



Title IX Annual Report

CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

2018-2019

INTRODUCTION

This report presents information about complaints of sexual misconduct brought to the attention of the campus Title IX Coordinator and Deputy Title IX Coordinators within the reporting period of July 1, 2018 to June 30, 2019, and the actions taken by the campus to address those complaints.

This report is intended to raise community awareness about the complaints of sexual misconduct and the procedures available to address those complaints. It may also be a stimulus for community discussion about issues relating to sexual misconduct and for community engagement in the California State University's (CSU) efforts to prevent it. However, because the report must be composed to protect the privacy of the individuals involved, it cannot provide a public forum for discussion of specific cases.

While intended to be broadly informative, the report has limitations. The report concerns complaints about "sexual misconduct," as defined in CSU Executive Orders 1095, 1096, and 1097, that encompass a broad range of behaviors, including sexual assault, dating violence, domestic violence, and stalking. Because of privacy obligations, the report cannot fully convey the variety and complexity of circumstances associated with matters that may appear similar. The report is limited to presenting information concerning the campus's responses to reported misconduct raised pursuant to CSU's procedures for addressing violations of University policies. It includes information concerning administrative handling of reported misconduct whether or not the conduct was also the subject of a crime report or criminal prosecution, whether or not the purported misconduct occurred on or off campus, and whether or not the conduct itself occurred during the period. Information about reported crimes committed during the period at

CSUSB is available in the Annual Security Report (ASR) located online at:

<https://www.csusb.edu/police/annual-security-reports>.

POLICIES

The CSU and CSUSB is committed to creating and sustaining an educational and working environment that is free of sexual misconduct. The safety of our campus communities is a priority for the CSU and CSUSB.

The campus Title IX Coordinator and Deputy Title IX Coordinators provide a neutral avenue for students, employees, and others to report concerns about sexual misconduct to the University and to have those concerns addressed.

CSU policies in effect during the reporting period prohibited sexual misconduct and established procedures for students, employees and third parties to report violations. In the reporting period, the following policies and complaint procedures were in effect:

- Executive Oder 1095: *Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy* (Revised 6-23-15) <https://www.calstate.edu/eo/EO-1095-rev-6-23-15.html>
- Executive Order 1096: *Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties* (Revised 10-5-16) <https://www.calstate.edu/eo/EO-1096-rev-10-5-16.html>
- Executive Order 1096: *Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence,*

and Stalking against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties (Revised 3-29-19) <https://www.calstate.edu/eo/EO-1096-rev-3-29-19.pdf>

- Executive Order 1097: *Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide Procedure for Addressing Such Complaints by Students* (Revised 10-5-16)
<https://www.calstate.edu/eo/EO-1097-rev-10-5-16.html>
- Executive Order 1097: *Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide Procedure for Addressing Such Complaints by Students* (Revised 3-29-19)
<https://www.calstate.edu/eo/EO-1097-rev-3-29-19.pdf>
- Executive Order 1098: *Student Conduct Procedures* (Revised 6-23-15)
<https://www.calstate.edu/eo/EO-1098-rev-6-23-15.html>
- Executive Order 1098: *Student Conduct Procedures* (Revised 3-29-19)
<https://www.calstate.edu/eo/EO-1098-rev-3-29-19.pdf>

REPORTED POLICY VIOLATIONS

Under CSU policies the campuses respond to reported policy violations. In some circumstances, the report of misconduct is made by a complainant who invokes the complaint procedures set forth in the Executive Orders. When that occurs, the campus investigates the complaint and reaches a determination as to whether or not a preponderance of the evidence reflects that the respondent violated policy. Where a violation is found, the finding is referred to a disciplinary process where applicable.

This report describes the aggregate number of investigations at CSUSB broken out by whether an employee or a student is accused of misconduct as well as by whether the evidence was sufficient or insufficient, applying the preponderance of the evidence standard, to establish a policy violation by the respondent. Some investigations concerned reported misconduct by third parties who were neither students nor employees, but, over whom the campus exercised some degree of control. The outcomes of those investigations are also included in the report.

CSU procedures include an option to resolve a concern about possible misconduct without an investigation. The report includes the number of resolutions reached using that process. Not all reports of possible policy violations arise as a complaint made by someone seeking to invoke the complaint or resolution procedures. The campus also responds to reports where the information is insufficient to open an investigation. Circumstances include persons who report incidents to police but not to administrators and request that their identity be kept confidential, persons who report incidents but decline to identify any perpetrator, incidents where the person reporting the misconduct

requests that their identity not be disclosed in any investigation, and incidents in which the reporting person requests that no investigation be opened.

When someone requests confidentiality or asks that an investigation not be pursued, the campuses inform the person that the ability to respond may be limited and that Title IX and CSU policy prohibit retaliation.

The campuses evaluate requests not to reveal identifying information in the context of the responsibility to provide a safe and nondiscriminatory environment for all. If the request is honored, even if the campus cannot take a disciplinary action, the campus pursues other steps to limit the effects of any misconduct and prevent recurrence.

CSUSB also receives reports about instances that did not occur on campus and did not involve a member of the campus community. CSUSB provides support and resources in those circumstances and those reports are also included in this report.

DEFINITIONS

Affirmative Consent¹ 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 Affirmative Consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent. Affirmative Consent can be withdrawn or revoked. Affirmative Consent cannot be given by a person who is incapacitated. A person with a medical or mental Disability may also lack the capacity to give consent. Sexual

¹ Definition obtained from CSU Executive Order 1096 (3-29-19) page 21.

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

Dating Violence² 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 self or another. Abuse does not include non-physical, emotional distress or injury.

Domestic Violence³ is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the Parties while sharing the same living quarters; (2) sharing of income or expenses; (3) joint use or ownership of property; (4) whether the Parties hold themselves out as spouses; (5) the continuity of the relationship; and, (6) the length of the relationship. For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily

² Definition obtained from CSU Executive Order 1096 (3-29-19) page 22.

³ Definition obtained from CSU Executive Order 1096 (3-29-19) page 24.

injury or placing another person in reasonable apprehension of imminent serious bodily injury to self, or another. Abuse does not include non-physical, emotional distress or injury.

Sexual Misconduct⁴: All sexual activity between members of the CSU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law. Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on Gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as women can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the Complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

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

⁴ Definition obtained from CSU Executive Order 1096 (3-29-19) pp. 29-30.

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

3. Rape is a form of Sexual Misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered nonconsensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability renders a person incapable of giving consent. The Respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Affirmative Consent above.)

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

STATISTICS

Sexual Violence Investigations Pending							
(Beginning Period)	Student	Staff	Faculty	Affiliate	Non-affiliate	Unknown	Total
Sexual Misconduct	1	0	0	0	0	0	1
Dating Violence	0	0	0	0	0	0	0
Domestic Violence	1	0	0	0	0	0	1
Stalking	1	0	0	0	0	0	1
Total	3	0	0	0	0	0	3

Sexual Violence Incidents Reported							
	Student	Staff	Faculty	Affiliate	Non-affiliate	Unknown	Total
Sexual Misconduct	5	0	0	0	1	1	7
Dating Violence	2	0	0	0	9	0	11
Domestic Violence	0	0	0	0	0	0	0
Stalking	2	1	0	0	4	0	7
Total	9	1	0	0	14	1	25

Investigations							
	Student	Staff	Faculty	Affiliate	Non-affiliate	Unknown	Total
Sexual Misconduct	3	0	0	0	0	0	3
Dating Violence	1	0	0	0	0	0	1
Domestic Violence	1	0	0	0	0	0	1
Stalking	1	0	0	0	0	0	1
Total	6	0	0	0	0	0	6

Resolved without an Investigation							
	Student	Staff	Faculty	Affiliate	Non-affiliate	Unknown	Total
Sexual Misconduct	0	0	0	0	1	1	2
Dating Violence	1(ER) ⁵	0	0	0	9	0	10
Domestic Violence	0	0	0	0	0	0	0
Stalking	1(ER)	0	0	0	4	0	5
Total	2(ER)	0	0	0	14	1	17

Description of Outcomes for Incidents with no investigation		
Stalking (Early Resolution)	Student	No-Contact directive between parties; educational sanction to complete specialized online training on stalking
Dating Violence	Student	No-Contact directive between parties; educational sanction to

⁵ ER= Abbreviation for Early Resolution

		complete specialized training on healthy relationships both online and at an in-person event.
Dating Violence	Non-Affiliate	Third party reported student involved with non-affiliate in a physically abusive relationship off campus. Student met with Title IX and advocate for support and resources.
Dating Violence	Non-Affiliate	Third party reported a student and non-affiliate have been involved in a physically and emotionally abusive relationship. Student declined meeting with Title IX and refused offers for support and resources.
Dating Violence	Non-Affiliate	Complainant reported that her ex-boyfriend (a non-affiliate) pushed her, strangled her, and threatened her with a knife at her on-campus residence. UPD was notified and responded. The complainant was given resources and support.
Dating Violence	Non-Affiliate	Residence hall staff received a report of a domestic disturbance between a student and her non-affiliate boyfriend. Student declined police and to meet with Title IX.
Dating Violence	Non-Affiliate	Complainant reported to UPD and Title IX that she obtained a restraining order against her ex-boyfriend, a non-affiliate for several incidents that occurred off campus. Remedies, resources, and support were offered to the complainant.
Dating Violence	Non-Affiliate	Residential staff received a report from the complainant's roommate that the complainant and her non-affiliate boyfriend were involved in an altercation, where the respondent pushed the

		complainant against a wall and took her property. UPD was called and took a police report. Remedies, resources, and support were offered.
Dating Violence	Non-Affiliate	Residential staff were made aware of a possible physical altercation between a resident and non-affiliate partner. Resident declined all assistance and support from the university.
Dating Violence	Non-Affiliate	Residential staff were made aware of a possible physical altercation between a resident and non-affiliate partner. Resident declined all assistance and support from the university. UPD arrested non-affiliate. Resident declined all assistance and support from the university.
Dating Violence	Non-Affiliate	Residential staff were made aware of a possible physical altercation between a resident and a non-affiliate. Resident declined all assistance and support from the university.
Stalking	Non-Affiliate	Complainant reported that a non-affiliate former partner has been coming to campus to look for her at on-campus employment, as well as trying to contact her through social media. The respondent has previously attempted to see her at her residence, and damaged her vehicle. No investigation since the respondent is not an affiliate. Resources and support were offered to the complainant.
Stalking	Non-Affiliate	Complainant reported that a non-affiliate was stalking her. The non-affiliate was a Lyft driver who began to send her unwanted emails, texts messages, and would locate her on campus. Although no

		investigation was conducted due to the non-affiliate status, Title IX assisted the complainant with filing a safety report through Lyft, as well as helping her document an official response to cease contact.
Stalking	Non-Affiliate	Complainant stated a non-affiliate ex-partner had been attempting to contact her through telephone, social media, and finding her car and leaving her notes. The complainant was offered resources and support.
Stalking	Non-Affiliate	Complainant reported that a non-affiliate ex-partner has been texting her, visiting her home off-campus to leave gifts and ringing the doorbell. The complainant stated the respondent did this at least four times, and she called the local police to file a report. The complainant was given resources and support, and requested assistance with filing a restraining order.
Sexual Misconduct	Non-Affiliate	Complainant reported a sexual assault in 2014 by a student respondent. During an initial inquiry, it was determined that the alleged respondent was not a student. Resources and support were offered to the complainant.
Sexual Misconduct	Unknown	Student reported to her professor a past sexual assault that occurred off campus with an unknown person. The student was seeking advice, and was offered resources by the Title IX office.

Resolved investigations with violations	Student	Staff	Faculty	Affiliate	Non-affiliate	Unknown	Total
Sexual Misconduct	1	0	0	0	0	0	1
Dating Violence	0	0	0	0	0	0	0
Domestic Violence	1	0	0	0	0	0	1
Stalking	1	0	0	0	0	0	1
Total	3	0	0	0	0	0	3

Descriptions of sanctions for investigation violations		
Domestic Violence <i>(pending beginning)</i>	Student	Suspension for 1 year with a transcript notation. Re-enrollment with the completion of a voluntary anger management course and disciplinary probation for one year or until graduation
Sexual Misconduct <i>(pending beginning)</i>	Student	Disciplinary probation for one full academic year, no-contact with complainant; completion of Not Anymore training refresher course, Tea and Consent video and reflection paper. Meetings with case management specialist for a minimum of two meetings in the Fall 2019 quarter.
Stalking <i>(pending beginning)</i>	Student	Respondent withdrew from the university before the conclusion of the conduct process. A permanent

notation on the respondent's transcript and records hold were placed pending a resolution.

Investigations with Insufficient Evidence							
	Student	Staff	Faculty	Affiliate	Non-affiliate	Unknown	Total
Sexual Misconduct	2	0	0	0	0	0	2
Dating Violence	1	0	0	0	0	0	1
Domestic Violence	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0
Total	3	0	0	0	0	0	3

Descriptions of incidents with insufficient evidence		
Dating Violence	Student	Student claimed former partner engaged multiple non-affiliates to find her on campus and threaten a physical altercation. Insufficient evidence to conclude a finding of policy violation.
Sexual Misconduct	Student	Student claimed another student attempted to grope her buttocks while giving a hug. Insufficient

		evidence to conclude the respondent purposely groped her buttocks.
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Sexual Violence Investigations Pending							
(End Period)	Student	Staff	Faculty	Affiliate	Non-affiliate	Unknown	Total
Sexual Misconduct	3	0	0	0	0	0	3
Dating Violence	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0
Stalking	1	1	0	0	0	0	2
Total	4	1	0	0	0	0	5

EDUCATION AND PREVENTION

Every academic year, all students are mandated to take online or in-person training that focuses on ending sexual violence, common myths about sexual assault and rape, the definition of consent, bystander intervention, and healthy relationships. Student leaders such as those affiliated with fraternities, sororities, student organizations, and athletes are mandated to receive supplemental training. CSUSB has a two-fold training curriculum that gives students the option to take online training through *Not Anymore*, or attend an in-person, sanctioned event based on their preferred learning style. In-person events and prevention efforts are planned by the Prevention Partners Committee, chaired by the Title IX Office and the Campus Advocate and are as follows:

- **Domestic Violence (DV) 101/#LoveShouldntHurt.** August 2, September 12, September 17, October 2, October 8, October 18, and November 26, 2018. This

workshop focused on types of abuse, the cycle of violence, why victims stay, the dynamics and effects of abuse, and how to support a survivor through interactive activities and survivor testimony.

- **Sexual Assault 101.** September 12, September 18, 2018. This workshop provided definitions of sexual assault, types of assault, definitions of consent, what is and is not consent, and an empathy activity. Additionally, this workshop provided information on resources and how to help a survivor.
- **Prevention 101.** September 19, 2018. This presentation provided students with information on violence prevention as a public health issue and covered the social ecological model of prevention. The presentation helped attendees differentiate between risk reduction, victim blaming, primary prevention, and intervention through activities and discussion.
- **#LoveShouldntHurt:** DVAM Event. October 2, 2018, Lower Commons. This workshop focused on dynamics and effects of abuse and how to support a survivor through interactive activities and survivor testimony. Presented by CSUSB VOICE Peer Educators in cooperation with Counseling and Psychological Services and Dept. of Housing and Residential Education.
- **#SpillTheTea:** Domestic Violence and the Media. October 3, 2018, SMSU Fourplex. This interactive workshop identified dynamics and effects of abuse. It covered the impact of the media on violence in our culture as well as the impact on survivors. Donuts were served. Presented by VOICE Peer Educators and the Campus Advocate.
- **#WontBeSilenced:** Intersections of AAPI Identity and DV. October 10, 2018. This workshop focused on the intersections of AAPI identity and domestic violence and identified unique barriers through interactive activities and survivor testimony. Presented by VOICE Peer Educators and the Asian and Pacific Islander Resource Center.
- **Bringing in the Bystander.** October 11, 2018, Lower Commons. Everyone has a role in ending violence toward others. The presentation taught attendees how to be an active bystander and to safely intervene when a negative, or potentially harmful incident, may be occurring. You can make a difference!
- **A Different Closet:** Dating and Domestic Violence in the LGBTQ+ Community. October 15, 2018. The presentation focused on creating a common language, types of abuse, cycle of violence, how to support a survivor, and identified unique

barriers LGBTQ+ survivors face. Presented by the Los Angeles LGBT Center's STOP Domestic Violence Project in cooperation with the Queer and Transgender Resource Center.

- **#EndtheStigma:** Intersections of Domestic Violence, Mental Illness and Substance Abuse. October 16, 2018. This workshop focused on the intersections of mental illness, substance abuse and domestic violence through interactive activities and survivor testimony. Presented by VOICE Peer Educators, in conjunction with CAPS, Peer Health Educators and the PsyChi Club.
- **#RelationshipGoals:** October 17, 2018, Meeting Center Pine Room. This workshop taught the 7 qualities of a healthy relationship, how to "fight fair" and the difference between healthy, unhealthy and abusive relationships through interactive activities and group discussion. Presented by CSUSB VOICE Peer Educators.
- **#FriendsDontSilenceViolence:** Survivor Speak Out and Ally Training. October 22, 2018, SMSU Fourplex. In this event, VOICE Peer Educators and The Advocate trained students to be allies to survivors. The event also provided a safe space for survivors and their friends to tell their stories and share their experiences.
- **#JourneyToSafety:** Intersections of DV and Immigration. October 25, 2018, SMSU Fourplex. This workshop presented attendees with the intersections of citizenship status and domestic violence through an interactive experience and survivor testimony. Presented by CSUSB VOICE Peer Educators and the Undocumented Student Success Center.
- **#HearMyVoice:** Intersections of African American Identity and DV. October 30, 2018, SMSU Pan-African Student Success Center. This workshop focused on the intersection of African American identity and domestic violence through interactive activities and survivor testimony. Presented by VOICE Peer Educators in conjunction with the SMSU and Pan-African Student Success Center.
- **Awareness Event - It's On Us: Call to Action Week** Resource Tabling. November 5 and 6, 2018, outside west entrance SMSU. Event sponsored by CSUSB VOICE Peer Educators and Title IX and Gender Equity.
- **Bringing in the Bystander.** November 7, 2018, Lower Commons. The event taught attendees how to be an active bystander and to safely intervene when a negative or potentially harmful incident may be occurring.

- **#RelationshipGoals.** February 13, 2019, The Meeting Center, Panorama Room. This workshop taught the 7 qualities of a healthy relationship, how to "fight fair" and the difference between healthy, unhealthy and abusive relationships through interactive activities and group discussion. Presented by CSUSB VOICE Peer Educators.
- **Teal Color Fest** for Sexual Assault Awareness Month. April 19, 2019. VOICE Peer Educators and The Advocate hosted a carnival-like event for sexual assault awareness featuring a resource fair, color explosions, and chants about sexual assault awareness. Presentations highlighted campus and community resources, including The Advocate services and the local sexual assault agencies' services.
- **Awareness Event – Take Back the Night.** April 25, 2019, SMSU Lobby. A night where survivors of sexual assault came together to share their stories, create art therapy, and empower one another. Features included spoken work, artwork, and resource tabling. Event sponsored by the Women's Resource Center.

For more information, including definitions, resources, and a more detailed overview of the processes available under the CSU Executive Orders, or to report an incident of Sexual Misconduct, please visit: <https://www.csusb.edu/title-ix>. Please contact the Title IX Coordinator with any questions or concerns at:

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