



# TITLE IX & GENDER EQUITY OVERVIEW

CSUSB, Title IX & Gender Equity

<https://csusb.edu/title-ix> | [titleix@csusb.edu](mailto:titleix@csusb.edu) |  
SMSU-103 | (909) 537-5669



## CSUSB TITLE IX & GENDER EQUITY OVERVIEW

The office of Title IX & Gender Equity oversees the Title IX responsibilities on campus, including the *End Sexual Violence Training*, which is mandatory for every student once per academic year. Title IX is government legislation from the Department of Education's Office of Civil Rights.

### Notice of Non-Discrimination on the Basis of Gender or Sex

The California State University does not discriminate on the basis of gender, which includes sex and gender identity or expression, or sexual orientation, in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis gender or sexual orientation in employment, as well as in all education programs and activities operated by the University (both on and off campus). The protection against discrimination on the basis of gender or sexual orientation includes sexual harassment, sexual misconduct, gender-based dating and domestic violence and stalking. The following persons have been designated to handle inquiries regarding the non-discrimination policies:

#### **Campus Title IX Coordinator**

***Cristina Alvarez***, Director for Title IX & Gender Equity

Duties: receiving complaints against faculty, staff, administrators, students and Third Parties; overseeing investigations, monitoring and oversight of overall implementation of Title IX compliance, including coordination of training, education and communication.

California State University, San Bernardino

5500 University Parkway

Santos Manuel Student Union, 103

San Bernardino, CA 92407-2393

Email: [titleix@csusb.edu](mailto:titleix@csusb.edu) or [cristina.alvarez@csusb.edu](mailto:cristina.alvarez@csusb.edu)

Website: <https://www.csusb.edu/title-ix>

Phone: 909.537.5669

#### **Campus Title IX Deputy Coordinator**

***Krysten Newbury***, Assistant Director for Title IX & Gender Equity

Duties: assisting the Title IX Coordinator in addressing Title IX complaints and investigations, as well as training, education and communication.

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Email: [titleix@csusb.edu](mailto:titleix@csusb.edu) or [krysten.newbury@csusb.edu](mailto:krysten.newbury@csusb.edu)

Website: <https://www.csusb.edu/title-ix>

Phone: 909.537.5669

The Title IX Coordinator and Deputy Title IX Coordinator implement the CSU protocol regarding Title IX by: (1) upholding the university's obligation to respond to or investigate sexual misconduct, gender harassment and sexual violence; (2) following CSU policies and complaint procedures; (3) working with designated CSUSB personnel; (4) offering resources and remedies for victims; and (5) providing education, raising awareness and offering training for the campus at large.

A campus administrative investigation of complaints or allegations of sexual misconduct utilizes a variety of CSU Executive Orders ([EO-1095](#), [EO-1096](#), [EO-1097](#), [EO-1098](#)), and certain federal laws (The Violence Against Women Reauthorization Act (VAWA) and the Campus SaVE Act) and state laws (Senate Bill No. 967).

Any acts of criminal sexual activity and incidents of sexual violence, such as sexual assault, sexual coercion and dating or domestic violence should be reported immediately by dialing **9-1-1** or contacting University Police at 909.537.7777. The Title IX Coordinator will work with the police on cases which are reported to them. A campus administrative investigation may occur concurrently with a criminal investigation.

### **What to Report**

All allegations of discrimination, harassment or retaliation based on sex, gender, gender identity or expression, or sexual orientation which are made against staff, faculty, students, applicants or other Third Parties associated with the campus. The Title IX Coordinator will discuss the situation and explain the campus process, including what complaint procedures are available. ***If you would like to submit a complaint, or a concern, go to our [website](#) and click on the "File a report here" button on the left hand navigation***, or you may come to our office (Santos Manuel Student Union, Room 103) for a hard copy of the report form, or send an email to [titleix@csusb.edu](mailto:titleix@csusb.edu), or call us at 909.537.5669.

For Employee or Third Party complaints regarding discrimination, harassment, retaliation, sexual misconduct, dating and domestic violence, and stalking allegations **not** on the basis of sex, please see [Executive Order 1096, Revised 3-29-2019](#) and its Attachments, or contact Rosalinda Velasco, Interim Associate Vice President of Human Resources and Co-Chief Diversity Officer, Sierra Hall, Room 110, 909.537-5138, or visit our [website](#) for additional information.

Check with our office **first** to ensure that your case is handled appropriately and that you are utilizing the correct complaint procedure. Additionally, if you have any questions, need clarification, need resources, on **or** off campus (listed below, as well as on our [Resources page](#)), or are interested in upcoming [events](#) and [trainings](#), please get in touch with us.

### **Other Assistance, Questions or Concerns**

#### **Campus Advocate**

***Marina Rodriguez, Advocate Services***  
Counseling & Psychological Services, HC-165  
California State University, San Bernardino  
5500 University Parkway  
San Bernardino, CA 92407-2393  
Email: [marina.rodriguez2@csusb.edu](mailto:marina.rodriguez2@csusb.edu)  
Website: <https://www.csusb.edu/survivor-advocacy-services>  
Phone: 909.537.5040

## **University Police**

### ***University Police Department***

California State University, San Bernardino

5500 University Parkway

San Bernardino, CA 92407

[policerecords@csusb.edu](mailto:policerecords@csusb.edu) (additional information & services)

9-1-1 Emergencies; Non-emergencies 909.537.7777 (TTY available)

## **Local Police**

### ***San Bernardino Police Department***

710 North "D" Street, San Bernardino, CA 92401

Phone: 909.384.5742; Non-Emergency 24-Hour: 909.383.5311

### ***Palm Desert Police Department***

73705 Gerald Ford Drive, Palm Desert, CA 92260

Phone: 760.836.1600

## **U.S. Department of Education, Office for Civil Rights**

Phone: 415.486.5555 or [ocr.sanfrancisco@ed.gov](mailto:ocr.sanfrancisco@ed.gov)

- If you wish to fill out a complaint form online with the OCR, you may do so here:  
<https://www2.ed.gov/about/offices/list/ocr/complaintintro.html>

## **End Sexual Violence Training**

All California State University, San Bernardino students are required to complete mandatory *End Sexual Violence Training*--one training per academic year. Federal and state laws and the CSU Chancellor's Office Executive Orders mandate this yearly training for *all* students (including *online* students, *graduating* students and *employees* who are also enrolled students).

Completing one of two options before a deadline each year (updated on our website, on the [Training](#) page) will ensure a smooth registration process for the following quarter. After the deadline, a Registration hold will be placed on the student's account until the Training is completed. Choices include:

1. **Online training program**, "Not Anymore" -- for login instructions and more information, visit our [Training](#) page. CSUSB has partnered with vendor Student Success™ for a secure, online option.
2. **In-Person Event** -- for the current offerings and more information, visit our [Events](#) page. Look for "ESVT Qualifying Event" and the "Let's Get it Done" approval stamp of the events that qualify, or are "sanctioned."



## **Status Link**

There is a link in myCoyote Home, called "My Status," then "Training Status" to check the status for the *End Sexual Violence Training* for each academic year. Students can look under the Academic Year column and find the current year to review their record at any time. Verifying that the yearly mandatory training has been completed by the deadline (updated on our website, on the [Training](#) page) will ensure a smooth process for the following quarter's registration.

## Additional Questions

Please visit our [FAQs](#) page or email [titleix@csusb.edu](mailto:titleix@csusb.edu).

## Discrimination, Harassment and Retaliation

### Race, Color, Ethnicity, National Origin, Age, Genetic Information, Religion and Veteran Status

The California State University does not discriminate on the basis of race, color, ethnicity, national origin, age, genetic information, religion or veteran status in its programs and activities, including admission and access. Federal and state laws, including Title VI of the Civil Rights Act of 1964 and the California Equity in Higher Education Act, prohibit such discrimination. Rosalinda Velasco, Interim Associate Vice President for Human Resources and Co-Chief Diversity Officer has been designated to coordinate the efforts of CSUSB to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to this person at Human Resources, Sierra Hall, Room 110, (909) 537-5138. [CSU Executive Order 1097, Revised 3-29-2019](#), is the systemwide procedure for all complaints of discrimination, harassment or retaliation, sexual misconduct, dating and domestic violence, and stalking **made by students** against the CSU, a CSU employee, other CSU students or a Third Party.

### Disability

The California State University does not discriminate on the basis of disability in its programs and activities, including admission and access. Federal and state laws, including sections 504 and 508 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, prohibit such discrimination. Rosalinda Velasco, Interim Associate Vice President for Human Resources and Co-Chief Diversity Officer has been designated to coordinate the efforts of CSUSB to comply with all applicable federal and state laws prohibiting discrimination on the basis of disability. Inquiries concerning compliance may be presented to this person at Human Resources, Sierra Hall, Room 110, (909) 537-5138. [CSU Executive Order 1097, Revised 3-29-2019](#), is the systemwide procedure for all complaints of discrimination, harassment or retaliation, sexual misconduct, dating and domestic violence, and stalking **made by students** against the CSU, a CSU employee, other CSU students or a Third Party.

### Sex/Gender/Gender Identity/Gender Expression/Sexual Orientation

The California State University does not discriminate on the basis of gender, which includes sex and gender identity or expression, or sexual orientation in its programs and activities, including admission and access. Federal and state laws, including Title IX of the Education Amendments of 1972, prohibit such discrimination. Cristina Alvarez, Director for Title IX and Gender Equity and Title IX Coordinator has been designated to coordinate the efforts of CSUSB to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to her at Title IX and Gender Equity, Santos Manuel Student Union, Room 103, (909) 537-5669. The California State University is committed to providing equal opportunities to male and female CSU students in all campus programs, including intercollegiate athletics (both on *and* off campus).

### Requirements

Title IX requires the university to adopt and publish complaint procedures that provide for prompt and equitable resolution of sex discrimination complaints, including sexual harassment and violence, as well as provide training, education and preventive measures related to sex discrimination. [CSU Executive Order 1097, Revised 3-29-2019](#), is the systemwide procedure for all complaints of discrimination, harassment or retaliation, sexual misconduct, dating and domestic violence, and stalking **made by students** against the CSU, a CSU employee, other CSU students or a Third Party.

Except in the case of a privilege recognized under California law (examples of which include Evidence Code §§1014 (psychotherapist-patient); 1035.8 (sexual assault counselor-victim); and 1037.5 (domestic violence counselor-victim), any member of the University community who knows of or has reason to know of sexual discrimination allegations shall promptly inform the campus Title IX Coordinator. (See confidential reporting options outlined below.)

Regardless of whether an alleged victim of sexual discrimination ultimately files a complaint, if the campus knows or has reason to know about possible sexual discrimination, harassment or violence, it must review the matter to determine if an investigation is warranted. The campus must then take appropriate steps to eliminate any sex discrimination/harassment, prevent its recurrence, and remedy its effects.

### **Safety of the Campus Community is Primary**

The university's primary concern is the safety of its campus community members. The use of alcohol or drugs never makes the victim at fault for sexual discrimination, harassment or violence; therefore, victims should not be deterred from reporting incidents of sexual violence out of a concern that they might be disciplined for related violations of drug, alcohol or other university policies. Except in extreme circumstances, victims of sexual violence shall not be subject to discipline for related violations of the Student Conduct Code.

### **Information Regarding Campus, Criminal and Civil Consequences of Committing Acts of Sexual Violence**

Individuals alleged to have committed sexual assault may face criminal prosecution by law enforcement and may incur penalties as a result of civil litigation. In addition, employees and students may face discipline at the university. Employees may face sanctions up to and including dismissal from employment, pursuant to established CSU policies and provisions of applicable collective bargaining unit agreements.

Students who are charged by the university with sexual discrimination, harassment or violence will be subject to discipline, pursuant to the California State University Student Conduct Procedures (see [CSU Executive Order 1098, Revised 3-29-2019](#) or any successor Executive Order) and will be subject to appropriate sanctions. In addition, during any investigation, the university may implement interim measures in order to maintain a safe and non-discriminatory educational environment. Such measures may include: immediate interim suspension from the university; a required move from university-owned or affiliated housing; adjustments to course schedule; and/or prohibition from contact with parties involved in the alleged incident.

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

The University encourages victims of sexual violence, dating violence, domestic violence, or stalking (collectively Sexual Violence) to talk to someone about what happened – so they can get the support they need, and so the University can respond appropriately. Whether – and the extent to which – a University employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends on the employee's position and responsibilities at the University. The following information is intended to make victims aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn for help. The University strongly encourages victims to talk to someone identified in one or more of these groups. Certain University employees, listed below, are required by law to maintain near or complete confidentiality; talking to them is sometimes called a "privileged communication." University law enforcement employees may maintain the victim's identity as confidential, if requested by the victim, but will report the facts of the incident to the Title IX Coordinator, including the identity of the perpetrator. Most other University employees are required to report all details of a Sexual Violence incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator so the University can take immediate action to protect the victim, and take steps to correct and eliminate the cause of Sexual

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

### **Privileged and Confidential Communications**

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

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

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate; and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the University and a separate complaint with local or University police. If a victim insists on confidentiality, such professionals, counselors and advocates will likely not be able to assist the victim with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide victims with that assistance if requested by the victim. These counselors and advocates will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

**EXCEPTIONS:** Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a **physical condition** to a patient/victim who he or she knows or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Violence, Domestic Violence, and Dating Violence). This exception does **not** apply to sexual

assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, **all** professionals described above (physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the Sexual Violence incident. If applicable, these professionals will explain this limited exception to victims.

### **Reporting to University or Local Police**

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

### **Reporting to the Title IX Coordinator and Other University Employees**

Most University employees have a duty to report sexual violence incidents when they are on notice of it. When a victim tells the Title IX Coordinator or another University employee about a sexual violence incident, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. ***In all cases, the University strongly encourages victims to report sexual violence directly to the campus Title IX Coordinator.*** As detailed above in the Privileged and Confidential Communications section of this policy, all University employees **except** physicians, licensed counselors, sexual assault counselors and advocates, must report to the Title IX Coordinator all relevant details about any sexual violence incidents of which they become aware. The University will need to determine what happened – and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

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

If a victim requests of the Title IX Coordinator or another University employee that his/her identity remain completely confidential, the Title IX Coordinator will explain that the University cannot always honor that request and guarantee complete confidentiality. If a victim wishes to remain confidential or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, employees, and third parties, including the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the University has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited. See [CSU Executive Order 1095, revised 6-23-2015](#), for further details around confidential reporting, and other related matters.

## **Myths and Facts About Sexual Misconduct**

### **Common Myths and Facts about the Causes of Sexual Misconduct**

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

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

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

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

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

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

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

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

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

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

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

**Fact:** Victims of Sexual Assault exhibit a spectrum of responses to the assault which can include: calm, hysteria, withdrawal, anxiety, anger, apathy, denial, and shock. Being sexually assaulted is a very traumatic experience. Reaction to the assault and the length of time needed to process through the experience vary with each person. There is no “right way” to react to being sexually assaulted. Assumptions about the way a victim “should act” may be detrimental to the victim because each victim copes in different ways.

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

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

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

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

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

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

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

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

## **What You Can Do To Help Stop Sexual Misconduct**

- Sexual contact requires mutual and Affirmative Consent. An incapacitated person (for example, a person under the influence of drugs or alcohol) may be incapable of giving consent. Whether an *intoxicated* person (as a result of using alcohol or other drugs) is *incapacitated* depends on the extent

to which the alcohol or other drugs impact the person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments.

- No one deserves to be sexually assaulted, stalked or victimized in any way.
- Don't engage in any behavior that may be considered Sexual Assault, Domestic Violence, Dating Violence, Stalking or any other form of Sexual Misconduct or violence.
- Never use force, coercion, threats, alcohol or other drugs to engage in sexual activity.
- Take responsibility for your actions.
- Avoid alcohol and other drugs.
- Remember "no" means "No!" and "stop" means "Stop!"
- Report incidents of violence (including coercion) to law enforcement and campus authorities.
- Discuss Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking with friends—speak out against non-consensual sex or violence and clear up misconceptions.
- Don't mistake submission or silence for Affirmative Consent.

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

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

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

- Go to a safe place as soon as possible.
- Preserve evidence.
- Report the incident to University Police or local law enforcement.
- Report the incident to your campus Title IX Coordinator.
- Call/visit the campus Sexual Assault Victim's Advocate.
- Call a Domestic Violence, Sexual Assault or Stalking hotline.
- Call a friend or family member for help.
- Know that you are not at fault. You did not cause the abuse to occur and you are not responsible for someone else's violent behavior.

### **Sexual Misconduct - Risk Reduction Tips**

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

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on Gender, Domestic Violence and Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as

women can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when a person is under 18 years old, because a minor is considered incapable of giving legal consent due to age.

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

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

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

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

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

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

### **Rape, Acquaintance Rape, Sexual Assault, Sexual Battery**

**Rape** is a form of Sexual Misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability

renders a person incapable of giving consent. The Respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is not determinative. (See complete definition of Affirmative Consent below.)

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

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

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

In order for a sexual act to be considered Rape or Sexual Assault, the act must be non-consensual. Crimes of a sexual nature may be reported to campus or local law enforcement in addition to being reported administratively on campus to the Title IX Coordinator. **Both men and women can be victims of Rape or Sexual Assault.**

### **Affirmative Consent**

Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean Affirmative Consent. Affirmative Consent must be voluntary, and given without coercion, force, threats, or intimidation.

The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.

Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and Affirmative Consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when s/he is asleep, unconscious, or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature, or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions.

Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.

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

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

It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:

- The person was asleep or unconscious;
- The person was incapacitated due to the influence of drugs, alcohol, or medication, so that the person could not understand the fact, nature, or extent of the sexual activity;
- The person was unable to communicate due to a mental or physical condition.

It shall *not* be a valid excuse to alleged lack of Affirmative Consent that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:

- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented to the sexual activity.

### **What is Dating Violence or Domestic Violence?**

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

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

### **Types of Dating/Domestic Violence That Constitute Sexual Misconduct**

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

#### **General Pattern of Behavior:**

- **Tension Building:** Relationship begins to get strained or tense between partners.
- **Explosion:** Outburst that includes verbal, emotional, or physical abuse.
- **Honeymoon:** Apologies where the abuser tries to re-connect with his/her partner by shifting the blame onto someone or something else.

## What Dating/Domestic Violence Looks Like

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

## Warnings or Signs of Potential Dating/Domestic Violence

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

## Stalking

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

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

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

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

Sometimes people stalk their boyfriends or girlfriends while they're dating. They check up on them, text or call them all the time, expect instant responses, follow them, use GPS to secretly monitor them and generally keep

track of them, even when they haven't made plans to be together. These Stalking behaviors can be part of an abusive relationship. If this is happening to you or someone you know, you should talk to a trusted person.

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

### **How You Can Help Yourself**

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

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

### **Other Things You Can Do**

- ***In an emergency, call 9-1-1*** or University Police or the local police department.
- Let friends or family members know when you are afraid or need help.
- Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
- Avoid isolated areas.
- Avoid putting headphones in both ears so you can be more aware of your surroundings.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, remove yourself.
- Vary your routine, your driving routes and where you park your car.
- When you go out, tell someone where you are going and when you'll be back. Memorize the phone numbers of people to contact or places to go in an emergency.
- Don't load yourself down with packages or bags restricting your movement.
- Keep your cell phone handy; check to see that you have reception and that your cell phone is charged, but, then pay attention to your surroundings instead of the phone.
- Have money for a cab or other transportation.
- Save notes, letters or other items that the stalker send to you. Keep a record of all contact that the stalker has with you; these items will be very useful in an investigation.

### **How You Can Help Someone Else**

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

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

## Additional Resources

### On-Campus Services

- Campus Advocate 909.537.5040; <https://www.csusb.edu/survivor-advocacy-services/resources>
- Counseling and Psychological Services 24-Hour Hotline 909.537.5040; <https://www.csusb.edu/caps>; for life threatening situations, call **9-1-1**
- Student Health Center 909.537.5241; <https://www.csusb.edu/student-health-center>
- Women's Resource Center 909.537.7203; <https://www.csusb.edu/smsu/resources/womens-resource-center>
- Queer and Transgender Resource Center 909.537.5963; <https://www.csusb.edu/smsu/resources/queer-and-transgender-resource-center>
- University Ombuds Services 909.537.5635; <https://www.csusb.edu/ombuds>

### Off-Campus Services

- San Bernardino Sexual Assault Services 24-Hour Crisis Hotlines 800.656.4673 or 909.885.8884; Main Office: 444 North Arrowhead Avenue, Suite 101, San Bernardino, CA 92401-1221, 909.885.8884; Coachella Valley/Indio 760.568.9071; Morongo Basin/Yucca Valley 760.369.3353; Redlands 909.335.8777; Victorville 760.952.0041; Yucaipa 909.790.9374; <http://www.sbsas.org>
- Riverside County Coalition for Alternatives to Domestic Violence (ADV), Crisis Line—Riverside city & out of the county 951.683.0829, remainder of Riverside county 800.339.SAFE (7233); domestic violence help; protective order assistance; counseling; outreach; shelter; <http://www.alternativestodv.org/home.html>
- House of Ruth, 24-Hour Crisis Hotline 877.988.5559; individual/group counseling; phone support; legal advocate; shelter for women and children; domestic violence counseling; food; English/Spanish; <http://houseofruthinc.org>
- Rape Abuse & Incest National Network (RAINN), 800.656.HOPE (4673); [www.rainn.org](http://www.rainn.org)
- Riverside Area Rape Crisis Center (RARCC), 24-Hour Hotline 951.686.RAPE (7273) & Toll-Free 866.RAPE (7273); 1845 Chicago Avenue, Suite A, Riverside, CA 92507; <https://rarcc.org>
- Option House, 24-Hour Hotline 909.381.3471; temporary domestic violence women's shelters; support/outreach; free support groups, crisis education and self-defense; assistance with protective order paperwork; English/Spanish; <https://www.optionhouseinc.com>
- Doves Outreach of Big Bear Valley, 909.866.1546; 24-Hour Hotline 800.851.7601; provides women and families domestic violence shelter; individual counseling; support groups (parenting, anger management, women's writing, etc.); legal assistance; protective order help; programs and services for male victims; <http://www.doves4help.org>
- A Better Way Domestic Violence Shelter and Outreach, Victor Valley, 24-Hour Hotline 760.955.8723; Toll-Free 888.949.5770 & 866.228.2059; 26-bed shelter (90-day maximum stay), TRO (temporary restraining order); outreach programs, opportunity and education support groups;

Spanish; <http://www.abetterwaydomesticviolence.org>

- Shelter from the Storm, Inc., Coachella Valley, 24-Hour Crisis Lines 800.775.6055, 760.328.SAFE (7233); emergency shelter; transitional housing; counseling center; legal clinic; teen dating; <http://www.shelterfromthestorm.com/Overview.htm>
- California Coalition Against Sexual Assault (CALCASA), 916.446.2520; 1215 K. Street, Suite 1850, Sacramento, CA 95814; advocates and supports rape crisis centers on behalf of survivors, system's change, funding needs and policy advocacy; <http://www.calcasa.org>
- National Domestic Violence Hotline, 800.799.SAFE (7233); TTY For the Deaf 800.787.3224; <http://www.thehotline.org>
- Domestic and Family Violence, Office of Justice Programs, United States Department of Justice; <http://ovc.ncjrs.gov/topic.aspx?topicid=27>
- National Institute of Justice: Intimate Partner Violence, Office of Justice Programs, United States Department of Justice; <http://www.nij.gov/topics/crime/intimate-partner-violence/Pages/welcome.aspx>
- Office on Violence Against Women, United States Department of Justice; <http://www.ovw.usdoj.gov> (on-line chat available)
- Defending Childhood, United States Department of Justice; <https://www.justice.gov/archives/defendingchildhood>
- Center for Disease Control and Prevention: Intimate Partner Violence; <https://www.cdc.gov/ViolencePrevention/intimatepartnerviolence/index.html>
- Know Your Rights about Title IX: Title IX Prohibits Sexual Harassment and Sexual Violence Where You Go to School, Office for Civil Rights, U.S. Department of Education; <https://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html>
- The White House Task Force to Protect Students from Sexual Assault: Not Alone—Together Against Sexual Assault; <http://changingourcampus.org/about-us/not-alone>

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