrude on a person's privacy.

Investigations Involving Allegations of Sex Discrimination

The University will review all evidence gathered through the investigation and determine what Relevant evidence may be considered. Questions are Relevant when they seek evidence that may aid in showing whether or not the alleged conduct occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether or not the alleged conduct occurred.

1. Impermissible evidence is evidence that is not allowed to be accessed, considered, or otherwise used by the University, except to determine if one of the exceptions listed below applies. The following types of evidence, and questions seeking that evidence, are impermissible, regardless of whether they are Relevant:
 - a. Evidence protected by a privilege recognized by state or federal law (unless waived by the Party or witness holding the privilege);
 - b. A Party's or witness's private medical records maintained by a physician, psychologist, or other recognized professional or paraprofessional (unless the Party or witness voluntarily consents to its use in writing); or
 - c. Evidence that relates to the Complainant's or Respondent's sexual interests or prior or subsequent sexual conduct (unless offered to prove someone other than the Respondent committed the alleged conduct or offered to prove how the Parties communicated consent in prior or subsequent consensual, sexual relations).

- i. Where the Investigator allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent, the fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.
 - ii. Prior consensual, sexual conduct between the Complainant and the Respondent does not prevent the University from finding that the conduct alleged in the Complaint constitutes Sex-based Harassment or otherwise violates the Nondiscrimination Policy.
2. Before allowing the consideration of any evidence of sexual history of the Complainant or the Respondent under this section, the Investigator will provide a written explanation to the Parties as to why consideration of the evidence is permissible under this section.

Expert Witnesses

In rare cases, an Investigator may need to consult medical, forensic, technological, or other experts when expertise on a topic is needed to achieve a fuller understanding of the issues under investigation. In such cases, the Investigator must consult with the Title IX Coordinator/DHR Administrator prior to engaging an expert witnesses.

Preliminary Investigation Report

The University will provide each Party and the Party's Advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of Discrimination, Harassment, or Retaliation and not otherwise impermissible evidence.

Before finalizing the investigation, the Investigator will share with the Complainant and Respondent a preliminary investigation report, along with all Relevant evidence gathered. The preliminary investigation report will list any evidence offered by the Parties or any other witnesses that the Investigator concluded are not Relevant. This evidence will be available for review upon request. The preliminary investigation report will:

- a. Describe the allegations.
- b. Describe the investigative process to date.

- c. Set forth the relevant policy language and the Preponderance of Evidence Standard.
- d. Describe the evidence presented and considered.
- e. Identify the material facts – disputed and undisputed – with explanations as to why any material fact is disputed.

Access to Preliminary Investigation Report

The Investigator, in consultation with the Title IX Coordinator/DHR Administrator, will use discretion in determining how to provide the Parties with secure access to the preliminary investigation report. The University will take reasonable steps to prevent and address the Parties' and their Advisors' unauthorized disclosure of information and evidence obtained solely through the formal complaint resolution process.

Review of Evidence

Each Party will be given a reasonable opportunity to respond to the preliminary investigation report and any attached evidence and ask questions. The opportunity to review and respond to the preliminary investigation report is known as the "review of evidence" process. The Parties will have 10 Working Days to review the evidence. Each Party may:

- a. Respond to the evidence in writing.
- b. Request that the Investigator gather additional evidence or ask specific questions to the other Party and other witnesses.
- c. Identify additional witnesses.

Conclusion of Review of Evidence

The Investigator will share with the Parties the answers to questions posed during the review of evidence and additional Relevant evidence gathered. This will be shared with all Parties, who may then respond to any new evidence and ask questions. The Investigator determines when it is appropriate to conclude the review of evidence process.

Final Investigation Report

Final Investigation Report (Hearing Required)

In matters where a hearing is not required, a final investigation report will be provided to the Parties along with a Notice of Investigation Outcome.

- a. The final investigation report will include:

- i. A summary of the allegations,
 - ii. The investigation process,
 - iii. The Preponderance of the Evidence standard,
 - iv. A detailed description of the evidence considered,
 - v. Analysis of the evidence including relevant credibility evaluations,
 - vi. Appropriate findings, and
 - vii. Relevant exhibits and documents attached to the written report.
- b. The Notice of Investigation Outcome will attach the final investigation report and include the following:
- i. A summary of the allegations and the investigative process.
 - ii. That the Preponderance of the Evidence standard was employed.
 - iii. A summary of the findings of fact.
 - iv. A determination as to whether the Nondiscrimination Policy was violated, and if so, any Remedies to be afforded to the Complainant.
 - v. Notice of Parties' right to appeal under these procedures.
- c. The notice will usually be delivered to the Parties electronically. If the notice includes a determination that there was a violation of the Nondiscrimination Policy, the Title IX Coordinator/DHR Administrator will notify the appropriate University administrator responsible for discipline of the investigation outcome and provide a copy of the final investigation report. This notice will include the appeal rights available to the Respondent prior to the initiation of any Disciplinary Sanctions.

Final Investigation Report (Hearing Not Required)

The final investigation report will include all of the information included in the preliminary investigation report as well as additional Relevant evidence received during the review of evidence. Any relevant evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator, will be attached to the final investigation report, or made available for review by the Parties. Evidence offered by the Parties or any other witnesses that the Investigator concluded is not Relevant will be noted but not included in the final investigation report and should be available at the time of the hearing such that it can be provided to the Hearing Officer if requested.

Hearings

As part of the formal complaint resolution process for Sex-based Harassment cases, the CSU will provide a live hearing that enables the decisionmaker – “the Hearing Officer” – to question the Parties and witnesses to assess a Party’s or witness’s credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations.

A hearing will be provided when:

1. Both Parties are Students, or either the Complainant or Respondent is a Student; AND
2. The Complaint includes allegations of Sex-based Harassment. The Complainant and Respondent will be treated equitably throughout the pre-hearing and hearing processes.

Privacy

The University will take reasonable steps to protect the privacy of the Parties and witnesses during the hearing process, provided that the steps do not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses (subject to the University’s prohibition on Retaliation), consulting with their family members, confidential resources, or Advisors, or otherwise preparing for or participating in the process.

Pre-Hearing Schedule and Response Deadlines:

Role of the Hearing Coordinator

The Hearing Coordinator (either the student conduct administrator, Title IX Coordinator, or other appropriate administrator) is the person responsible for coordinating the hearing process. The Hearing Coordinator will act as liaison between the Parties and the Hearing Officer on procedural matters and therefore may not be the Investigator assigned to the matter. The Hearing Coordinator may appropriately delegate administrative tasks but should have overall supervision of the hearing coordination process.

Notice of Hearing-20 Working Days Prior to Hearing

The Parties will be sent a written notice of the hearing at least 20 Working Days before the hearing. The notice will include the date, time, location, and purpose of the hearing as well as the name of the Hearing Officer. The notice is considered received on the date it is sent.

Submission of Proposed Witness List

No later than 15 Working Days before the hearing, each Party will provide to the Hearing Coordinator a proposed witness list that includes the names of, and

current contact information for, that Party's proposed witnesses as well as an explanation of the relevance of each proposed witness' testimony.

Information Regarding Advisors and Support Persons

A Party may be accompanied at the hearing by one Advisor (for consultation) and one Support Person (for emotional support) of their choice. No later than 15 Working Days before the hearing, the Parties will provide to the Hearing Coordinator the name of, and contact information for, the Party's Advisor and Support Person (if any).

Objections to the Hearing Officer

A Hearing Officer will not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. Objections to the assigned Hearing Officer will be made in writing to the Hearing Coordinator no later than 15 Working Days before the hearing.

- a) The objection may only be based on an actual conflict of interest. An actual conflict of interest exists if the Hearing Officer has a personal relationship with one of the Parties or witnesses or has demonstrated actual bias towards a Party or witness, or complainants or respondents generally.
- b) The fact that the Hearing Officer has previously served as a hearing officer in a University proceeding is not a conflict of interest. Mere belief or opinion does not constitute evidence of actual bias or conflict of interest.
- c) The Hearing Coordinator will determine if there is a conflict of interest. In that event, the Parties will be notified in writing of the name of the new Hearing Officer. The date for the hearing may need to be rescheduled. Any objection to the new Hearing Officer will be made following the same process described above.

Location of Hearing-15 Working Days Prior to Hearing

Generally, the University will conduct hearings with the Parties physically present in separate locations using videoconferencing technology that allows the Hearing Officer and the Parties to simultaneously see and hear the Party or witness while that person is speaking. Any objections from a Party about being out of the physical presence of the Hearing Officer will be made in writing no later than 15 Working Days before the hearing.

Space and Technology Needs

Any Party who anticipates that they will not have a private space from which to participate in the hearing and/or technology access, including a reliable internet connection, should notify the Hearing Coordinator no later than 15 Working Days

before the hearing so that the Hearing Coordinator can assist with appropriate arrangements for a private on-campus space and technology access.

Disability Accommodations

Any Party who requires a disability accommodation to facilitate their full participation in the hearing should notify the Hearing Coordinator no later than 15 Working Days before the hearing. The Hearing Coordinator will refer such requests to the appropriate campus administrator (for Students, the services for students with disabilities administrator, and for Employees the appropriate human resources administrator), who may consult with the Hearing Coordinator to determine the reasonableness of a requested accommodation.

Notification to Witnesses and Facilitation of Witness Participation

No later than 10 Working Days before the hearing, the Hearing Coordinator will share the witness list with the Parties and notify each witness of the date, time, and location of or how to access the hearing. a. The campus will direct Employee and Student witnesses to attend the hearing where the witnesses are timely identified to the Hearing Coordinator. b. The University will accommodate Student and Employee witnesses, including arranging for them to be excused from class attendance or work duties where necessary. Witnesses will be instructed to promptly direct any questions or concerns about their attendance at the hearing to the Hearing Coordinator. c. Any Employees, including those in bargaining units, who fail to comply with the directive may be subject to discipline under the applicable provisions of their collective bargaining agreement or other University policy. d. Students who fail to comply may be subject to discipline depending on the circumstances.

Submission of Proposed Questions

No later than 5 Working Days prior to the hearing, the Parties will submit a list of proposed questions to the Hearing Coordinator, who will share these with the Hearing Officer. Proposed questions will not be shared with the other Party or witnesses in advance of the hearing.

Questions/Concerns About the Witness List

No later than 5 Working Days before the hearing, the Parties will submit to the Hearing Coordinator any objections to, or questions about, the witness list.

Pending Requests

: No later than 1 Working Day before the hearing, the Hearing Officer will resolve all pending requests regarding participation at the hearing. The Hearing Coordinator will give prompt notice to the Parties (and witnesses) as appropriate.

Role of Hearing Officer in Pre-Hearing Matters

The Hearing Officer will make all determinations regarding pre-hearing matters, including which witnesses will participate and which questions, if submitted, are Relevant and will promptly notify the hearing coordinator who, in turn, will promptly notify the Parties. The Hearing Officer may also identify and request witnesses from the final investigation report not previously listed by the Parties attend the hearing.

Audio Recording of Hearing

The University will make an official audio recording of the hearing. No other recording of the hearing is permitted. The recording is University property. The audio recording will be retained by the University in accordance with the records retention policy. Parties may request to review the recording.

Hearing Attendees and Participants

1. The following individuals are permitted to attend the hearing:
2. The Parties
3. The Hearing Office
4. Witnesses while they are answering questions
5. The Title IX Coordinator/DHR Administrator
6. The Hearing Coordinator 6. The Student Conduct Administrator
7. One Advisor per Party
8. One Support Person per Party
9. An appropriate Chancellor's Office administrator University police or security officer, or other individuals may be present as necessary for security, technological support, language assistance or other approved reasonable accommodation but will not participate in the hearing.

Role of Advisors and Support Persons

The Parties may each be accompanied at the hearing by one Advisor and one Support Person. An Advisor and Support Person may observe and consult with the Parties. However, during the hearing, the Advisor and Support Person will not make the opening statement or speak regarding the substance or the process of the hearing. Parties may make a request to the Hearing Officer for a break to speak with their Advisor or Support Person.

Party Failure to Appear

If a Party does not appear at the hearing without good cause, the hearing will proceed as scheduled. Whether good cause exists is determined by the Hearing Officer.

The Respondent will not be found to have violated the Nondiscrimination Policy solely because the Respondent or other witness failed to appear at the hearing. Nor will the Respondent be found not to have violated the Nondiscrimination Policy solely because a Complainant or other witness failed to appear at the hearing.

Participant Conduct

Abusive or otherwise disorderly behavior that causes a material disruption will not be tolerated. The Hearing Officer may excuse anyone from the hearing (including either Party or their Advisor or Support Person) whose behavior causes a material disruption. The Hearing Officer, at their discretion, may postpone the hearing when a participant has been excused. In making this decision, the Hearing Officer will consider the equity of postponement for both Parties.

New Evidence

Generally, the Parties may not introduce evidence, including witnesses and their statements, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. The Hearing Officer has discretion to accept for good cause, or exclude, new evidence offered during the pre-hearing stage or at the hearing.

Opening Statements

Each Party will be given an opportunity to make an opening statement of no longer than 10 minutes. An opening statement is intended to give the Parties the opportunity to share their perspective regarding the facts and discuss the core disputes in the investigation. It should focus on the facts of the matter and not be argumentative. The Parties will not make closing statements.

Questioning

All questions will be asked by the Hearing Officer. The Hearing Officer may ask questions of the Complainant, Respondent, Investigator, any campus official (e.g., Title IX Coordinator / DHR Administrator or Student Conduct Administrator), and any witness.

1. The process for proposing and asking Relevant and not otherwise impermissible questions and follow-up questions of Parties and witnesses, including questions challenging credibility, will:
 - a. Allow the Hearing Officer to ask such questions, and
 - b. Allow each Party to propose such questions that the Party wants asked of any Party or witness and have those questions asked by the Hearing Officer, subject to the procedures for evaluating and limiting questions described below.

2. Procedures for the Hearing Officer to evaluate the questions and limitations on questions:
 - a. The Hearing Officer will determine whether a proposed question is Relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible.
 - b. Questions that are unclear or harassing of the Party or witness being questioned will not be permitted.
 - c. The Hearing Officer will give a Party an opportunity to clarify or revise a question that the Hearing Officer determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked.
 - d. The Parties may also submit written follow-up questions to the Hearing Officer during the hearing, at appropriate times designated by the Hearing Officer.
 - e. The Hearing Officer will ask the questions proposed by the Parties except for questions that:
 - i. Seek information that is unreasonably duplicative of evidence in the Hearing Officer's possession;
 - ii. Are not relevant to material disputed issues, are repetitive, argumentative or harassing or unduly intrude on a witness' privacy;
 - iii. Relate to the Complainant's or Respondent's sexual interests or prior or subsequent sexual conduct, unless offered to prove someone other than the Respondent committed the alleged conduct;
 - iv. Relate to the existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations.
 1. Note: If the Hearing Officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never

sufficient, by itself, to establish that the conduct in question was consensual.

2. The Hearing Officer shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this section in the Hearing Officer's Report.

Party or Witness Failure to Participate

The Hearing Officer may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible. The Hearing Officer will not draw an inference about whether alleged conduct occurred based solely on a Party's or witness's refusal to respond to such questions.

Questions, Concerns, and Objections to Questions Posed

At the hearing, each Party will have an opportunity to ask questions, submit concerns, or note an objection to questions posed. All such questions, concerns, or objections will be submitted in writing to the Hearing Officer. The Hearing Officer is not required to respond to an objection, other than to include it in the record.

Hearing Officer Discretion to Rephrase or Decline Questions

The Hearing Officer has the authority and duty to decline or rephrase any question that the Hearing Officer deems to be repetitive, irrelevant, or harassing. Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing. However, the Hearing Officer may take guidance from the formal rules of evidence.

The Hearing Officer's Report

The Hearing Officer will prepare a written report that includes findings of facts and conclusions about whether the Respondent violated the Nondiscrimination Policy.

1. The report will include:
 - a. A description of the alleged conduct and potential Nondiscrimination Policy violations, which should correspond with those detailed in the Notice of Investigation and any amended notices.
 - b. Information about the policy and procedures that the University used to evaluate the allegations.
 - c. A summary of any procedural issues raised by the Parties before or during the hearing.

- d. The definition of the Preponderance of the Evidence standard and a statement that this was the standard applied by the Hearing Officer in reaching their determinations
 - e. Any material evidence identified by the Parties or witnesses that the Hearing Officer determined was not Relevant (or duplicative) and the reason why the evidence was not considered to be Relevant.
 - f. A list of all questions submitted by the Parties at the hearing, and if any questions were not asked, why.
 - g. The Hearing Officer's evaluation of the Relevant and not otherwise impermissible evidence including an analysis of the credibility of the Parties and witnesses, when credibility assessments are required to resolve factual disputes. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
 - h. A determination whether the alleged conduct occurred and if the conduct violated the Nondiscrimination Policy.
 - i. When the Hearing Officer finds that a violation of the Nondiscrimination Policy occurred, any Disciplinary Sanctions the University will impose on the Respondent, whether Remedies other than the imposition of Disciplinary Sanctions will be provided by the University to the Complainant, and, to the extent appropriate, other students identified by the University to be experiencing the effects of the violation of the Nondiscrimination Policy.
 - j. The procedures and permissible bases for the Complainant and Respondent to appeal.
2. The Title IX Coordinator will review the Hearing Officer's report to ensure compliance with the Nondiscrimination Policy.
 3. The Hearing Coordinator will notify the Parties at the same time and in writing of the determination as to whether the alleged conduct and violation of the Nondiscrimination Policy occurred and will include a copy of the Hearing Officer's report. This notification will be issued within 15 Working Days of the end of the hearing, unless an extension is granted by the Title IX Coordinator/DHR Administrator. The notification will also include information regarding the Parties' appeal rights. The Student Conduct Administrator or other appropriate administrator will also be notified of the Hearing Officer's determination.

Hearing Outcome – No Violation Found

If no violation is found, the Hearing Coordinator will notify the Parties of the outcome and their appeal rights, as described above. The University president or designee will also be notified.

Hearing Outcome – Violation Found

If there is a determination that a violation of the Nondiscrimination Policy occurred, as appropriate, the Title IX Coordinator will:

1. Coordinate the provision and implementation of Remedies to a Complainant and other people the University identifies as having had equal access to its education programs or activities limited or denied by the Nondiscrimination Policy violation.
2. Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions;
3. Take other appropriate prompt and effective steps to ensure that Sex-based Harassment does not continue or recur within the University's education programs or activities; and
4. Comply with the Nondiscrimination Policy procedures before the imposition of any Disciplinary Sanctions against a Respondent.

Statements from Parties, Title IX Coordinator, and Appropriate Administrator

If the Hearing Officer finds a violation of the Nondiscrimination Policy, the Parties may submit to the Hearing Coordinator an impact statement or other statement regarding discipline. The statement is an opportunity for the Parties to suggest disciplinary outcomes and to provide information that they believe is important for the Hearing Officer to consider. The statement may not be more than 2000 words in length and will be submitted to the Hearing Coordinator no later than 5 Working Days after the Hearing Officer's report is sent to the Parties.

The appropriate administrator and/or the Title IX Coordinator/DHR Administrator will also submit to the Hearing Coordinator a written statement regarding aggravating and mitigating factors no later than 5 Working Days after the Hearing Officer's report is sent to the Parties. The Hearing Coordinator will provide these statements to the Hearing Officer. Any information in the impact statement relied upon by the Hearing Officer in making their Disciplinary Sanction recommendation will be shared with the other Party with the president (or designee's) final decision and notification.

Recommendation as to Disciplinary Sanctions

Within 5 Working Days after receiving and considering the statements described above, the Hearing Officer will update their Hearing Officer's report to include the recommended Disciplinary Sanctions and submit it to the president (or designee).

Final Decision and Notification

Within 10 Working Days of receipt of the Hearing Officer's report, the president (or designee) will review the Investigation Report and the Hearing Officer's report and issue a decision concerning the appropriate Disciplinary Sanction.

1. **Adoption of Sanctions** –The president (or designee) may impose the recommended sanctions, adopt a different sanction or sanctions, or reject sanctions altogether. If the president adopts a sanction other than what is recommended by the Hearing Officer or rejects sanctions altogether, the president must set forth the reasons in the Decision Letter.
2. **Remedies** –The University may also provide Remedies, which may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, Campus escorts, restrictions on contact between the Parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the Campus, and other similar measures. The Title IX Coordinator/DHR Administrator is responsible for determining the reasonableness of the requested Remedy and coordinating the effective implementation of Remedies
3. **Decision Letter** –The Decision Letter will include:
 - a. The outcome of the hearing, including any sanction imposed, and the name of the Respondent.
 - b. A copy of the Hearing Officer's Report, including the Hearing Officer's recommended Disciplinary Sanctions.
 - c. Notice of the Complainant's and Respondent's right to appeal.
4. **Notification of Final Decision** –The president will send the Decision Letter electronically to the Respondent and Complainant at the same time.
 - a. The decision will also be sent to the appropriate administrator and the Hearing Officer.
 - b. The president will also send the Decision Letter to the Title IX Coordinator/DHR Administrator so that they may determine whether any additional Remedies or other Supportive Measures will be afforded or undertaken to maintain a safe and nondiscriminatory University environment.

- c. A copy of the Decision Letter issued to the Complainant will be redacted as to findings regarding conduct that does not constitute a "crime of violence," Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking (34 C.F.R. § 99.31 et seq.).
- d. Unless the University and Parties are notified that an appeal has been filed, the president's (or designee's) sanction decision becomes final 11 Working Days after the date of the Decision Letter.

Appeal Procedures

For Complaints alleging Sex-based Harassment, either Party may file an appeal. For Complaints involving allegations of Discrimination, Harassment, Prohibited Consensual Relationships, or Retaliation only the non-prevailing Party may appeal.

Filing an Appeal to the Chancellor's Office

A written appeal may be submitted to the Chancellor's Office Civil Rights Programming & Services Appeals Unit ("Civil Rights Appeals Unit") no later than 10 Working Days after the date of the Notice of Investigation Outcome (non-hearing cases) or Final Decision (hearing cases). All arguments and/or evidence supporting the appeal must be submitted by the deadline to file the appeal. Arguments or evidence submitted after the appeal submission deadline will not be considered by the Civil Rights Appeals Unit. A written appeal may not exceed 3,500 words, excluding exhibits. Appeals will be submitted to:

Civil Rights Appeals Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore Long Beach, California 90802
CO-Appeals@calstate.edu

Electronic submission to the email address listed above is the preferred method of submitting appeals.

Bases for Appeal

An appeal will be based only on one or more of the appeal issues listed below:

1. There was no reasonable basis for the findings or conclusions that resulted in the investigation or hearing outcome.
2. Procedural errors occurred that would have likely changed the outcome of the investigation or hearing.

3. New evidence is available that would change the outcome and that was not reasonably available when the Investigator's or Hearing Officer's determination was made.
4. The Title IX Coordinator/DHR Administrator, Investigator, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.
5. The sanctions imposed was objectively unreasonable, or arbitrary based on substantiated conduct. (For Acceptance of Responsibility cases or Appeal reversals).

Issues and Evidence on Appeal

The issues and evidence raised on appeal will be limited to those raised and identified during the investigation or hearing, unless new evidence that was not reasonably available at the time of the investigation or hearing and that could change the investigation or hearing outcome becomes available after the University investigation or hearing was completed and is submitted by the appealing Party. The Civil Rights Appeals Unit may conduct an interview, at their discretion, with the appealing Party to clarify the written appeal.

Acknowledgement of Appeal

The Civil Rights Appeals Unit will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the campus Title IX Coordinator/DHR Administrator. The notice will include the right of the non-appealing Party and the University to provide a response to the appeal within 10 Working Days of the date of the notice. The appeal response will be limited to 3,500 words, excluding exhibits. Any response to the appeal received by the Civil Rights Appeals Unit will be provided to the appealing Party for informational purposes only.

Reasonable Accommodation

The Civil Rights Appeals Unit will provide reasonable accommodations to any Party or witness in the appeal process with a qualified Disability upon request by the person needing the accommodation. A reasonable accommodation may include an extension of time under these Procedures. The timeframe for the Civil Rights Appeals Unit Response will automatically be adjusted for the time needed, if any, to provide reasonable accommodations. The Civil Rights Appeals Unit will consult with the appropriate university administrator (for Students, the services for students with disabilities administrator, and for Employees the appropriate

human resources administrator) to determine the reasonableness of a requested accommodation.

Scope of Review

The Civil Rights Appeals Unit will not conduct a new investigation; however, the Civil Rights Appeals Unit may make reasonable inquiries to determine if the new evidence could have affected the investigation or hearing determination. On appeal, the Civil Rights Appeals Unit does not reweigh the evidence, re-decide conflicts in the evidence, or revisit determinations made by the Investigator or Hearing Officer about the credibility or reliability of witnesses and the Parties.

Civil Rights Appeals Unit Response

The Civil Rights Appeals Unit response will include a summary of the issues raised on appeal, a summary of the evidence considered, the Preponderance of the Evidence standard, and the determinations reached regarding the issues identified within the written appeal. A copy of the final Civil Rights Appeals Unit response will be forwarded to the Complainant, the Respondent, and the Title IX Coordinator/DHR Administrator. The appeal response determination is final and is not subject to further appeal.

Reopening a University Investigation or Hearing

If the Civil Rights Appeals Unit review determines that an issue raised on appeal would have affected the investigation outcome or hearing outcome, the investigation or hearing will be remanded back to the University and the investigation or hearing reopened at the campus level. The Civil Rights Appeals Unit will return the matter to the University and will specify in writing the timeline by which a reopened investigation or hearing must be completed. The Civil Rights Appeals Unit will notify the Parties of the reopening of the investigation or hearing and the timeline for completion of the reopened investigation or hearing. The University will complete the reopened investigation or hearing and provide the Civil Rights Appeals Unit with an amended final investigation report or Hearing Officer report. The University will also provide the Parties with amended notices of investigation outcome or final decision, and such notices will provide the non-prevailing Party the opportunity to appeal. Upon receipt of the amended final investigation report/final decision, if the outcome remains unchanged, the Chancellor's Office will contact the original appealing Party to determine whether that Party wishes to continue with the appeal. If the outcome is reversed by the University, the non-prevailing Party will be given an opportunity to appeal.

Reversal by Civil Rights Appeals Unit

If the Civil Rights Appeals Unit determines that no reasonable fact finder (Investigator or Hearing Officer) could have made the findings as determined by

the Investigator or Hearing Officer, the Civil Rights Appeals Unit may vacate and reverse the investigation or hearing outcome, but only with respect to whether the Nondiscrimination Policy was violated (and not with respect to factual findings). If the Civil Rights Appeals Unit vacates and reverses the investigation or hearing outcome, it will notify the Parties at the same time and in writing, as well as the Title IX Coordinator/DHR Administrator. Following a reversal of an investigation or hearing outcome by the Civil Rights Appeals Unit, the decision is final and is not subject to further appeal. In the event that the final outcome has been reversed by the Civil Rights Appeals Unit and a sanction will be imposed by the University, both Parties have a right to appeal the sanction only. If a sanction is found to be objectively unreasonable, or arbitrary based on substantiated conduct, the matter will be sent back to the University for reconsideration of the sanction.

Timeline for Response to Appeal

The Civil Rights Appeals Unit will respond to the appealing Party no later than 30 Working Days after receipt of the written appeal, unless the timeline has been extended pursuant to Section L below.

Timelines and Extensions

The Civil Rights Appeals Unit has discretion to extend the timelines for the appeal process for good cause or for any reasons deemed to be legitimate by the Civil Rights Appeals Unit. This includes the time for filing an appeal, the time for a reopened investigation or hearing to be completed, and the time for the Civil Rights Appeals Unit to respond to the appeal. The Civil Rights Appeals Unit will notify the Parties and the Title IX Coordinator/DHR Administrator of any extensions of time granted pertaining to any portion of the appeal process.

Disciplinary Sanctions and Remedies

The University will not impose discipline on a Respondent for violations of the Nondiscrimination Policy unless: 1) there is a determination at the conclusion of the formal complaint resolution that the Respondent engaged in prohibited Discrimination, Harassment, or Retaliation¹³; or 2) where discipline is agreed to as part of an informal resolution process.

If there is a determination that Discrimination, Harassment, or Retaliation occurred, the Title IX Coordinator/DHR Administrator will, as appropriate:

¹³ As used in these Procedures, the phrase "Discrimination, Harassment, or Retaliation" is inclusive of all forms of Prohibited Conduct outlined in the Nondiscrimination Policy, including Sex Discrimination.

1. Coordinate the provision and implementation of Remedies to a Complainant and other people the University identifies as having had equal access to the University's education program or activity limited or denied by Discrimination, Harassment, or Retaliation;
2. Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions;
3. Take other appropriate prompt and effective steps to ensure that Discrimination, Harassment, or Retaliation does not continue or recur within the University's education programs, activities, or employment; and
4. Comply with these Procedures before the imposition of any Disciplinary Sanctions against a Respondent.

Students who are found to have violated the Nondiscrimination Policy will be subject to discipline in accordance with state and federal requirements, student conduct rules, and other CSU policies. Sanctions for Students determined to have violated the Nondiscrimination Policy are identified in the Student Conduct Process: restitution, loss of financial aid, educational and remedial sanctions, denial of access to campus or persons, disciplinary probation, suspension, and expulsion. The University may also temporarily or permanently withhold a degree. Other sanctions and remedies may be agreed upon through the Informal Resolution process.

Employees who are found to have violated the Nondiscrimination Policy will be subject to discipline that is appropriate for the violation and in accordance with state and federal requirements and other CSU policies and applicable collective bargaining agreements. The possible sanctions for Employees determined to have violated the Nondiscrimination Policy are education, training, counseling, reprimand, unpaid suspension of varying lengths, demotion, and/or termination.

CUESTA COLLEGE LOCATION

The disciplinary procedures associated with Cuesta College can be viewed at https://www.cuesta.edu/about/leadership/vpps/student-code-of-conduct-and-discipline/discipline_due_process.html

REGISTERED SEX OFFENDERS

California's sex offender registration laws require convicted sex offenders to register their status with the University police department if they are enrolled,

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

MISSING STUDENT NOTIFICATION PROCEDURES FOR ON-CAMPUS STUDENT HOUSING FACILITIES

Missing Residential Student Notification Policy

1.00 Purpose

The purpose of this policy is to provide guidelines for the notification of contacts of CSU Monterey Bay residential students who have been reported to be missing.

This policy is deemed to be consistent with the University's commitment to the principles, goals, and ideals described in the CSU Monterey Bay Founding Vision Statement and to its core values. This policy is in compliance with 34 C.F.R. § 668.46(h) Missing student notification policies and procedures.

2.00 Definitions

Campus Housing: student residential living areas owned and/or controlled by CSU Monterey Bay, that are located within the on-campus Clery-geographical area (1), including but not limited to: Main Campus, North Quad, Promontory, and in East Campus housing communities.

(1) Any building or property owned or controlled by CSUMB within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purposes, including residence halls; and any building or property that is within or reasonably contiguous to Paragraph (1) of this definition, that is owned by the CSUMB but controlled by another person, is frequently used by students, and supports institutional purposes.

Missing: a term used to describe a student whose whereabouts are unknown and knowledgeable persons regard the disappearance as unusual or uncharacteristic.

Student: a person enrolled in one or more courses at CSUMB, who has agreed to a Student Housing & Residential Life License Agreement and resides in on-campus housing.

3.00 Statement

California State University, Monterey Bay will provide every student living in University housing with the opportunity and means to identify an individual, through the current housing management software, to be contacted in the event they are missing. Every resident will be notified of the Missing Student Notification procedures. The Missing Residential Student Notification Policy will be included in the Student Housing Community Standards which is available online at <http://csumb.edu/housing>.

3.10 Contacts

On an annual basis, the University will notify residential students of their option to identify or change a missing person contact(s), who the institution shall notify within 24 hours of the determination that the student is missing. This contact is confidential and strictly used for missing person purposes only. This is a separate contact from their emergency contact but maybe the same person. If upon being reported to the University Police Department (UPD), the student is not located during the initial investigation, or if extenuating circumstances exist (e.g., the student is missing for a full 24 hours), the Vice President for Student Affairs (VPSA) or designee will contact the student's designated missing person contact(s).

If the student is under 18 years of age and not emancipated, the VPSA or designee will notify the custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to any additional contact person designated by the student.

4.00 Procedures

Reports of residential students that have been missing for 24 hours should be immediately reported to the UPD and may also be reported to the AVP for Student Affairs/Dean of Students, the Director of Student Housing & Residential Life, or SHRL staff. Any report of a missing residential student not made directly to UPD must be forwarded to UPD immediately by the recipient.

An officer will take a missing person report at any time, with no waiting period. Further, the initial report may be taken in person or by telephone.

The University is required to make certain notifications within 24 hours of receiving a missing student report for students who reside in on-campus student housing. The officer taking the report shall inform the command staff as soon as practical after the report is taken.

The missing person report may be deemed critical if the officer taking the report has reason to suspect:

1. Foul play or suspicious circumstances;
2. The missing person may be unable to safeguard or look out for him/herself, regardless of age;
3. A risk of suicide;
4. A risk of accident (e.g. while boating or swimming);
5. The missing person may experience physical or mental incapacity that may be life threatening, if not under care.

In any case deemed critical by the above criteria, the responding officer shall:

1. Notify the Police Commander;
2. Have the communications center issue a Be on the Lookout (BOL) to neighboring and other affected jurisdictions.

In all missing student situations, local and other relevant law enforcement agencies shall be notified by UPD within 24 hours of its determination that the residential student is missing.

Documentation of any reported missing residential student and the procedures followed shall be retained by UPD and the Dean of Students Office.

5.00 Investigation

The UPD, in accordance with all State and Federal laws, shall investigate all reports of missing students in accordance with UPD Policy 314: Missing Persons.

FIRE SAFETY REPORT

The 2024 Fire Safety Report for CSUMB is available [here](#).

APPENDIX A JURISDICTIONAL DEFINITIONS¹⁴

Rape (CA Penal Code Chapter 1 Section 261)

(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

(1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.

(2) If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) If a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

¹⁴ Note that these are not the definitions used to compile the statistics at the beginning of these document. The federal definitions of Rape, fondling, incest, statutory rape, domestic violence, dating violence, and stalking are used for the statistics, as required by federal law.

(5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) For purposes of this section, the following definitions apply:

"Duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

"Menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

Sodomy (CA Penal Code Chapter 1 Section 286)

Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

(b) (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.

(c) (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of sodomy with another person who is under 14 years of age when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 9, 11, or 13 years.

(C) Any person who commits an act of sodomy with another person who is a minor 14 years of age or older when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state

hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.

(j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) Any person who commits an act of sodomy, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.

Oral Copulation (CA Penal Code Chapter 1 Section 287)

(a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

(b) (1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.

(c) (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(3) Any person who commits an act of oral copulation where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with

Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(f) Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or

reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(j) Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(k) Any person who commits an act of oral copulation, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(I) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

Bigamy, Incest, and the Crime against Nature (CA Penal Code Chapter 1 Section 285 and Section 289)

Section 285

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

Section 289

(a) (1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(2) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(g) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.

(i) Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.

(j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) As used in this section:

(1) "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.

(2) "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ.

(3) "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.

(l) As used in subdivision (a), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death.

(m) As used in this section, "victim" includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.

Fondling (CA Penal Code Chapter 9. Section 243.4, Assault and Battery)

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by

imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e)(1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) "Sexual battery" does not include the crimes defined in Section 261 or 289.

(3) "Seriously disabled" means a person with severe physical or sensory disabilities.

(4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) "Minor" means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer, and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

Statutory Rape (CA Penal Code, Chapter 1, Section 261.5)

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is 18 years of age or older.

(b) A person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) A person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a

misdemeanor or a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars (\$2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars (\$5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars (\$10,000).

(D) An adult over 21 years of age who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars (\$70) against a person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and a defendant shall not be denied probation because of their inability to pay the fine permitted under this subdivision.

(f) A person convicted of violating subdivision (d) who is granted probation shall not complete their community service at a school or location where children congregate.

Incest (CA Penal Code, Chapter 1, Section 285)

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

Abuse: (CA Family Code, 6203 (definitions) and 6211)

(a) For purposes of this act, "abuse" means any of the following:

(1) To intentionally or recklessly cause or attempt to cause bodily injury.

(2) Sexual assault.

(3) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.

(4) To engage in any behavior that has been or could be enjoined pursuant to Section 6320.

(b) Abuse is not limited to the actual infliction of physical injury or assault.

"Domestic violence" is abuse perpetrated against any of the following persons:

(a) A spouse or former spouse.

(b) A cohabitant or former cohabitant, as defined in Section 6209.

(c) A person with whom the respondent is having or has had a dating or engagement relationship.

(d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).

(e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.

(f) Any other person related by consanguinity or affinity within the second degree.

Domestic Violence/Dating Violence (CA Penal Code, Chapter 2, Section 273.5 and Section 243)

CA Penal Code 273.5

(a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four

years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.

(b) Subdivision (a) shall apply if the victim is or was one or more of the following:

- (1) The offender's spouse or former spouse.
- (2) The offender's cohabitant or former cohabitant.
- (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship.
- (4) The mother or father of the offender's child.

CA Penal Code 243(e)

(1) When a battery (willful and unlawful use of force or violence upon the person of another) is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment.

Stalking: CA Penal Code, Chapter 2, Section 646.9

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, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

Stalking: CA Penal Code, Chapter 2, Section 653m

(a) Every person who, with intent to annoy, telephones or makes contact by means of an electronic communication device with another and addresses to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person addressed or any member of his or her family, is guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith.

(b) Every person who, with intent to annoy or harass, makes repeated telephone calls or makes repeated contact by means of an electronic communication device, or makes any combination of calls or contact, to another person is, whether or not conversation

ensues from making the telephone call or contact by means of an electronic communication device, guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith or during the ordinary course and scope of business.

Consent to Sexual Activity (CA Penal Code, Chapter 1, section 261.6 and section 261.7)

Consent is positive cooperation in act or attitude pursuant to an exercise of free will. The Person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under section 261, 286, 287, or 289, or former section 262 or 288a

This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent.

In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.

APPENDIX B RIGHT AND OPTIONS

CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Attachment D Revised January 1, 2023

Rights and Options:

For Victims of Sexual Misconduct, Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking

CALL 9-1-1

If you are in the midst of any kind of emergency, immediate harm or threat of harm.

The safety and well-being of our campus communities is a priority for the California State University. We are committed to creating and sustaining an educational and working environment free of sexual misconduct, sexual assault, sexual exploitation, dating or domestic violence, and stalking. We are committed to ensuring a safe working and learning environment at every campus.

You have the right to be treated with dignity and respect while seeking and/or receiving support and resources, exploring and/or exercising reporting options, and participating in any formal or informal administrative complaint resolution process under the CSU's Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation ("Nondiscrimination Policy).

This publication is intended to help you understand your rights and options, as well as provide you with information regarding support and resources. This document includes information about the rights and options available throughout the reporting process and/or the duration of any formal or informal complaint resolution process. You will also find information about the protocols by which we strive to ensure, to the fullest extent possible, that students, faculty and staff who are victims of sexual violence, dating violence, domestic violence, sexual exploitation and/or stalking, shall receive treatment and information about support and services available through on-campus and/or off-campus resources.

Understanding Privacy, Confidentiality and Privilege

If your physical safety is at imminent risk, we encourage you to seek immediate assistance from the police by dialing 9-1-1. You may also call CSUMB University Police at (831) 655- 0268.

If you have been harmed in such a way that you might need and/or benefit from medical care, you are encouraged to seek immediate assistance from healthcare providers. You have the right to decide who you want to talk to and when you wish to talk about what happened. It is also important to know that you can get confidential medical attention after being assaulted.

Following an assault, and depending on the nature of the assault, a victim/survivor may be physically injured, may have contracted a sexually transmitted infection, or may become pregnant. Medical professionals can help address these and other health concerns that may present following an assault.

Whether – and the extent to which – a University employee may maintain confidentiality depends on the employee’s position and responsibilities at the University. It is important to understand different levels of confidentiality in order to decide where to turn for help, and whether and to whom to report an incident.

There are a myriad of federal and state laws, along with campus policies and procedures, that help mitigate barriers to reporting and help-seeking behavior; protect student and employee privacy from disclosure; and ensure confidential resources are available for individuals seeking help, information, guidance and support. Many of these relate to the legal concepts of privacy, confidentiality, and privilege.

Privacy

Generally speaking, privacy refers to a person’s right to choose what they want to disclose about themselves, and to decide what they do not wish to share with others.

If you experience sexual misconduct, sexual assault, dating violence, domestic violence, sexual exploitation, and/or stalking, you have a right to choose whether to make a report, or keep that information private.

The University will protect the privacy of everyone involved in a report to the greatest degree possible under applicable law and University policy. Personally identifiable information about the involved parties will be shared only on a need-to-know basis, e.g., to those who are investigating/adjudicating the report or those involved in providing support services. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any supportive measures and remedies provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the

University to provide supportive measures and remedies.

The CSU does not publish the name of victims/survivors or other identifiable information regarding victims/survivors in the Daily Crime Log or in the crime statistics that are disclosed in the *Annual Security and Fire Safety Report*. Furthermore, if a Timely Warning is issued on the basis of a report of sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the name of and other personally identifiable information about the victim/survivor will be withheld.

Confidentiality

Confidentiality refers to the duty a professional owes a person to whom they are providing services for, to not to disclose any information surrounding their work with or shared during their work with that person, without the consent of that person.

Legal privilege

Some people are required by law to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication” and communications with them are protected from disclosure in legal proceedings. Physicians, psychotherapists, licensed professional counselors, licensed clinical social workers, clergy and certified victim advocates acting in those roles or capacity may not report any information you share with them without your consent, except in very limited circumstances that are explained below.

- o All professionals described above (i.e., physicians, psychotherapists, licensed professional counselors, licensed clinical social workers, clergy, and certified victim 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, if applicable.

- o Note: Under California law, and University policy, certain University employees, including the Title IX Coordinator, are also mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to report the incident to the police. The identity of the person who made the report and the report itself are confidential and disclosed only among appropriate agencies.

- o Any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient who they know or reasonably suspect is suffering from (1) a wound or physical injury inflicted by a firearm or (2) any wound or other physical injury inflicted upon where the

injury is the result of assaultive or abusive conduct (including sexual violence, domestic violence and dating violence). Health care practitioners should explain this limited exception to patients, if applicable. This does not apply to sexual assault and domestic violence counselors and advocates.

o 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) to a court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims/survivors.

Understanding who does and does not have a duty to report

If you believe you have been or may have been the victim of sexual misconduct, sexual assault, dating violence, domestic violence, sexual exploitation and/or stalking we encourage you to talk to someone about what happened so you can learn about available support, resources and options.

Responsible Employees

Any University employee who is not a Confidential Resource and who receives, in the course of employment, information that a student (undergraduate, graduate, or professional) has suffered sexual violence, sexual harassment or other prohibited behavior shall promptly notify the Title IX Coordinator or designee. This includes Resident Assistants, Graduate Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees.

Additional Information

To help people make informed decisions about who they would like to share information with, the links below explains in greater detail which CSU employees have a duty to report information and which can keep such information confidential.

Article V. in the CSU Nondiscrimination Policy covers important information related to the following:

- Employees Who Have a Duty to Report,
- Employees Who Do Not Have a Duty to Report, and
- Other Matters Related to the Duty to Report.

The University will not generally notify parents or legal guardians of a report of sexual violence unless the alleged victim is under the age of 18 or they provide the University with written permission to contact their parents or legal guardians.

Important: If a victim/survivor speaks only to a physician, therapist, professional counselor, clergy member or advocate, the University will be unable to conduct an investigation or pursue disciplinary action against the respondent, if the victim/survivor chooses to maintain confidentiality.

Regardless of whether a victim/survivor decides to maintain confidentiality, these individuals will still assist victims/survivors in receiving other necessary protection and support, such as victim advocacy, medical, mental health services, and/or legal services. However, these individuals may have limited ability to assist a victim/survivor with University academic support or accommodations, or changes to University-based living or working schedules, as such accommodations likely require the involvement of other University officials.

Victims/Survivors can change their minds about reporting. A victim/survivor who at first requests confidentiality and declines to file a formal complaint, may later decide to file a complaint with the University or report the incident to the police and thus have the incident fully investigated.

Campus advocates can provide victims, if they wish, with more information and assistance with reporting.

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 sexual violence occurred; increased education, training and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and revising its policies and practices. The University would not reveal the name of a complainant if any of these actions were pursued.

Support Services & Supportive Measures

You have the right to be offered and receive reasonably available support services and supportive measures, available both on and off campus. A formal complaint does not have to be filed in order to receive support services and/or supportive measures.

Supportive services and supportive measures include, but are not limited to, counseling, victim/survivor advocates, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator, University Police Department and victim/survivor advocate on your campus can provide some of these services directly and/or provide you with information about and a referral to these and

additional resources on and off campus for support. Each campus website contains information about resources for support services specific to your campus and local area.

Following are some key contacts at each campus (a campus-specific template for sharing contact information for resources and support specific to your campus can be found at the end of this document):

Campus Advocates

Your campus advocate is a professional specially trained to provide victims of sexual assault, dating violence, domestic violence, sexual exploitation and/or stalking with confidential trauma-informed care and support. Advocates offer nonjudgmental support, use an intersectional approach and an empowerment model. Their role is not to give advice or tell victims what they “should” do, but instead to provide victims/survivors with information and resources so that they are empowered to make their own informed decisions about what is best for them at that particular time.

Advocates work with faculty, staff and students to provide emotional support, victims’ rights information, help in finding needed resources, assistance in filling out crime victim related paperwork/forms, and more. Advocates can accompany you to the hospital for medical care and forensic exams. They may also accompany you for other meetings, such as interviews with law enforcement and/or investigators. Advocates work with survivors to access campus resources such as psychological counseling, emergency housing, transportation and academic needs. They can accompany you in meeting with the Title IX Coordinator to learn more about options and resources they can provide. Advocates often provide support for victims when they are reporting to Title IX and/or law enforcement and can help you navigate the reporting process.

While an advocate’s role is one of support, they do not provide therapy or mental health counseling and instead can help you access these services.

Title IX Coordinator

Your campus Title IX Coordinator is the person designated to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to all forms of discrimination based on sex, gender, gender identity and expression, and sexual orientation, including sexual harassment, sexual misconduct, sexual assault, sexual exploitation, dating violence, domestic violence, stalking and retaliation. Your campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint, the availability of supportive measures, 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 on & off campus, and other related matters.

Counseling Services

Confidential on-campus counseling and psychological services are available for students at each campus. The Employee Assistance Plan (EAP) and counseling and psychological services through employee health plans are available to support faculty and staff at the CSU. Sexual assault/rape crisis and domestic violence centers are available throughout the state and provide confidential information and referral services, counseling, safety planning, and victim advocate services.

University Police & Local Police

(See below for more information regarding law enforcement and legal options)

Preserving Evidence

The importance of preserving evidence

Victims/survivors are encouraged to preserve all physical evidence, including but not limited to: clothing worn during the assault, bed sheets, and/or photos of any injuries. This evidence may be helpful in proving that a crime occurred, in the event the victim/survivor chooses to report now or in the future. It may also be helpful in obtaining a court-ordered protective or restraining order. If a victim/survivor does not have any evidence preserved, they still have an option to report the crime and request a medical evidentiary examination.

Victims/survivors of sexual misconduct, sexual assault, sexual exploitation, stalking, dating violence and domestic violence are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that may be useful to University investigators or police should the victim/survivor decide to report now or in the future.

Medical Care and Treatment

Medical Checkups, Evidentiary Exams and VAWA Exams

In some instances, sexual misconduct, sexual assault, sexual exploitation, stalking, dating violence and domestic violence may result in the need for medical care. You have a right to seek important medical care to address any injury or physical health concerns and to preserve evidence if the conduct alleged warrants such consideration. Regardless of whether an incident of sexual violence is reported to the police, it is important to seek immediate medical attention, even if there is no evidence of serious

injury. A medical examination is important to check for sexually transmitted infections or other infections/injuries and for pregnancy. If needed, campus advocates can help you find an appropriate medical provider.

In the event you need transportation to a hospital for medical treatment, your campus Advocate, University Police Department and Title IX Coordinator are all able to provide you with more information about transportation and/or accompaniment to a hospital, including the name(s) of university personnel who may transport you.

Medical Check-ups

Do not require a police report and do not collect evidence

Students may schedule an appointment with their primary care provider, Student Health Services, or Planned Parenthood. Employees may schedule an appointment with their primary care provider or Planned Parenthood. You may ask them for preventative STI medication or emergency contraceptives. Emergency contraception can also be accessed at your local pharmacy.

Evidentiary Exams

Requires a police report

Victims have the right under state and federal law to receive a medical evidentiary examination anonymously, at no cost to them. If a victim/survivor chooses not to report to law enforcement, they still have the right to a forensic exam (see “VAWA Exams” below).

An evidentiary exam requires a police report and is sometimes referred to as a Sexual Assault Forensic Exam (SAFE). It is recommended that the examination occurs within a reasonable timeframe after the assault for optimal evidence collection. Law enforcement can provide transportation to the facility, and the victim/survivor will meet with a victim advocate before the exam begins. A specially trained medical provider, called a Sexual Assault Nurse Examiner (SANE), will conduct the exam.

VAWA Exams

Do not require a police report

Victims have the right under state and federal law to receive a medical evidentiary examination anonymously, at no cost to them. If a victim/survivor chooses not to report to law enforcement, they still have the right to a forensic exam. This exam is sometimes referred to as a VAWA (Violence Against Women Act) exam, anyone of any gender identity can receive a VAWA exam.

The evidence is collected and preserved for up to two years if the survivor decides to move forward with making a report to law enforcement.

If a victim/survivor visits a medical facility solely for the purpose of requesting a forensic exam, law enforcement will be notified. A victim/survivor has the right not to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time.

Law Enforcement & Legal Options

Reporting to law enforcement and making a criminal report

Some forms of misconduct prohibited under the Nondiscrimination Policy may also be prohibited by law. You have a right to be informed of law enforcement options and information regarding the availability of a criminal or civil prosecution for victims of crime.

It is a victim's/survivor's choice to report a crime. You have the right to report or decline to report an incident to law enforcement. You have the right to not be forced, coerced, or pressured into reporting to law enforcement.

A victim/survivor may report an incident to law enforcement at any time. In the event of an emergency where immediate assistance is required, a victim/survivor should dial 9-1-1 to be connected with the nearest police department. If there is no emergency, victims/survivors can file a police report at any time in the jurisdiction where the assault occurred. A confidential victim advocate can assist the victim/survivor in filing the report if requested.

Victims/survivors of crimes such as sexual assault, sexual exploitation, stalking, dating violence, domestic violence, abuse, threats of abuse and/or serious harassment all have a right to petition the court in the appropriate jurisdiction for a protective order (also referred to as a restraining order).

Your Campus Advocate, University Police Department and Title IX Coordinator are all able to provide you with more information about pursuing criminal prosecution, civil prosecution and/or protective orders.

A victim/survivor of specific offenses [enumerated in California Government Code section 6254 (f)(2)(A)] has the right to request to be listed as a confidential victim in a law enforcement agency's report. Being listed as a confidential victim in a law enforcement agency's report prevents the law enforcement agency from disclosing the confidential victim's name and address as a matter of public record. However, the confidential victim's information can be released to the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole

authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law. Please see California Penal Code section 293 for more information.

Civil reporting options & protective orders

A victim/survivor may choose to file a civil lawsuit against the alleged offender, whether or not criminal charges have been filed. A civil lawsuit provides an opportunity to recover actual money damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress. An Advocate can assist a victim/survivor with identifying the necessary steps and processes for filing a lawsuit if requested.

Court-Ordered Restraining Orders

A victim/survivor may choose to obtain a 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 help protect a victim/survivor who has experienced or is reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

Emergency Protective Order (EPO)

An Emergency Protective Order (EPO) is a type of restraining order that only law enforcement can ask for by calling a judge. Typically, this is done by an officer responding to the scene of a domestic violence incident. Judges are available to issue EPOs 24 hours a day. The EPO takes effect immediately and can last up to seven calendar days. The judge can order the alleged abuser to leave the domicile and stay away from the victim and their children for up to a week. This provides the victim with time to go to court to request a temporary restraining order.

Temporary Domestic Violence Restraining Order (TRO)

A TRO is a type of protective order. In order to obtain one, the victim/survivor must fill out paperwork explaining the facts and why a protective order is needed. If a judge agrees that protection is needed, the judge will issue a temporary restraining order. Temporary restraining orders usually last until the court hearing date, typically 20 to 25 days after the petition is filed.

Criminal Protective Order (CPO)

When there is a claim that a domestic violence incident occurred, a criminal charge (or charges) may be filed by a prosecutor (such as the City Attorney or District Attorney) against the person who allegedly committed the criminal act. The prosecutor

commonly asks a judge to issue a Criminal Protective Order while the criminal case proceeds. A CPO typically requires the defendant (the person who allegedly committed the criminal act) to stay away from and not to hurt, threaten, or communicate with the victim/accuser. If the defendant is convicted of or pleads guilty to the criminal charge(s), the CPO may last for up to ten years after the case is over.

Civil Harassment Restraining Order

This type of court order is available to individuals who have been harassed by any of the following: a neighbor, roommate (as long as no dating/romantic relationship existed or exists), friend, family member more than two degrees removed (e.g., an aunt/uncle, niece/nephew, cousin, or more distant relative), stranger, or another person not closely related to the victim of the harassment.

An individual who has been civilly harassed by a current or former spouse/partner, or someone with whom a dating/romantic relationship existed, or a close relative (parent, child, brother, sister, grandmother, grandfather, in-law) may qualify for a domestic violence restraining order but would not qualify for a civil harassment restraining order.

The CSU, Restraining Orders and Protective Orders

The CSU complies with California law in recognizing restraining orders and protective orders. If you obtain a restraining order a copy should be provided to your campus Police Department. In order to comply with the restraining order, Title IX Coordinators, DHR Administrators, Advocates and/or the University Police Department on your campus may assist with setting up escorts, establishing special parking arrangements, changing classroom or employment locations, or additional measures as needed. Victim/Survivor Advocates on your campus can offer assistance with obtaining a restraining order.

University Reporting Options

Reporting to University Administration

Complaints of discrimination, harassment, sexual misconduct and sexual assault, dating and domestic violence, sexual exploitation, and stalking may be addressed through the University administrative process. A complainant or reporting party can report an incident to the University by contacting the Title IX Coordinator on their campus. A complainant has the right to have a support person present with them while making a complaint.

Please note that the University administrative process is separate from any criminal or civil process (see the section “Law Enforcement and Legal Options” above for more information).

Individuals have a right to submit a formal complaint through the applicable complaint resolution process. A formal complaint may also be submitted by the campus Title IX Coordinator.

The parties (meaning the Complainant and Respondent) in a matter have the right to receive written Notice of Allegations/Investigation in accordance with the applicable procedure, and to receive a copy of the CSU’s Nondiscrimination Policy and an explanation and description of the applicable complaint resolution process.

Additionally, throughout the complaint resolution process, the parties have the following rights:

- o The right to participate or decline to participate in the complaint resolution process and/or any investigation meetings or disciplinary proceeding.
- o The right to be informed of the option of informal resolution based on the applicable procedures:
 - Under CSU’s Nondiscrimination Policy and the procedures for Track 1: The right to request an informal resolution (when the matter does not involve an employee Respondent and a student Complainant) after a Formal Complaint has been signed but not be pressured, forced, or coerced into an informal resolution process.
 - Under CSU’s Nondiscrimination Policy and the procedures for Tracks 2 and 3: The right to request an informal resolution but not be pressured, forced, or coerced into an informal resolution process.
 - In any informal resolution process, the Title IX Coordinator will oversee the informal resolution process, conduct an initial and on-going assessment as to whether the informal resolution process should continue, and make the final determination on all informal resolutions facilitated by the Title IX Coordinator or designee regarding whether the terms agreed to by the parties are appropriate considering all the circumstances of the complaint.
- o The right to a fair and equitable investigation and resolution of all allegations after a formal complaint.

- o The right to receive an explanation of the possible sanctions for the alleged conduct.
- o The right to challenge the impartiality or bias of the Title IX Coordinator, investigator(s), or decision-maker(s).
- o The right to be provided sufficient notice regarding meetings and/or interviews throughout the process, including the names of individuals who will attend the interview or meeting and the reason for the meeting.
- o The right for all meetings, interviews, and hearings to be closed to the public.
- o The right to be accompanied by an Advisor and/or Support Person to any meeting, interview and/or hearing regarding the allegations.
- o The right to receive timely updates on the status of a case, any disciplinary proceedings, and the results of any disciplinary action or appeal.
- o The right to provide investigator(s) with information to review and to present a list of potential witnesses for the investigator(s) to interview.
- o The right to inspect and review evidence and information in accordance with the applicable procedures and the opportunity to provide a written response within ten (10) days to the investigator.
- o The right to be provided with an investigation report in accordance with the applicable procedures.
- o The right for the allegations to be resolved using a preponderance of the evidence standard, with the University bearing the burden of proof. Preponderance of the evidence means that it is “more likely than not” that the respondent is responsible for the charged violation(s).
- o The right to receive a written determination at the conclusion of the process which includes the information indicated in the applicable procedures.
- o Right to appeal the written determination or the dismissal of a Formal Complaint.
- o The right to be informed when the determination becomes final.

In addition to the rights discussed above, the parties are provided with additional rights when there is a hearing, these include:

- o The right to a live hearing for all formal complaints of sexual misconduct, dating or domestic violence, sexual exploitation, stalking and/or sexual harassment proceeding under Track 1 or Track 2 of the Nondiscrimination Policy that have not been dismissed

or resolved by informal resolution. At the request of either party, or at the discretion of the Title IX Coordinator, the live hearing may occur with parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the other party or witnesses answering questions.

- o For Track 1 hearings only (under the procedures outlined in the CSU's Nondiscrimination Policy: The right to be provided with a Hearing Advisor by the University if the party does not select their own choice of Hearing Advisor. Federal regulations require that both parties have a Hearing Advisor for a hearing under Track 1 of the Procedures.

- o The right to be seen and heard in person, or via technology, during all the hearings and including the right to see and hear the opposing party.

- o The right to ask questions of the opposing party and witnesses through a Hearing Advisor (Track 1) or the Hearing Officer (Track 2) at the hearing.

APPENDIX C RESOURCES FOR SURVIVORS

Campus and Community Resources for Victims/Survivors

The following is a list of on-campus and off-campus resources that offer a variety of services in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas. Campus advocates can help provide information about and referral to any of these resources if requested. These resources are available to victims/survivors whether or not they choose to make a criminal or administrative report.

Confidential Resources On-Campus Resource

Campus Advocate - Staffed by the Monterey County Rape Crisis Center (MCRCC). Provides survivor centered support to students, staff and faculty including academic and housing accommodations, crisis intervention, referrals to both on campus and off campus resources such as counseling or legal support, making a report to law enforcement or Title IX, accompaniment to medical exams and legal advocacy.

Name: Lorelei Ahlmeyer

Phone: 831-402-9477

Website: csumb.edu/campusadvocate

Personal Growth and Counseling Center (PGCC)

Counseling and mental health services for CSUMB students, including individual counseling, support groups, workshops, educational outreach programs Students can set up an appointment by phone or by completing a service interest form found on our website.

Tele-Health and in person appointments are available.

Phone: 831-582-3969

Website: csumb.edu/health

Campus Health Center

Medical services for CSUMB students, faculty and staff, including communicable disease control and women's health services.

Phone: 831-582- 3965

Website: csumb.edu/health

Employee Assistance Program (EAP)

CSUMB employees and household members can turn to the Employee Assistance Program for help with hundreds of wellness topics including stress, depression, alcohol or drug dependencies family concerns, workplace conflicts, grief, financial and legal consultation and much more.

Phone: 800-367-7474

Website: csumb.edu/up/employeeassistance-program

Non-Confidential Resources On-Campus Resource Name Type of Services Contact Information

Office of Title IX/Discrimination, Prevention and Harassment (DHR)

CSUMB'S Title IX Coordinator & DHR Administrator implements the Title IX and CSU nondiscrimination policies and oversees and coordinates prompt and equitable grievance procedures for students, staff, and faculty.

Name: Raquel Bonilla

Main Office: (831) 582-4089

Email: raqbonilla@csumb.edu

Website: <https://csumb.edu/titleix/>

Office of Student Conduct

The Student Conduct Office Supports CSUMB's educational mission by administering the CSU Student Disciplinary process in a fair, timely, respectful and educationally purposeful manner.

Phone: 831-582-4597

Email: studentconduct@csumb.edu

Website: <https://csumb.edu/studentconduct/>

Financial Aid Office

Financial Aid Office Assists Students with financial aid products and services, including enrollment of financial aid, withdrawals, etc.

Phone: 831- 582-5100

Website: <https://csumb.edu/financialaid/>

CSUMB International Programs

CSUMB International Programs serves the university and international community by providing support services to international students, and facilitating meaningful outbound Education Abroad experiences.

Phone: +1 (831) 582-4778

Email: international@csumb.edu

Website: <https://csumb.edu/international/>

Undocumented Student Success Support Center

The Chancellor's Office recognizes the efforts by the undocumented community to fight for safer educational institutions and the advocacy towards more equitable CSU campuses.

Email: undocusuccess@csumb.edu

Website: <https://csumb.edu/undocumentedstudents/>

Law Enforcement Resources Resource Name Type of Services Contact Information

University Police Department (UPD)

The mission of the CSU Monterey Bay University Police Department is to protect life and property with a commitment to professionalism and community cooperation.

Emergency: 911

Non-Emergency: 831-655-0268

Website: <https://csumb.edu/police/>

Marina Police Department (MPD)

The mission of the Marina Police Department is to establish and maintain a safe environment in our community by providing efficient and professional law enforcement services.

Emergency: 911

Non-Emergency: (831) 384-7575

Website: <https://cityofmarina.org/17/>

Monterey County Sheriff's Department

The mission of the Monterey County Sheriff's Office is to safeguard the lives and property of the people within our county.

Emergency: 911

Non-Emergency: 831-647-7911

(Monterey) 831-755-5111

Website: <https://montereysheriff.org/>

Community, National, Global Resources Resource Name Type of Services Contact Information

Monterey County Rape Crisis Center (MCRCC)

Provides ongoing advocacy, support and healing for all victims and survivors of sexual assault, human trafficking and child abuse; and to prevent sexual violence in our community through education.

Phone: 831-375-4357

Website:

<https://www.mtryrapecrisis.org/>

National Domestic Violence Hotline

Provides expert support for anyone experiencing unhealthy or abusive behavior or seeking information on aspects of their relationship.

Phone: 800-799-SAFE (7233)

Website: thehotline.org

National Crisis Text Line Crisis Text Line provides free, 24/7, high-quality text-based mental health support and crisis intervention by empowering a community of trained volunteers to support people in their moments of need.

Text HOME to 741741

Website: <https://www.crisistextline.org/>

National Suicide Prevention Hotline

Understanding the issues concerning suicide and mental health is an important way to take part in suicide prevention, help others in crisis, and change the conversation around suicide.

Phone: 800-273-8255

TTY 800-799-4889

Website: <https://988lifeline.org/>

Text: 988

United States Department of Education Office of Civil Rights (OCR)

OCR's mission is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation's schools.

Phone: 800-421-3481

Website: ocr@ed.gov

California Civil Rights Department

800-884-1684

Website: calcivilrights.ca.gov

RAINN (Rape, Abuse, and Incest National Network)

National network supporting victims/survivors of sexual assault and abuse. 24/7 free and confidential hotline and chat services.

Phone: 800-656-4673

Website: <https://www.rainn.org/>

U.S. Department of State – Office of Overseas Citizens Services

Assist victims/survivors who are overseas with local and/or US-based resources for victims of crime, including local legal representation.

Phone: From the US or Canada: 1-(888)-407-4747

From overseas: +1-(202)-501-4444

Website: Travel.State.Gov

APPENDIX D CLERY CRIME DEFINITIONS

Clery Act Crimes and Definitions

Part 1 – Primary Crimes

1. MURDER AND NON NEGLIGENT MANSLAUGHTER

The willful (non-negligent) killing of one human being by another.

2. NEGLIGENT MANSLAUGHTER

The killing of another person through gross negligence.

3. AGGRAVATED ASSAULT

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

4. ARSON

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Note that only fires determined through investigation to have been willfully or maliciously set are classified as arsons. Arson is therefore the only Clery Act offense that must be investigated before it can be disclosed. If other Clery Act offenses were committed during the arson incident, the most serious is counted in addition to the arson.

5. BURGLARY

The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.

6. ROBBERY

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

7. MOTOR VEHICLE THEFT

The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Sex Offenses

The Clery Act has four defined sex offenses for which crime statistics must be collected on Clery geography. They are rape, fondling, incest and statutory rape.

8. RAPE

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

9. FONDLING

The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age and/or because of his/her temporary or permanent mental incapacity.

10. INCEST

Non forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

11. Statutory Rape

Non forcible sexual intercourse with a person who is under the statutory age of consent.

Part 2 – Disciplinary Referral Data for Violations of State Laws Regarding Alcohol, Drug and Weapon

The Clery Act requires institutions collect statistics for violations of state law and or ordinances for drug, alcohol and weapons violations.

12. LIQUOR LAW VIOLATIONS

The violation of state laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

13. WEAPONS POSSESSION VIOLATIONS

The violation of state laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

14. DRUG ABUSE VIOLATIONS

Violations of state and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: Opium or Cocaine and their derivatives (Morphine, Heroin, Codeine); Marijuana; synthetic narcotics (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

Part 3 – Hate Crimes

The Clery Act requires institutions collect crime statistics for hate crimes associated with either the commission of a primary crime or the lesser offenses of larceny-theft, simple assault, intimidation, destruction of or vandalism of a buildings or property.

15. HATE CRIMES

A Hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Under the *Clery Act*, Hate crimes include any of the following offenses motivated by bias: Murder and Non-negligent Manslaughter, Negligent Manslaughter, Rape, Fondling, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft and Arson.

Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in *Clery Act* statistics only if they are Hate crimes

Larceny-theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.

Simple Assault

An unlawful physical attack by one person on another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to actual attack. Includes cyber-intimidation if victim is threatened on Clery geography.

Destruction, damage or vandalism of property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of the property.

Categories of Bias Defined Under the Clery Act

Disability: Preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Ethnicity: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

Gender: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.

Gender Identity: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.

National Origin: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

Race: A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc.,

genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.

Religion: A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.

Sexual Orientation: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

Part 4: Violence Against Women Act (2022) Crimes

16. Domestic Violence

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

17. Dating Violence

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

18. Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.