

CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO CAMPUS



2022

ANNUAL SECURITY REPORT

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY
POLICIES & CAMPUS CRIME STATISTICS ACT (20
U.S.C. § 1092(F))

Clery Crime Statistics 2019-2021

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CALIFORNIA STATE UNIVERSITY, SAN BERNARDINO

ANNUAL SECURITY REPORT: San Bernardino and Palm Desert Campuses

Message from the President

At California State University, San Bernardino (CSUSB) we are committed to providing an environment that supports the safety and well-being of our campus community and promotes our ultimate aim of ensuring our students' success in achieving their academic goals. Maintaining a unified public safety team is essential to this work at our university, where more than 20,000 people visit, work and study on our San Bernardino and Palm Desert campuses each year. We are grateful to our team's unwavering dedication and professionalism in consistently ensuring that CSUSB ranks among the safest public universities in California.

The Clery Act is a federal law that requires timely and transparent crime reporting in support of enhanced public safety decision-making. Each fall, the university produces an Annual Security Report , created in compliance with the Act and comprising input from multiple CSUSB departments. This ASR is published for the San Bernardino Campus as well as the Palm Desert Campus.

I encourage all CSUSB community members to read and refer to the report to enhance individual and collective safety-related decision-making. As you will see, it contains information about university departments, systems and services focused on campus safety.

I am proud of the ongoing collaborative partnership between the University Police and Risk Management. Please join me in thanking them for actively fostering campus safety. As individual campus community members we, too, play a vital role in contributing to campus safety in heeding the saying: "If you see something, say something."

Sincerely,

Tomás D. Morales
President



Preparing the Annual Security Report

This report is part of an on-going effort to promote safety and security at CSUSB and to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, also known as The Clery Act (<http://clerycenter.org/summary-jeanne-clery-act>). Under this Act, all colleges and universities across the country are required to publish this report by October 1 of each year. These reports must contain applicable policies and procedures regarding security and fire safety and the statistical data from the previous calendar year and the two (2) preceding calendar years. At CSUSB, the Annual Security Report (ASR) is prepared by the campus' Clery Director. The ASR is prepared in cooperation with the University Police Department (UPD), Director of Student Conduct & Ethical Development, Title IX Coordinator, Student Health Center, and the Department of Housing and Residential Education. Relevant information is also obtained from local police agencies. The CSUSB Clery Compliance Team meets often throughout the year and is responsible for overseeing the content within this document.

To comply with the federal law, the UPD collects crime statistics from designated Campus Security Authorities (CSAs), local police agencies, and reports of crimes that occurred within the campus geography. The University recognizes and grants certain privileges to registered student organizations, including fraternities and sororities. However, the campus does not have any off-campus fraternity or sorority houses (nor any affiliated facilities or property). Unless otherwise indicated, all policy statements in this Annual Security Report apply to the following locations:

- California State University, San Bernardino – San Bernardino Campus
- California State University, San Bernardino – Palm Desert Campus

The UPD, Counseling and Psychological Services (CAPS), and The Advocate of Survivor Advocacy Services will accept confidential and anonymous reports of crime for inclusion in the annual statistical report. CAPS and The Advocate can be contacted at (909) 537-5040 and are available after hours. UPD can be reached 24 hours a day by calling 911 or (909) 537-5165, and anonymous reports can be made through UPD's tip line (909) 537-7786 or by emailing reportcrime@csusb.edu.

We encourage and promote accurate and prompt reporting of criminal activity directly to UPD, even if the victim of a crime elects to or is unable to make such a report. However, members of the campus community may also notify one of the designated CSAs about a crime. Crime statistics are gathered from CSUSB CSAs and division leaders, using a crime incident report form and other means of notification. When a crime is reported to a CSA, a notification is made immediately to the UPD. When appropriate, reports of crimes to a CSA will be included in the annual statistical disclosure and may trigger Timely Warning Notices.

A CSA is an official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline, and campus judicial procedures. Individuals may be designated as CSA's if their official job responsibilities involve significant interaction with student and/or campus activities; serve as formal or unofficial mentors to students; serve as a member in an office or on a committee to whom students are instructed or informed to report or discuss crimes, allegations of crimes and other troubling situations; or have oversight for disciplinary procedures.

At CSUSB, CSA's include, but are not limited to:

- UPD, including sworn and civilian personnel
- Parking and Transportation (under UPD) Officers and Community Service Officers (CSOs)

- Housing and Residential Education staff, including Associate Directors, Specialists, Area Coordinators, and Resident Assistants
- Athletics Director, Associate and Assistant Directors and Athletic Coaches, including Assistant Coaches and Trainers
- Student Conduct & Ethical Development personnel
- Title IX & Gender Equity personnel
- Club and Organizations Advisors
- Dean of Students
- Study Abroad Coordinators
- Ombudspersons
- Management Personnel Plan (MPPs) employees
- Campus Administrators (e.g. President, Vice Presidents, Associate Vice Presidents)

Copies of this report may be obtained electronically at:

https://www.csusb.edu/sites/default/files/2022_CSUSB_Annual_Security_Report_0.pdf. Hard copies are available upon request at the UPD at 5500 University Parkway, San Bernardino, CA 92407, located off Fairview Drive, adjacent to the A Lot Parking, or by calling (909) 537-3552 or (909) 537-7561.

All prospective employees may obtain a copy from Human Resources in Sierra Hall 110 or by calling (909) 537-5138, and the web site address will be attached to CSUSB Employment Applications.

Clery Crime Statistics 2019 to 2021

San Bernardino Campus

Murder/NonNegligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	2	2	0	0
2020	1	1	0	0
2021	0	0	0	0

Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	0	0	0
2020	0	0	0	0
2021	1	1	0	0

Incest

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Statutory Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Robbery

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Aggravated Assault

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	1	0	0
2020	1	1	0	0
2021	1	6	0	0

Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	4	4	0	0
2020	4	4	0	0
2021	0	5	0	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	8	8	0	0
2020	4	4	0	0
2021	0	5	0	0

Arson

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	11	11	0	0
2020	1	1	0	0
2021	0	2	0	0

Dating Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	5	5	0	0
2020	0	0	0	0
2021	0	0	0	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	2	2	0	0
2020	1	1	0	0
2021	0	0	0	0

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	10	10	0	0
2020	5	5	0	0
2021	0	3	0	0

Arrests for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	1	0	0
2020	0	0	0	0
2021	0	0	0	0

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	1	0	0
2020	0	0	0	0
2021	1	1	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	1	0	0
2020	8	8	0	0
2021	4	4	0	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	16	16	0	0
2020	15	15	0	0
2021	2	2	0	0

Unfounded Crimes

2019 – There were no unfounded crimes.

2020 – There was 1 reported unfounded crime.

2021 – There were no reported unfounded crimes.

Hate Crimes

2019 – There were no reported hate crimes.

2020 – There were no reported hate crimes.

2021 – There was 1 reported hate crime.

Palm Desert Campus

Murder/NonNegligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Incest

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Statutory Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Robbery

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Aggravated Assault

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Arson

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Dating Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Arrests for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	N/A	0	0	0
2020	N/A	0	0	0
2021	N/A	0	0	0

Unfounded Crimes

- 2019 – There were no unfounded crimes.
- 2020 – There was 1 reported unfounded crime.
- 2021 – There were no reported unfounded crimes.

Hate Crimes

- 2019 – There were no reported hate crimes.
- 2020 – There were no reported hate crimes.
- 2021 – There were no reported 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. 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 is considered for all Clery geography including on campus, residential facilities, noncampus buildings or property, and public property.

Procedures for Students and Others to Report Criminal Actions or Other Emergencies on Campus

Potential criminal actions and any emergency on campus, including medical emergencies, should be reported directly to the UPD by dialing 9-1-1. Upon receipt of the call, per UPD Policy 307, UPD officers are dispatched immediately to the site of the complaint and have the authority to make arrests, if necessary.

Firearms and other dangerous weapons of any kind are not permitted on campus or in the residential community. Intentional use, possession, or sale of firearms or any other dangerous weapon is strictly prohibited on campus by State law and University policy.

If you are the victim of, or witness to, a crime and do not wish to pursue action at the University or criminal justice level, you may still report the crime. Victims or witnesses who wish to do so on a voluntary, confidential basis for the inclusion in the Annual Security Report may do so by calling UPD's anonymous tip line (909) 537-7786 or emailing reportcrime@csusb.edu.

University Police

- Location: UP (NW corner of campus, next to the A Parking Lot)
- Phone: 909-537-5165
- WE-TIP Hotline: 800-782-7463 (800-78-CRIME)
- LiveSafe App

Local Police (San Bernardino Campus)

- San Bernardino Police Department
700 N. D Street, San Bernardino CA 92401 / Phone: 909-383-5311
- San Bernardino County Sheriff Department
655 East Third Street, San Bernardino CA 92415 / Phone: 909-387-8313

Local Police (Palm Desert Campus)

- Riverside Sheriff's Office, Palm Desert Station
73520 Fred Warning Drive, Palm Desert CA 92260 / Phone: 760-836-1600

Voluntary and Confidential Reporting

As provisioned through UPD's Policy 307 and CAPS' Clery Reporting Guidelines, confidential and anonymous reports will be accepted for inclusion in the annual statistical report. CAPS and The Advocate can be contacted at (909) 537-7354. CAPS also provides telephonic mental health providers after hours at the same number. Reports may be made anonymously to UPD via the anonymous crime tip line at (909) 537-7786 or by email at reportcrime@csusb.edu. UPD can be reached 24 hours a day by calling 911 or (909) 537-5165.

CAPS counselors are mandated to maintain confidentiality within the limits outlined by professional laws and ethics when working with students who report crimes as a matter of their counseling. CAPS counselors should clearly review confidentiality with all students. However, based upon professional judgement, if and when a counselor deems it appropriate to discuss reporting options to a student, this

is encouraged as it provides students with information regarding the courses of action available to them. The counselor may also include, based upon professional judgement, information regarding anonymous reporting, and the benefit of such reporting to other students and the larger campus community.

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.

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.

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

Timely Warning Policy

This 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 complete and document a 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).

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 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. The University is not required to issue a Timely Warning for crimes reported to a pastoral or professional counselor.

Emergency Notification Policy

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 both 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 shall not be issued 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.

CSUSB utilizes several social media platforms to keep the public up to date with news and information, including during an emergency or incident on campus. Current Emergency Notification Systems (ENS) have the ability to push information to phones that subscribe.

To facilitate further information dissemination to the large surrounding community, the San Bernardino Police Department (SBPD) and San Bernardino County Office Operational Area (SBCOA) will be kept apprised of a situation. SBPD and SBCOA use systems including, but not limited to, Telephone Emergency Notification System (TENS), Nixle, and various social media applications to disseminate critical information.

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.

The CSUSB Emergency Operations Plan includes emergency response and evacuation procedures. The evacuation of campus buildings or the entire campus may be required due to emergency situations occurring on or near the campus. If an evacuation decision is made, CSUSB will notify the campus community using the Emergency Notification System (ENS). The campus community should follow the messaging as to how to immediately exit the campus. Further information can be obtained in the CSUSB Emergency Operations Plan, located at <https://www.csusb.edu/sites/csusb/files/180920%20%28V.20%29%20CSUSB%20Emergency%20Operations%20Plan%20-%20Wing%2C%20Loden.pdf>.

Students and employees who need information on how to add contact information to be included for emergency notification or to remove information and “opt out” of notifications should visit www.csusb.edu/alert for call the on-campus Emergency Management Office at 909-537-7477 for assistance.

The Chief of Police or the Clery Director, or in their absence the management designee(s), will provide follow-up notifications and information until the emergency is mitigated and no longer poses a threat.

If an emergency notification is issued, a timely warning will not be issued to the community for the same incident.

Security of and Access to Campus Facilities, and Security Considerations for the Maintenance of Campus Facilities

Most San Bernardino campus buildings and facilities are accessible to the campus community, guests, and visitors during normal business hours, Monday through Friday. All non-residential buildings, except the library, will be secured by key or electronic door control by UPD nightly by 10:00 p.m. It is recognized that there will be some need for after hours and weekend access to buildings. After hours, a faculty or staff I.D. is required for access. Anyone working after hours (10:00 p.m.) or on weekends should notify UPD. Students working in the building after hours are required to have in their possession a student pass (authorized by college deans) and photo identification. Holiday access scheduling is treated as weekend access.

The exterior doors to all San Bernardino campus student residence halls are controlled 24 hours a day and are accessible to students through an electronic card access control system. Guests and visitors to a residence hall may gain admittance by calling a student living in the residence hall and being escorted by that individual. Students gain access into the residence hall by using their key card. This enables entry control by validation or denial of the cardholder. In addition, all residence halls are monitored by video surveillance cameras, with all activity recorded and stored. A local notification will sound if a door is propped open for any significant period of time.

CSUSB offers traditional residence halls as well as apartment style living on the San Bernardino Campus. Security safeguards within the residence halls include restricted access limited to residents, escorted guests, and University staff. Facilities are accessed via key card or electronic badge. The campus facilities are maintained by Facility Services and patrolled by the officers of the UPD. The police officers and community service officers regularly test the emergency phones and submit work orders for repair and conduct periodic lighting surveys. Officers report the need for replacement of lights and any other physical hazards they notice. Periodic crime prevention surveys are conducted when a crime trend occurs or upon the physical changes of office space and equipment when requested by an administrator. Many buildings, offices, labs, computer rooms and areas of campus have alarms, which are monitored by the UPD.

Housing and Residence Education staff members participate in comprehensive training programs for both prevention and response regarding safety and security issues. As part of their responsibility for campus security, both student and professional staff participate in extensive training associated with topics such as substance abuse, prevention of sexual assault, and community safety and security. Area Coordinators for Residential Education (ACOREs) and student Resident Assistants (Ras) live on campus and provide staff coverage and response.

The Palm Desert campus hours are 8:00 a.m.-8:00 p.m. Monday-Friday. Community Service Officers are on duty to cover the open hours of the campus and all buildings are open during this time. During the week, the southwest doors (facing Cook Street) of the Palm Desert Health Sciences building and the north door (facing Indian Wells Academic building) are secured at 6:00 p.m.

An after-hours security company patrols the campus from 8:00 p.m. until 8:00 a.m. Monday-Friday and throughout the weekend. In addition, the campus is also patrolled 24 hours a day when campus is closed (e.g., for observed holidays).

There are emergency phones throughout the campus that connect directly to the Riverside County Sheriff's Department and are checked regularly for working order. The Riverside County Sheriff's Department has primary policing responsibilities for the Palm Desert Campus.

To increase safety in on-campus housing, residents should take the following precautions: residents with automobiles should park them in designated spaces. Observe all building security procedures and keep room doors locked at all times, even when occupied. Notify Housing and Residential Education staff or UPD of any unfamiliar faces or unusual incidents within residence buildings or property. Make note of the locations of emergency telephones located throughout the campus; all emergency telephones on the San Bernardino campus are connected directly to UPD.

At both campuses, lighting improvements are constantly being evaluated. Recent improvements have included the placement of high intensity sodium vapor lights in buildings, parking lot areas, areas with heavy landscaping and trees, and along frequently traveled pathways. Emergency telephones are throughout the campus.

The UPD Crime Prevention programs discussed later in this report are available to the entire campus community. Information about, and access to, these programs are offered at orientation workshops and safety meetings with campus constituents. All of these programs are geared to enhance safety and security on campus.

Students are encouraged to report any problems with the campus environment to UPD at (909) 537-5165 and the Department of Housing and Residential Education at (909) 537-4155. The UPD maintains an anonymous crime tip line at (909) 537-7786. The UPD, Counseling and Psychological Services (CAPS), and Survivor Advocacy Services will accept confidential and anonymous reports of crime for inclusion in the annual statistical report. CAPS and the Advocate can be contacted at (909) 537-5040, and CAPS is available after hours. UPD can be reached 24 hours a day by calling 911 or (909) 537-5165.

Systemwide Law Enforcement Policy, 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 authority¹ 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):

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

¹ Including the authority to make arrests

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

California State University encourages all members of the Campus communities 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 to or is unable to make such a report.

Campus safety is coordinated by the UPD, located on Fairview Drive, near Lot A. The Department has nineteen (19) sworn officers who are graduates of an approved California Peace Officers Standards Training Academy and undergo continued training to advance their skills. All sworn employees have been trained in first aid and CPR and are authorized to enforce all state laws and regulations on the University campus. UPD officers are fully armed and conduct foot, vehicular, and bicycle patrols on campus and in the residence community 24 hours a day. UPD officers work with the San Bernardino Police Department and other law enforcement agencies to assist them with incidents involving campus community members that may occur off-campus. The Department also employs approximately forty (40) non-sworn support personnel.

The UPD has existing mutual aid agreements with both the San Bernardino Police Department and the San Bernardino County Sheriff's Department for the San Bernardino campus, and the Riverside Sheriff's Department for the Palm Desert campus. There are no current mutual aid agreements with other State law enforcement, although the California Highway Patrol is a resource available to UPD.

San Bernardino Campus: The San Bernardino Police Department agrees to investigate incidents of homicide and violent sexual assaults that occur on the property of CSUSB.

Palm Desert Campus: The Riverside Sheriff's Department agrees to serve as the primary law enforcement agency, having principal law enforcement jurisdiction at the Palm Desert Campus.

The campus encourages the accurate and prompt reporting of all crimes directly to the UPD or any police agency. The community is offered a variety of means for reporting crime and requesting police

services, to include phone, texting, and internet-based platforms. UPD accepts information about criminal activity even when the victim of a crime elects not to or is unable to make a report to law enforcement. The UPD respects the rights of victims and understands that they might not always be willing to report their case to law enforcement. In these cases, victims are encouraged to seek assistance from the campus Title IX Coordinator, who can provide information on options, rights and remedies, and/or a sexual assault counselor or advocate. The campus Title IX Coordinator is available to assist students with notifying the police where they choose to do so.

UPD – 911 or (909) 537-5165

Title IX – (909) 537-5669; titleix@csusb.edu

Campus Survivor Advocate – (909) 537-5040

The UPD maintains a Crime Log that covers both the San Bernardino and the Palm Desert Campuses, as well as a Fire Log for the San Bernardino Campus. The Crime Log includes criminal incidents reported to UPD during the last 60 days and is available for viewing on the UPD's webpage at <https://csupd.crimegraphics.com/2013/default.aspx?InitialTab=14>. Copies of the Clery Crime Log may be obtained from UPD during business hours. Any portion of the log that is older than 60 days will be made available within two business days from the date requested. Copies of the Fire Log may be obtained from UPD during business hours.

Security Awareness and Crime Prevention Programs

Ongoing prevention and awareness campaigns means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution. The programs promote positive and healthy behaviors that foster mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to turn behavior and social norms in healthy and safe directions. CSUSB mandatory training programming includes a multi-faceted approach for students who prefer to take either an online-based program, in-person bystander intervention workshop, or to attend relevant school-sponsored events such as speakers, performances, or workshops relating to the topics of sexual misconduct, dating and domestic violence, or stalking.

Awareness programs include community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

To ensure that all students receive the necessary information and training enumerated above on sexual misconduct, dating and domestic violence, and stalking, CSUSB imposes a consequence, i.e. registration hold on those students who do not participate in and complete such mandatory training.

Primary Sexual Assault Prevention Training Programs

The goal and commitment of the CSUSB Sexual Assault Prevention and Training Plan, in addition to ensuring full compliance with Federal and State law and CSU policy, is to create an atmosphere in which all students have the right to participate fully in CSU programs and activities free from discrimination, harassment, and retaliation. The Prevention and Training Plan includes programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur, through the

promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to turn behavior and social norms in healthy and safe directions. Training Plan topics include laws, medicine, societal attitudes, crisis intervention and counseling techniques, referral services, sexuality, and role playing.

Bystander intervention means 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 assault, 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. A bystander is anyone who observes an emergency or a situation that looks like someone could use help. The bystander must then decide if they are comfortable stepping in to help. Research has found that people struggle with whether helping out is their responsibility and are unlikely to help in certain situations. One of the major obstacles to intervention is something called diffusion of responsibility, which means that if several people are present, an individual is less likely to stop and help out because they believe someone else will. The University wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. People may not always know what to do, even if they want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.
- Confront people who seclude, hit on, and try to make out with, or have sex with, people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on and off-campus resources for support in health, counseling, or with legal assistance.

Bystander Intervention workshops are held on campus and satisfy the yearly mandatory End Sexual Violence Training requirement.

The University provides a yearly "CSU Notice of Non-Discrimination on the Basis of Gender or Sex" as well as the "CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, and Retaliation" to all students and staff via email and hard copies posted in all campus buildings. This information is also posted to the Institutional Equity and Compliance webpage under Resources, Myths & Facts.

Risk reduction describes options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Risk reduction includes the act of using your common sense, situational awareness, and trusting your instincts to reduce the risk of being a victim of sexual assault.

The following are some strategies to reduce one's risk of sexual assault, dating or domestic violence, stalking, or harassment:

- Be aware. Does your partner: Threaten to hurt you or your children? Say it's your fault if they hit 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.
- 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.
- 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.
- Report incidents of violence to law enforcement and campus authorities.
- **In an emergency, call 9-1-1.**

Sexual Assault Awareness Month

An on-campus committee titled the Sexual Violence Prevention Partners was created. Led by Institutional Equity & Compliance, the committee includes representatives of the Health Center, Counseling and Psychological Services, Women's Resource Center, Queer & Transgender Resource Center, Peer Educators, Student Affairs administrators, Student Union staff, students, and faculty. The Sexual Violence Prevention Partners collaborated on Sexual Assault Awareness Month. Students, faculty, and staff are welcome to attend the various sessions, prevention fairs, and events offered.

CSUSB programming initiatives:

As a result of the pandemic, yet to continue to show support for these initiatives, these programs were held virtually.

- **Letters to Survivors.** April 15, 2021, via Zoom. As a part of Sexual Assault Awareness Month, this virtual event invited the campus community to write and red out letters to survivors of sexual assault. The event was in collaboration with the Campus Confidential Advocate.
- **Career Paths in Sexual Violence and Advocacy.** April 13, 2021., via Zoom. The virtual program was a great opportunity for students to hear from amazing professionals working in the career field involving sexual violence advocacy, response, and prevention.
- **Denim Day 2021.** April 28, 2021. Denim Day raises awareness of sexual assault by wearing jeans, and remembering that tight jeans do not imply consent and are not an invitation to have sex.
- **Sexual Assault & Mental Health: The Impact on Immigrants.** April 29, 2021, via Zoom. As a part of Sexual Assault Awareness Month, this virtual program raised awareness on sexual assault, mental health, and resources for undocumented folks. The Women's Resource Center and Queer and Transgender Resource Center collaborated on this event and invited CSUSB Voice Peers, the Campus Confidential Advocate, CSUSB Counseling & Psychological Services, Undocumented Student Success Center, and the Riverside Area Rape Crisis Center as presenters.
- **University Police Department Awareness and Resource Fair.** November 9, 2021, CSUSB Library Lawn. The purpose of this event was to educate, train, create awareness and prevention to

students, staff, and faculty members of Title IX policy. This included how to make a report, services provided, and supported measures that Institutional Equity and Compliance can offer.

- **Department of Housing & Residential Education Student Leader Training: Title IX.** August 12, 2021, via Zoom. Educate Resident Advisors on Title IX incidents that fall within the scope of CSU Executive Orders 1096 and 1097.
- **What Does it Mean to be Toxic?: Identifying Red Flags in a Relationship.** October 4, 2021, via Zoom. As a part of Domestic Violence Awareness Month, the Women's Resource Center hosted a virtual presentation on the signs of domestic abuse and resources to support survivors. Presenters included the San Bernardino County District Attorney Victim Service, Campus Confidential Advocate, Clay Counseling Solutions, Option House Inc., Partners Against Violence, and the Riverside Area Rape Crisis Center.
- **Athletics: Supplemental Title IX Training.** November 2, 2021, CSUSB Coussoulis Arena Basement. Historically, higher education athletic departments have a higher chance of experiencing issues relating to Title IX. This training provided the Athletics department with specific supplemental Title IX training for athletic student leaders, staff, and faculty.
- **New Employee Orientation.** October 21, 2021 and December 10, 2021, via Zoom. This presentation's objective was to educate all new staff members about Title IX policy, reporting procedures, and the role of a "Responsible Employee."

CSUSB offers various security awareness programs to inform students and employees about campus security procedures and practices. Students and employees are encouraged to be responsible for their own security and the security of others. Our programming and initiatives afford a range of strategies to the campus community. All programs are offered throughout the academic year and upon request.

Members of the University Police Department are available to provide presentations to staff, faculty and students regarding How to Survive an Act of Violence, safety for children and parents, and other topics related to protecting personal and state property. The How to Survive an Act of Violence course is offered in a full 4-hour workshop as well as an abbreviated 90-minute session. The abbreviated course provides a brief overview of "Run, Hide, Fight," basic medical care, and the importance of "See Something, Say Something." The longer workshop provides full-scope training including historical contexts of events, hands-on defense, hands-on triage, and discussion of emergency personnel response.

Established University faculty, staff and UPD procedures will serve as the mechanisms for resolving situations of violence or threats of violence. Each allegation of violence will be taken seriously and investigated. Individuals are encouraged to report acts of violence, threats of violence, or any other behavior which by intent, act, or outcome, harms another person.

The UPD offers all students, faculty, and staff escorts to their car or other locations on campus upon request. The service is delivered on a "first call - first served" basis. UPD Community Service Officers (CSOs) are trained student assistants equipped with police radios and will respond to the request. If a CSO is not available, a police officer will provide the escort. This service is available 24 hours a day, seven days a week. Call (909) 537-5165 or (909) 537-7777.

CSUSB has established a team of individuals to respond, and provide training, to prevent or recognize early warning signs of potential violence. The team consists of members from the UPD, Counseling & Psychological Services, CARE (Campus Assessment, Response, Education) Team, Human Resources and a variety of other entities on campus. Individual consultations, counseling, presentations, and workshops

are offered upon request. Requests can be made by calling UPD at (909) 537-5165, CARE at (909) 537-CARE, or Human Resources at (909) 537-5138.

A self-defense course is offered by UPD upon request. This is a program of realistic, self-defense tactics and techniques. This comprehensive course teaches awareness, prevention, risk reduction, avoidance, and basic defense. The course is not a martial arts program and is taught by certified instructors.

The Santos Manuel Student Union Women's Resource Center and Queer and Transgender Resource Center also offer self-defense classes at the San Bernardino campus. The classes are approximately 2 to 3 hours in length and focus on prevention, personal safety awareness, and physical techniques to escape an attack.

UPD now provides a new personal safety and self-defense course called "Coyote Be Aware." This workshop provides a mix of hands-on defense and safety tips aimed to improve awareness of surroundings and assist in crime prevention to help the campus community stay safe.

UPD offers a Pepper Spray course which provides the do's and don'ts of pepper spray use and includes a question and answer session. Participants are not sprayed with pepper spray and the course is intended for safety purposes and information only. The class is open to faculty, staff, and students.

Crime Prevention brochures are also available on the UPD website at:

<https://www.csusb.edu/police/services/crime-prevention>.

Monitoring and Recording Crime Activity at Noncampus Locations of Student Organizations

CSUSB does not have any off-campus housing or student organization facilities, and no policy exists at this time regarding non-campus locations. When a local law enforcement agency notifies UPD of criminal conduct by a campus-affiliated group recognized by CSUSB, UPD officers may gather information and refer the incident to Student Conduct and Ethical Development for further investigation.

The University recognizes and grants certain privileges to registered student organizations, including fraternities and sororities. Student organizations and clubs at CSUSB must comply with University policies and/or regulations, as well as local, state and federal laws. Misconduct can result in sanctions against the student organization and/or individual members if the misconduct (a) occurs on University property, or (b) off-campus if that conduct (1) occurred as part of a campus-related or recognized event; (2) adversely affects the health and safety of members of the campus community; (3) is sufficiently severe or pervasive; (4) harms University property; or (5) thwarts or interferes with the mission of the University. Individual students are subject to discipline in accordance with Executive Order 1098-Revised – Student Conduct Procedures, which is administered by the Office of Student Conduct and Ethical Development.

Student organizations found responsible for violations of the Standards for Student Conduct (as defined by Title 5, California Code of Regulations, Section 41301) and/or the Student Organization Standards (CSUSB Student Club and Organization Handbook) or other University policies may be subject to sanctions, including (i) Official reprimand, (ii) Restriction of privileges; (iii) Restitution, community

service, educational sanctions, or any combination of these; (iv) Required training and/or education; (v) Probation; (vi) Suspension of Charter); (vii) Total revocation of University recognition.

Possession, Use, Sale and Enforcement of Federal and State Alcohol and Drug laws

Alcohol and other drugs should not interfere with the University's educational mission. All CSUSB students, faculty members, staff members, and administrators are subject to local, state, and federal laws regarding the unlawful possession, distribution, or use of alcohol or illegal drugs. UPD officers enforce laws regulating the use of alcoholic beverages and underage drinking. CSUSB is committed to maintaining a safe and healthy environment for the campus community.

The unlawful manufacture, distribution, possession, sale, or use of illegal drugs on the University campus or at any University-sponsored event, on or off-campus, is prohibited. No one may use illegal substances, or abuse legal substances, including alcohol, in a manner which impairs performance of assigned tasks. A complete description of these regulations is outlined in the CSUSB Alcohol and Other Drugs Policy, (<https://www.csusb.edu/policies/alcohol-and-other-drugs-policy>), including a) the standards of conduct that prohibit the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees, b) a list of the legal sanctions under federal and state laws regarding the unlawful possession or distribution of illicit drugs and alcohol, c) a description of the health risks associated with the abuse of alcohol or use of illicit drugs, and d) a link to the campus Alcohol and Drug Education website (<https://www.csusb.edu/alcohol-drug-education>) that lists the drug and alcohol programs that are available to students; and e) the CSUSB Student Code of Conduct ([Title 5, California Code of Regulations, §41301. Standards for Student Conduct](#)). The CSUSB Alcohol and Other Drugs Policy is available on the CSUSB Policy Page (<https://www.csusb.edu/policies/alcohol-and-other-drug-policy>) and can be obtained from Human Resources, the University Policy Department, and the Office of the Vice President for Student Affairs. Annually, students receive the policy as part of the campus Disclosure of Consumer Information emailed to their CSUSB email accounts and posted on the Registrar's website (<https://www.csusb.edu/registrar/disclosure-consumer-information>) and included in the CSUSB Annual Bulletin.

The [Standards of Student Conduct](#) (Title 5, California Code of Regulations, §41301) includes the following grounds for discipline:

- a. Use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs.
- b. Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University-related activity.

Sanctions for the conduct listed above can be imposed on applicants, enrolled students, students, between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is pending.

Excessive use of alcohol and other drugs is a serious health problem in itself, but alcohol and drug abuse can also contribute to a host of other health risks. CSUSB provides a variety of alcohol and drug programs and services to assist students and employees. Many of these programs and services are free or are covered by student fees or employee benefits.

Alcohol and Drug educational offerings and risk reduction programs for students begin with Orientation and continue throughout the academic year. Incoming CSUSB students participate in the Buzz, an interactive evidence-based program delivered by a professional health educator, which provides alcohol education, raises awareness and promotes responsible use. During National Collegiate Alcohol Awareness Week and various other health and wellness events throughout the year, trained peer health educators table and deliver presentations on alcohol and drug risk reduction leveraging peer-to-peer influence and social norms. Peer health educators also offer a Buzzed 101 workshop, which presents information about safety, risks, health consequences, tips for harm reduction, and abstinence through games and activities. CSUSB utilizes Rethinking Drinking booklets (created by the National Institute on Alcohol Abuse and Alcoholism and the National Institutes of Health). These booklets are provided to students to help them consider the risks of alcohol use and consider making changes to their use of alcohol. Professional and peer health educators also led various workshops and activities during a marijuana awareness week. Health promotion newsletter articles and Instagram posts written by peer health educators regularly informed students about the risks of alcohol and drug misuse and provide resources for risk reduction.

AlcoholEdu, an evidence-based and interactive alcohol education and prevention program, has been deployed and invited speakers have educated student-athletes and fraternity and sorority members about the risks associated with alcohol and drug misuse and promoted healthy choices. Campus Student Health Center doctors and nurse practitioners routinely use the Screening, Brief Intervention, and Referral to Treatment (SBIRT), an evidence-based practice to identify, reduce, and prevent problematic use, abuse, and dependence on alcohol and illicit drugs for students who are treated by the CSUSB Student Health Center. Students who are identified as at-risk are referred for therapy and other interventions. CSUSB Counseling and Psychological Services' professional counselors screen and treat students with alcohol and substance-use disorders and refer students to community agencies that require a higher level of care. Students are also referred, and can self-refer, to the campus Self-Management and Recovery Training (SMART) group, which is an evidence-based abstinence program for individuals struggling with addiction. Annually, peer health educators equip students with the tools and tips they need to have a safe spring break. Through a variety of activities, students learn about responsible use alcohol, safe party tips and other related topics. CSUSB sponsors a safe spring break trip that sends students to other cities, states and countries to engage in daily volunteer service projects and social issue awareness. Through service, participants are able to experience, discuss, and understand social issues while learning how to become active citizens in their own communities. Please also see Drug Free Schools and Campus or additional resources at <https://www.csusb.edu/alcohol-drug-education/drug-free-schools-campus>.

The use of alcoholic beverages must be in compliance with California State Law and is strictly limited to persons 21 years of age or older. The possession, transportation, and/or consumption of alcohol by individuals under 21 years of age is strictly prohibited.

CSUSB's alcohol prevention strategies include prevention education, as well as educational sanctions when students violate the Standards for Student Conduct. Campus resources include the Student Health Center, which can be contacted at (909) 537-5241, and Counseling & Psychological Services (CAPS), which has daytime and after-hours availability at (909) 537-5040.

Additional resources are University Police at (909) 537-5911 or (909) 537-7777 and the Community Hospital of San Bernardino, Behavioral Health Services, located at 1805 Medical Center Drive, San Bernardino; (909) 806-2306.

Information for employees regarding the drug-free workplace can be found on <https://www.csusb.edu/policies/drug-free-workplace-policy>. Employees are encouraged to contact the Human Resources Benefit Manager for information about drug counseling provided through the Employee Assistance Program (EAP) to learn what services are covered for substance abuse under the individual's medical insurance plan. Descriptions of the drug counseling, treatment, or rehabilitation programs available to employees can be found on the EAP website <http://www.caeap.com/>.

The sale or consumption of alcoholic beverages on campus is prohibited, except for special events and pre-designated areas. Violations of this policy will result in disciplinary action leading to probation, possible eviction, and prosecution. Refer to the [campus policy](#) for details.

The UPD strictly enforces Federal and State laws, as well as the University's zero-tolerance policy, for the use and sale of illegal drugs. Violators are subject to University discipline and criminal prosecution. Students found in violation of University alcohol, drug, or weapons policies may be subject to removal from University Housing, disciplinary probation, suspension, or expulsion.

Employees in violation of the University alcohol and drug policies or Executive Order 930 may be subject to corrective action, dismissal, or be required to participate fully in an approved counseling or rehabilitation program. Penalties for violations of local, state, and federal law for the unlawful possession or distribution of illicit drugs and alcohol range from fine, probation, diversion, and/or imprisonment in the county jail or state prison. The Department of Motor Vehicles (DMV) will suspend the driver's license of drivers arrested for driving under the influence (DUI) of alcohol and/or drugs. Refusal by the driver to take a blood alcohol test during a DUI investigation will aggravate the related suspension and penalties.

Sexual Violence Prevention

The California State University does not discriminate on the basis of sex, gender, including 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 of sex, gender, or sexual orientation in employment, as well as all education programs and activities operated by the University (both on and off campus), including admissions, and protect all people regardless of their gender from Sex Discrimination, including Sexual Harassment, Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, and Stalking.

The University seeks to provide an education environment free of Sexual Misconduct/Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence and Stalking. Every member of the University community shall be aware that Sexual Misconduct, and/or acts of violence with a sexual nature directed toward another person will not be tolerated and are prohibited by federal and state law and University policy. As members of the University community, students shall comply with University policies and guidelines in addition to federal, state, and local laws whether on or off campus. The University will discipline persons identified as responsible for Sexual Misconduct/Sexual Assault Dating or Domestic Violence, or Stalking as described in this report and University policy.

In an ongoing effort to prevent Sexual Misconduct/Sexual Assault Dating Violence, Domestic Violence and Stalking, the University provides education and prevention programs, investigates complaints, dispenses corrective or disciplinary action where appropriate, provides referrals for medical care/counseling, modified classes, reduced course loads, campus housing changes, work assignment assistance, stay away orders, leaves of absence, and more. The University also provides information to

victims on pursuing criminal action and obtaining protective orders if needed. University officials who are responsible for investigating and/or adjudicating cases of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, and Stalking receive annual training for compliance with federal, state and CSU system regulations. The University provides a yearly "CSU Notice of Non-Discrimination on the Basis of Gender or Sex" as well as the "CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, and Retaliation" to all students and staff via email and hard copies posted in all campus buildings.

The University is committed to empowering victims of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, and Stalking by providing ample supportive services, and encouraging their choice of action, regardless of their decision to seek criminal prosecution of offender(s). If requested by the victim, University personnel will assist the victim in notifying the appropriate law enforcement authorities.

Preservation of Evidence in cases of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking

It is important that you take steps to preserve and collect evidence; doing so preserves the full range of options available to you, be it through the University's administrative complaint procedures or criminal prosecution. To preserve evidence: (1) do not wash your face or hands; (2) do not shower or bathe; (3) do not brush your teeth; (4) do not change clothes or straighten up the area where the assault took place; (5) do not dispose of clothes or other items that were present during the assault, or use the restroom; and, (6) seek a medical exam immediately. If you already cleaned up from the assault, you can still report the crime, as well as seek medical or counseling treatment. You should preserve text messages, social media postings, or notes that demonstrate the course of conduct. Contemporaneous photos of bruises or other injuries are helpful. You may consult with the campus Title IX Coordinator or Sexual Assault Victim's Advocate for assistance as well.

In cases of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking, the preservation of physical evidence is important to facilitate the identity and successful prosecution of the offender. The victim should preserve text messages, social media postings, or notes that demonstrate the course of conduct. Contemporaneous photos of bruises or other injuries are helpful. In cases of sexual assault or violence, the victim should not change clothes, bathe, douche, or shower following the attack. Sexual Assault Response Team (S.A.R.T.) medical personnel are trained to collect, process, and preserve physical evidence of Sexual Misconduct, and are committed in their assistance to the victim. Victims may request a S.A.R.T. exam to preserve forensic evidence without completing a police report. This evidence may be used in the case a victim wishes to report the assault at a later date. Victims are not financially responsible for S.A.R.T. exams and the cost will be the responsibility of the local law enforcement jurisdiction.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not to make a complaint regarding an incident, nevertheless, should consider speaking with University Police or other law enforcement to preserve evidence in the event that they change their mind and wish to report the assault at a later date.

A victim has the right to have a confidential advocate present when reporting to law enforcement and during examinations. With the victim's consent, the confidential advocate will assess the victim's

immediate needs and provide support and referral as appropriate. This confidential assistance may include counseling, information concerning rape trauma syndrome; information on the collection of medical evidence and available health services to test for injuries, sexually transmitted diseases, and/or pregnancy. Assistance is also available with access to other resources and services, including assistance in obtaining emergency protection orders and restraining orders.

As a reminder, it is important that a victim take steps to preserve and collect evidence; doing so preserves the full range of options available to you, be it through the University's administrative complaint procedures or criminal prosecution. To preserve evidence: (1) do not wash your face or hands; (2) do not shower or bathe; (3) do not brush your teeth; (4) do not change clothes or straighten up the area where the assault took place; (5) do not dispose of clothes or other items that were present during the assault, or use the restroom; and, (6) seek a medical exam immediately. If you already cleaned up from the assault, you can still report the crime, as well as seek medical or counseling treatment. You may consult with the Campus Title IX Coordinator or Sexual Assault Victim's Advocate at (909) 537-7354 for assistance, as well.

Reporting Options

The University's primary concern is your safety and the safety of the campus community. The use of alcohol or drugs never makes the victim at fault for sexual misconduct/sexual assault. If you have experienced sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking, you should not be deterred from reporting the incident out of a concern that you might be disciplined for related violations of drug, alcohol, or other University policies. A person who participates in investigations or proceedings involving sexual misconduct/sexual assault will not be subject to discipline for related violations of the Student Conduct Code or other University policies at or near the time of the incident unless the University determines the conduct places the health and safety of another person at risk or is otherwise egregious. You have several reporting options, and you may pursue one or more of these options at any time. It is your right to have a friend, family member, Sexual Assault Victim's Advocate, or other representative present with you while reporting the incident. You also have the right to have a sexual assault counselor, Sexual Assault Victim's Advocate and/or support person of your choice present with you during a rape examination. You are strongly encouraged to report any incidents to the police and/or campus Title IX Coordinator so that steps may be taken to protect you and the rest of the campus community. However, non-reporting is also an option.

Reporting to university police and/or local police is an option at any time. If you choose not to report to the police immediately following an incident, you can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on your behalf. The campus Title IX Coordinator or Sexual Assault Victim's Advocate can assist you in notifying the police if you choose.

The campus 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, your name/identity will not be included.

Protective Orders

You may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking. University police and your campus Title IX Coordinator can offer assistance with obtaining a protective or restraining order.

Victims may also choose to obtain a protective or restraining order (such as a Domestic Violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. If the incident occurs on the San Bernardino campus, a criminal restraining order can be obtained from the **San Bernardino Superior Court, located at 247 West Third Street, San Bernardino, CA 92415**. A family law protective order can be obtained from the **Family Law Division of the San Bernardino Superior Court, located at 351 North Arrowhead Avenue, San Bernardino, CA 92415**. If the incident occurs on the Palm Desert campus, a criminal restraining order can be obtained from the **Riverside County Superior Court, Desert Region/Indio Court, Larson Justice Center located at 46-200 Oasis Street, Indio, CA 92201**, online, or at any Safe Haven location. A family law protective order can be obtained from the **Family Law Division of the Riverside County Superior Court, Desert Region/Indio Court, Larson Justice Center located at 46-200 Oasis Street, Indio, CA 92201**. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking. The campus Title IX Coordinator or Sexual Assault Victim's Advocate can offer assistance with obtaining a protective or restraining order.

If a protective or restraining order is obtained, the protected person should bring a certified copy of the order to UPD. Sworn personnel on duty will ensure that Dispatch enters the order in the department's records management system, which will allow for expedited notification to a UPD Officer, should he or she come into contact with the subject of the order.

If the protected person is at the Palm Desert Campus, he or she should provide a certified copy to the Riverside County Sheriff's Department, Palm Desert Station at 73520 Fred Warning Drive in Palm Desert, to notify them of the order. He or she should also notify UPD to have Dispatch enter in the department's record's management system that the order is on file with the Sheriff's Department.

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.

Written Notification

Along with the information provided in the outreach communication, 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 written notification states that the Campus and Title IX Coordinator will provide supportive measures, if they are reasonably available, regardless of whether the victim chooses to report sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking to Campus or local police; and also that they will:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Make connections to individuals on campus who can provide support and solutions with respect to a variety of logistics, including transportation assistance, visa/immigration assistance, and financial aid assistance;
- Provide other security and support, which could include issuing a mutual no-contact directive helping arrange a change of campus-based living or working arrangements or course schedules or adjustments for assignments, tests, or work duties; and
- Inform you of your right to report a crime to university or local police – and provide you with assistance if you wish to make such a report.

Institutional Equity & Compliance / Title IX

- Location: Sierra Hall 131
- Website: <https://www.csusb.edu/institutional-equity-compliance>
- Email: iec@csusb.edu
- Phone: (909) 537-5669
- Academic Year - Monday-Friday (8:00 a.m. to 5:00 p.m.)

Attachment D also informs victims that 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;
- Be conducted by officials who receive annual training on sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking, including how to conduct a process that protects the safety of members of the campus community and promotes accountability;
- Provide the Complainant and the Respondent the same opportunity to be accompanied to any related meeting or proceeding by an Advisor of their choice;

- Simultaneously inform the Complainant and the Respondent in writing of:
 - The disciplinary outcome;
 - The procedures available to appeal the results of the disciplinary outcome;
 - Any change to the disciplinary results that occurs prior to the time such results become final; and
 - When disciplinary results become final.

Disciplinary Procedures

The following statements are excerpts from the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (“the 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 Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and associated Retaliation.

Institutional Equity & Compliance / Title IX

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- Website: <https://www.csusb.edu/institutional-equity-compliance>
- Email: iec@csusb.edu
- Phone: (909) 537-5669
- Academic Year - Monday-Friday (8:00 a.m. to 5:00 p.m.)
- File a report via <https://report.csusb.edu/PerspectivePortal?authString=c397af63-d83e-4c9b-9632-1246644d8823>

Complaints against a Chancellor's Office employee, or a campus Title IX Coordinator/ Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator") will be made to the Chancellor's Office at eo-wbappeals@calstate.edu.²

The campus will respond in a timely and appropriate manner to all Complaints and will take appropriate action to prevent continuation of and correct Policy violations.

After receiving a report, the Title IX Coordinator will assess the report and provide outreach to the possible Complainant named in the report. This outreach will include information regarding potential Supportive Measures, where applicable. The Title IX Coordinator will describe and offer Supportive Measures to Complainants during the initial assessment (even if the Complaint is ultimately not investigated). 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

² Complaints against a President should be made to the Chancellor's Office, but only if it is alleged that the president directly engaged in conduct that violates the Policy. Any other Complaints against a president (for example, that the president had no substantial involvement other than to rely on or approve a recommendation made by another administrator) will be made to and addressed by the campus.

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 will make reasonable efforts 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.

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 an Advisor of their choice during meetings or any stage of the Complaint process. 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. An attorney or union representative may serve as a party's chosen Advisor. The unavailability of a specific Advisor will not unduly interfere with prompt scheduling.

Applicable Procedures

The campus will investigate or otherwise respond to reports of alleged misconduct committed by a student in accordance with the Interim Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against a Student ("Student Respondent Procedures") if the alleged misconduct violates the Policy and:

- occurred on campus; or
 - involved or impacted a campus program or activity (including campus employment); or
 - affected a student's or Employee's ability to participate in a program, activity, or employment;
- AND
- The alleged misconduct was committed by a person who at the time of the alleged misconduct was a student.

The campus will investigate or otherwise respond to reports of alleged misconduct committed by an Employee or Third-Party in accordance with the Interim Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-Party ("Employee or Third-Party Respondent Procedures") if the alleged misconduct violates the Policy and:

- occurred on campus; or

- involved or impacted a campus program or activity (including campus employment); or
 - affected a student's or Employee's ability to participate in a program, activity, or employment;
- AND
- The alleged misconduct was committed against a person who at the time of the alleged misconduct was a student, or the alleged misconduct was committed by or against an Employee.

Depending on the circumstances, the campus response may or may not include a formal investigation. When a Complainant requests that no investigation occur, the Title IX Coordinator will balance the request against the campus' duty to provide a safe and nondiscriminatory environment for all members of the campus community.

The Track System

There are three possible sets of procedures ("tracks") for formal resolution of Complaints against a Student ³(Track 1, Track 2, Track 3) as required by federal and state law. There are two sets of procedures ("Tracks") for formal resolution of Complaints against an Employee or a Third-Party (Track 1 or Track 3) as required by federal and state law. The remaining track, track 2: State Mandated Hearing Process, is not applicable to Complaints against Employees or Third-Parties, as it applies only to certain Complaints against Students. Which procedure applies to any given Complaint will depend on a variety of factors described below. Questions about which procedures apply to any specific case should be directed to the campus Title IX Coordinator and/or the Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator").

Prior to a Notice of Investigation being sent to the Complainant and the Respondent, the Title IX Coordinator/DHR Administrator will determine which Track applies.

- Track 1 applies when the alleged conduct:
 - Meets the definition of Sexual Harassment as defined in Article VII.C of the Policy; and
 - Occurred in the United States; and
 - Occurred in an education program or activity at the university, as defined in Track 1
- Track 2 applies when:
 - The Complaint is against a student; and
 - The Complaint is one of Sexual Misconduct, Dating Violence, or Domestic Violence; and
 - The credibility of one (or both) of the Complainant and the Respondent ("the Parties"), or any witness is central to the determination as to whether the student violated the policy; and
 - The student is facing a severe disciplinary sanction (expulsion or suspension) if found to be in violation of university Policy.

³ A Complaint against a Student-Employee where the alleged conduct arose out of the Respondent's status as an Employee and not their status as a student, should be made using the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-Party.

- Track 3 applies to all other Complaints under these procedures that allege a Policy violation.

Under Track 1 or 2, the campus will conduct an investigation, and the Complaint will proceed to a hearing unless otherwise resolved. An Investigator will first interview the Complainant, the Respondent, and any witnesses, and gather any documentary evidence. The hearing will occur once an investigation has finished. During the hearing, a hearing officer listens to the witnesses, including the Complainant and the Respondent, and analyzes the evidence, before deciding whether or not the Respondent violated the Policy.

Under Track 3, an Investigator interviews the Complainant, the Respondent, and any witnesses, gathers any documentary evidence, analyzes the evidence, and decides whether or not the Respondent violated the Policy. There is no hearing in Track 3 cases.

Standard of Evidence

The Preponderance of the Evidence based on the facts available at the time of the decision is the standard for demonstrating facts and reaching conclusions in an investigation and hearing that uses the Procedures. Preponderance of the Evidence means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side.

Dismissal/Referral

When the Title IX Coordinator receives a Formal Complaint under Track 1, or where new information or events arise under this Track, the Title IX Coordinator will assess whether the Formal Complaint meets the requirements of the Federal Regulations to move forward under the process under Track 1. A determination that allegations in a Formal Complaint do not meet the requirements of the Federal Regulations will result in a mandatory dismissal of the allegations in the Formal Complaint that do not meet the requirements and, in some cases, a referral of the allegations to another process as the campus may have an obligation to address the matter under other laws and policies. The Title IX Coordinator will determine whether allegations in a Formal Complaint must be dismissed for purposes of the Federal Regulations. If a Formal Complaint is dismissed it may still be referred, if appropriate, to be addressed under the processes in Track 2 or Track 3, CSU Executive Order 1098, or other applicable policies.

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 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 if the specific circumstances prevent the campus from gathering evidence necessary to reach a determination as to the Complaint or part of the Complaint.⁴

Written notice of dismissal (mandatory or discretionary) and reason(s) for the dismissal will be sent simultaneously to the Parties when a Title IX Coordinator dismisses any Complaint. The notice will inform the Parties of their right to appeal the dismissal, whether the matter will be referred to another process, and the process for submitting an appeal.

⁴ Formal complaints under track 1 may be discretionarily dismissed for the additional reason that the Respondent is no longer a student or Employee

Either party may appeal from a dismissal of a Complaint or any part of the Complaint. The appeal must be filed within 10 Working Days from the date of the notice of dismissal.

Appeals against a dismissal under Track 1 will be filed with the Chancellor's Office (CO) and will be addressed to:

Systemwide Title IX Unit
Systemwide Human Resources
Office of the Chancellor
TIX-Dismissal-Appeals@calstate.edu

Appeals against a dismissal under Track 2 or Track 3 will be submitted to the Chancellor's Office and will be addressed to:

Equal Opportunity and Whistleblower Compliance Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802
eo-wbappeals@calstate.edu

If a party is unable to file an appeal or a response to an appeal electronically, they should contact the campus Title IX Office for assistance. When an appeal is submitted, the other party as well as the campus Title IX Coordinator will be notified in writing. In response to the appeal, the other party will be given 5 Working Days from their receipt of notice of the appeal to submit a written statement in support of or challenging the dismissal. Within 10 Working Days of the CO's receipt of the appeal, the parties will simultaneously receive (via email) a written decision with explanation.

Informal resolution

The CSU recognizes some parties may desire resolution of their matter through an Informal Resolution process ("Informal Resolution"), instead of through the formal resolution process (described below). Accordingly, parties may mutually agree, with the agreement of the Title IX Coordinator, to resolve a Complaint through an Informal Resolution process, instead of undergoing the formal resolution process⁵. The Informal Resolution process is entirely voluntary and will not occur unless both parties agree in writing to participate in an Informal Resolution process.

The Title IX Coordinator/DHR Administrator 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 in light of all of the circumstances of the Complaint. In some circumstances, depending on the nature and/or severity of the allegations, an Informal Resolution may not be appropriate, and the Title IX Coordinator/DHR Administrator will not approve an Informal Resolution. Prior to approving an Informal Resolution, the

⁵ Track 1, a Formal Complaint must be filed before the informal resolution process may take place and that under Track 1, informal resolution cannot be used to resolve allegations that an employee sexually harassed a student

Title IX Coordinator/DHR Administrator will consult with the appropriate administrator in human resources or faculty affairs.

Prior to engaging in an informal resolution process, the campus will obtain the parties' voluntary, written consent. Parties who choose to participate in the voluntary Informal Resolution process will be sent a notice of agreement to engage in Informal Resolution.

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.

Any agreed-upon Remedies and disciplinary sanctions agreed to in an Informal Resolution have the same effect as Remedies given and sanctions imposed following an investigation (and/or hearing), consistent with an applicable collective bargaining agreements.

The terms of any Informal Resolution must be put in writing and signed by the parties, and the Title IX Coordinator. The resolution will be final and not appealable by either party.

Investigation and Hearing for Track 1

Supportive Measures

After receiving a report of Sexual Harassment, the Title IX Coordinator will contact the Complainant promptly to discuss the availability of Supportive Measures. The Title IX Coordinator will conduct an intake meeting with any Complainant who responds to outreach communication, or otherwise makes a report of a potential Policy violation to discuss the Complainant's options, explain the process, and provide information about Supportive Measures. During the discussion, the Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint⁶, and explain the process for filing a Formal Complaint.

Notice of Allegations

When the Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator will Simultaneously provide both parties a written notice of allegations. If new allegations are raised during the investigation that were not included in the notice of allegations, a revised notice of allegations will be issued simultaneously to the parties. If the notice of allegations also serves as notice of a Respondent's expected attendance at an interview, it will include details of the date, time, location, participants, and purpose of that interview. The notice of allegations must be provided to a Respondent at least 5 Working Days prior to the interview. If a Respondent requests to meet sooner than 5 Working Days after receipt of the notice of allegations, they should verbally confirm at the start of the meeting that they are aware that they were provided notice of at least 5 Working Days and this confirmation should be documented by the Title IX Coordinator or Investigator.

⁶ Formal Complaint means a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature¹⁵ or a document signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting an investigation of the allegation of Sexual Harassment. At the time that the Formal Complaint is filed, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the CSU.

Investigation of a Formal Complaint

The Title IX Coordinator will either promptly investigate the Formal Complaint or assign this task to another Investigator. If assigned to another Investigator, the Title IX Coordinator will monitor, supervise, and oversee all such delegated tasks, including reviewing all investigation draft reports before they are final to ensure that the investigation is sufficient, appropriate, impartial, and in compliance with Track 1.

The investigator will take reasonable steps to gather all relevant evidence from the parties, other witnesses, or other sources. The investigator will document the steps taken to gather evidence, even when those efforts are not successful.

The Complainant and the Respondent may each elect to be accompanied by an Advisor to any meeting, interview, or proceeding regarding the allegations that are the subject of a Formal Complaint. The advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or, in the case of the Complainant, a Sexual Assault Victim's Advocate.

Parties will be provided written notice of the date, time, location, names of participants, and purpose of all meetings and investigative interviews at which their participation is expected. This written notice should be provided with at least 3 Working Days for the party to prepare to participate in the meeting or interview. This requirement will not apply where a party themselves requests to meet with the Title IX Coordinator or Investigator or as addressed in Article VI of Track 1.

If a party requests to meet with the Title IX Coordinator sooner than 3 Working Days after receipt of written notice of an investigative interview or meeting, they should verbally confirm at the start of the interview or meeting that they are aware that they were provided notice of at least 3 Working Days and this confirmation should be documented by the Title IX Coordinator or Investigator.

Review of Evidence

Before issuing a final investigation report, the investigator will send to the Complainant and Respondent, and their respective advisors, if any, all evidence (including evidence upon which the campus does not intend to rely) obtained as part of the investigation that is Directly Related to the allegations raised in the Formal Complaint (preliminary investigation report).

Each party will be given a minimum of 10 Working Days for the initial review of evidence to respond to the list of disputed facts and evidence and submit additional questions for the other party and witnesses. This timeframe may be extended at the discretion of the Title IX Coordinator (either on their own or in response to a party's request). The extension must be made available to both Parties, who must be notified as such. During the review of evidence, each party may:

- Meet again with the investigator to further discuss the allegations.
- Identify additional disputed facts.
- Respond to the evidence in writing.
- Request that the investigator ask additional specific questions to the other party and other witnesses.
- Identify additional relevant witnesses.
- Request that the investigator gather additional evidence.

The investigator will share with the Parties the answers to questions posed during the review of evidence. If additional disputed material facts are identified or evidence is gathered, it will be included in the preliminary investigation report (or in a separate addendum) and shared with all Parties, who will be given a reasonable opportunity to respond to the new evidence and submit additional questions to the other Party and other witnesses about the new evidence only. The investigator determines when it is appropriate to conclude the review of evidence.

Final Investigation Report

After the review of evidence phase is concluded, the parties will receive a final investigation report that will summarize all Relevant evidence (inculpatory and exculpatory), including additional relevant evidence received during the review of evidence. Any relevant documentary or other tangible evidence provided by the parties or witnesses, or otherwise gathered by the Investigator will be attached to the final investigation report as exhibits. The final investigation report shall be sent to the parties and their respective advisors, if any, in electronic format (which may include use of a file sharing platform that restricts the parties and any Advisors from downloading or copying the evidence) or hard copy. The Parties and their advisors will be provided 10 Working Days to review and provide a written response to the final investigation report.

Timeframe

Absent a determination of good cause made by the investigator or Title IX Coordinator (of which the Parties will receive written notice): (i) the investigation should be concluded within 100 Working Days from the date that the notice of allegations is provided to the Parties; and (ii) the final investigation report should be completed and provided to the parties within 10 Working Days after the review of evidence has concluded. Extensions may be granted for good cause as determined by the Title IX Coordinator. The parties will receive written notice from the Title IX Coordinator or designee if an extension is necessary and why. The notice will indicate if the extension alters the timeframes for the major stages of the Formal Complaint process.

Within 10 Working Days after the parties have been provided the final investigation report, the parties will be informed of the timelines that will apply to the pre-hearing and hearing processes described below. The parties will be required to provide the name and contact information for their hearing advisor within 5 Working Days after notice of the hearing timeline.

Track 1 Hearing

The parties will be given written notice of the date, time, location, participants, and purpose of the hearing, as well as the identity of the hearing officer. Notification of the hearing will be sent to the designated CSU campus email address, unless the recipient has specifically requested in writing to the hearing coordinator that notice be given to a different email address. Communications from the hearing coordinator will be deemed received on the date sent. The hearing will not be set sooner than 20 Working Days after the date of notice of hearing. Any objections to an appointed hearing officer must be made in writing to the hearing Coordinator within 5 Working Days after notice of the identity of the hearing officer has been communicated to the parties.

No later than 15 Working Days before the hearing, each party may 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's testimony and

the disputed issue to which the witness's testimony relates. The hearing officer may also identify witnesses from the final investigation report.

No later than 10 Working Days before the hearing, the hearing coordinator will share a final witness list with the parties, and notify each witness of the date, time, and location of the hearing. Witnesses will be directed to attend the hearing and to promptly direct any questions or concerns about their attendance at the hearing to the hearing coordinator.

No later than 5 Working Days prior to the hearing, the parties may submit a list of proposed questions to the hearing coordinator. The questions will be provided to the hearing officer. Parties are strongly encouraged to provide questions in advance of the hearing in order to streamline the hearing process and provide the hearing officer an opportunity to resolve relevancy concerns prior to the hearing. The proposed questions will not be shared with the other party.

The hearing will begin with an overview of the hearing process given by the hearing officer, after which the parties will be given an opportunity to ask questions about the hearing process. Each party will be given an opportunity to make an opening statement that may not last longer than 10 minutes. Only the parties themselves will be permitted to make opening statements. The hearing advisor and any advisor are not permitted to make the opening statement. The advisor may not speak during the hearing. Closing arguments will not be made.

Generally, the hearing officer will start the questioning of witnesses and parties. The Investigator or the Title IX Coordinator (if not the Investigator) will be the first witness and will describe the Formal Complaint, investigation process, and summarize the evidence. Hearing advisors will be permitted to ask Relevant questions once the hearing officer has concluded their questioning of the other party and each witness. The hearing officer may ask questions of any party or witness who participates in the hearing.

Determination Regarding Responsibility Under Track 1

After the hearing, the hearing officer will make written findings of fact and conclusions about whether the Respondent violated the Policy with respect to the definition of Sexual Harassment⁷. The hearing coordinator will simultaneously send the hearing officer's report promptly to the parties, the Title IX Coordinator, and the appropriate campus administrator, usually within 15 Working Days of the close of the hearing.

If no violation of the Policy is found, the president (or designee) will be notified along with the parties. The notification will include the outcome of the hearing, a copy of the hearing officer's report (redacted as appropriate or as otherwise required by law) and notice of the Complainant's and Respondent's right to appeal to the Chancellor's Office.

If a violation of the Policy is found, within 5 Working Days of receiving such finding the parties may submit to the hearing coordinator an impact statement or other statement regarding discipline that is no more than 2000 words in length. The document 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 student conduct administrator and/or appropriate campus administrator responsible for discipline and Title IX Coordinator may also submit a written statement regarding aggravating and

⁷ See definition of Sexual Harassment in the [Interim CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#)

mitigating factors that provides a recommendation regarding the disciplinary outcome, including information regarding prior disciplinary outcomes for similar conduct and whether the Respondent was previously found to have violated university policy.

Within 5 Working Days after receiving and considering any impact or other statements submitted by the parties and other statements described above, the hearing officer will submit the hearing officer's report to the president (or designee). The hearing officer's report will be amended to include a statement of, and rationale for, any recommended disciplinary sanctions to be imposed on the Respondent ("final hearing officer's report"). The final hearing officer's report will attach the final investigation report.

In cases where the hearing officer has found a violation of the Policy, the president (or designee) will review the final investigation report and the final hearing officer's report and issue a decision ("decision letter") concerning the appropriate sanction or discipline within 10 Working Days of receipt of the final hearing officer's report.

The president (or designee) will simultaneously send the decision letter electronically to the Respondent and Complainant at the campus-assigned or other primary email address linked to their campus accounts.⁸ The decision letter will include:

- The outcome of the hearing, including any sanction imposed, and the name of the Respondent(s).
- Information regarding the procedures and permissible bases for the Complainant and Respondent to appeal to the Chancellor's Office.
- If a finding of responsibility is made against the Respondent, a statement as to whether remedies will be provided to the Complainant that are designed to restore or preserve equal access to the campus's education program or activity. The specifics of any such remedies may be discussed separately between the Complainant and the Title IX Coordinator and need not be included in the decision letter.
- A copy of the final hearing officer's report will be attached to the decision letter, redacted as appropriate or as otherwise required by law.

[Investigation and Hearing \(if applicable\) for Tracks 2 and 3](#)

At the onset of the investigation, the Title IX Coordinator/DHR Administrator will simultaneously provide both parties a notice of investigation.

In the notice of investigation, the Title IX Coordinator/DHR Administrator will schedule an initial meeting with the Respondent. 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, the Respondent and the Complainant will have the opportunity to present evidence, identify witnesses, and review evidence.

⁸ Communication with Parties who are neither Students nor Employees will be sent to an email address that they designate.

During the investigation, the Investigator will take reasonable steps to gather all relevant evidence from the parties, other witnesses, or other sources. The Investigator will document the steps taken to gather evidence, even when those efforts are not successful. Before finalizing the investigation, the Investigator will share with the Complainant and Respondent a preliminary investigation report, along with all relevant evidence gathered. Each party will be given a reasonable opportunity to respond to the preliminary investigation report and any attached evidence and ask questions.

In matters where a hearing is not required (Track 3 cases)⁹, a final investigation report will be provided to the parties along with a notice of investigation outcome. The final investigation report will include a summary of the allegations, the investigation process, the preponderance of the evidence standard, a detailed description of the evidence considered, analysis of the evidence including relevant credibility evaluations, and appropriate findings. Relevant exhibits and documents will be attached to the written report. The final investigation report will be attached to a notice of investigation outcome. The notice may be delivered to the parties electronically. If the notice includes a determination that the Policy was violated, the Title IX Coordinator/DHR Administrator will notify the campus student conduct administrator (where the Respondent is a student)/appropriate campus administrator (where the Respondent is an employee) of the investigation outcome and provide a copy of the final investigation report.

The Title IX Coordinator/DHR Administrator or designee will send the Final Investigation Report to the parties within 100 Working Days from the date that the Notice of Investigation is provided to the parties. Extensions may be granted for good cause as determined by the Title IX Coordinator/DHR Administrator. The parties will receive written notice from the Title IX Coordinator/DHR Administrator or designee if an extension is necessary and why. The notice will indicate if the extension alters the timeframes for the major stages of the Complaint process.

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 simultaneously to the Complainant and the Respondent.

Track 2 Hearing process:

As stated above in the explanation of Track 2, a hearing will be required (unless the case is resolved by way of Informal Resolution). Below are the steps, decision-makers, and anticipated timelines for a Track 2 hearing process that commences after the issuance of the final Investigative report.

Prior to a hearing:

Parties will be given written notice of the date, time, location, and purpose of the hearing as well as the identity of the hearing officer. The parties will be sent a notice of the hearing at least 20 Working Days

⁹ Under Track 2, the process will proceed to a hearing, as outlined below, and 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.

before the hearing. Objections to an appointed hearing officer will be made in writing to the hearing coordinator no later than 5 Working Days after notice of hearing has been sent to the parties.

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. The hearing officer may also identify witnesses from the Final Investigation Report.

Where there is more than one Respondent or Complainant in connection with a single occurrence or related multiple occurrences, the hearing officer and the parties may agree to a single hearing. A party may request consolidation with other cases, or the Title IX Coordinator, may initiate the consolidation (subject to FERPA and other applicable privacy laws). Request for consolidation will be made no later than 15 Working Days before the hearing. The hearing officer makes consolidation decisions.

Parties must provide the name of, and contact information for, the party's Advisor and support person (if any) to the hearing coordinator 15 Working Days before the hearing.

No later than 10 Working Days before the hearing, the hearing coordinator will share a final witness list with the parties, and notify each witness of the date, time, and location of the hearing. Witnesses will be instructed to attend the hearing and to promptly direct any questions or concerns about their attendance at the hearing to the hearing coordinator. 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.

At the hearing:

Each party will be given an opportunity to make an opening statement that will last no longer than 10 minutes. The parties will not make closing statements. 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.

Parties will have the opportunity to submit written questions to the hearing officer in advance of the hearing. The parties may also submit written follow-up questions to the hearing officer during the hearing, at appropriate times designated by the hearing officer. The hearing officer will ask the questions proposed by the parties except for questions that:

1. Seek information about the Complainant's sexual history with anyone other than the Respondent (unless such evidence about the Complainant's sexual behavior is offered to prove that someone other than the Respondent committed the alleged misconduct).
2. Seek information about the Respondent's sexual history with anyone other than the Complainant, unless such information is used to prove motive or pattern of conduct.
3. Seek information that is unreasonably duplicative of evidence in the hearing officer's possession.
4. The hearing officer determines are not relevant to material disputed issues, are argumentative or harassing or unduly intrude on a witness' privacy.

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.

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.

After the hearing:

After the hearing, the hearing officer will make written findings of facts and conclusions about whether the Respondent violated the Policy. The Title IX Coordinator will review the hearing officer's report to ensure compliance with the Policy. The hearing coordinator will forward the hearing officer's report promptly to the parties, the Title IX Coordinator, and the student conduct administrator, usually within 15 Working Days of the close of the hearing.

If no violation is found, the hearing coordinator will notify the parties of their appeal rights. The campus president (or designee) will also be notified.

If a violation is found, the parties may submit to the hearing coordinator an impact statement or other statement regarding discipline. The statement may not be more than 2000 words in length and will be submitted no later than 5 Working Days after the hearing officer's report is sent to the parties. 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 student conduct administrator and the Title IX Coordinator may also submit 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.

Within 5 Working Days after receiving and considering the statements described above, the hearing officer will submit the hearing officer's report to the president (or designee), including recommended sanctions (as defined in Executive Order 1098 Student Conduct Procedures¹⁰) if a Respondent has been determined to have violated university Policy.

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 sanction. The president 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, the president must set forth the reasons in the Decision Letter. The president will simultaneously send the decision letter electronically to the Respondent and Complainant. The decision will also be sent to the student conduct administrator and the hearing officer. Unless the campus 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.

Sanctions

Discipline for Employees includes, but is not limited to, suspension, demotion, and termination of employment.

¹⁰ See Sanctions, below

Employees disciplined by the university may be entitled to additional processes as required by law and/or collective bargaining agreements, including in some cases the right to a hearing before an independent arbitrator or a state agency where the employee may contest the discipline.

The following sanctions may be imposed for violation of the Student Conduct Code:¹¹

- **Restitution.** Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.
- **Loss of Financial Aid.** Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, canceled or denied.⁸
- **Educational and Remedial Sanctions.** Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities and sororities), and/or University events, or other remedies intended to discourage similar misconduct or as deemed appropriate based upon the nature of the violation.
- **Denial of Access to Campus or Persons.** A designated period of time during which the Student is not permitted: (i) on University Property or specified areas of Campus,⁹ or (ii) to have contact (physical or otherwise) with the Complainant, witnesses or other specified persons.
- **Disciplinary Probation.** A designated period of time during which privileges of continuing in Student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current Student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate the Student Conduct Code or any University policy during the probationary period.
- **Suspension.** Temporary separation of the student from active Student status or Student status.
 - A Student who is suspended for less than one academic year shall be placed on inactive Student (or equivalent) status (subject to individual Campus policies) and remains eligible to re-enroll at the University (subject to individual Campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
 - A Student who is suspended for one academic year or more shall be separated from Student status but remains eligible to reapply to the University (subject to individual Campus application policies) once the suspension has been served. Conditions for readmission may be specified.
 - Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the student's transcript permanently without

¹¹ Found in Article V, Executive Order 1098 Student Conduct Procedures

exception; this requirement shall not be waived in connection with a resolution agreement.

- **Expulsion.** Permanent separation of the Student from Student status from the California State University system. Expulsion, withdrawal in lieu of expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the student's transcript permanently, without exception; this requirement shall not be waived in connection with a resolution agreement.

Appeals

A written appeal may be submitted to the Chancellor's Office no later than 10 Working Days after the date of the decision letter (Track 2) or notice of investigation outcome (Track 3). All arguments and/or evidence supporting the appeal must be submitted by the deadline to file the appeal.

Evidence/arguments submitted after the appeal submission deadline will not be considered by the Chancellor's Office. A written appeal may not exceed 3,500 words, excluding exhibits. Appeals will be submitted to:

Equal Opportunity and Whistleblower Compliance Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802
eo-wbappeals@calstate.edu

The Chancellor's Office 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 campus 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 Chancellor's Office will be provided to the appealing party for informational purposes only.

The Chancellor's Office will not conduct a new investigation; however, the Chancellor's Office may make reasonable inquiries to determine if the new evidence could have affected the investigation or hearing determination. On appeal, the Chancellor's Office 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. The Chancellor's Office appeal 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 determination(s) reached regarding the issue(s) identified within the written appeal. A copy of the final Chancellor's Office appeal response will be forwarded to the Complainant, the Respondent, and the Title IX Coordinator/DHR Administrator.

If the Chancellor's Office 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 campus and the investigation or hearing reopened at the campus level. The Chancellor's Office will return the matter to the campus and will specify in writing the timeline by which a reopened investigation or hearing must be completed. The Chancellor's Office will notify the parties of the

reopening of the investigation or hearing and the timeline for completion of the reopened investigation or hearing. The campus will complete the reopened investigation or hearing and provide the Chancellor's Office with an amended final investigation report/final decision. The campus will also provide the parties with amended notices of investigation outcome/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 campus, the non-prevailing party will be given an opportunity to appeal.

If the Chancellor's Office determines that no reasonable fact finder (Investigator or hearing officer) could have made the findings as determined by the Investigator or hearing officer, the Chancellor's Office may vacate and reverse the investigation or hearing outcome, but only with respect to whether the Policy was violated (and not with respect to factual findings). If the Chancellor's Office vacates and reverses the investigation or hearing outcome, it will notify the parties simultaneously in writing, as well as the Title IX Coordinator/DHR Administrator. Following a reversal of an investigation or hearing outcome by the Chancellor's Office, the Chancellor's Office decision is final and is not subject to further appeal. In the event that the final outcome has been reversed by the Chancellor's Office and a sanction will be imposed by the campus, 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 campus for reconsideration of the sanction.

The Chancellor's Office will respond to the appealing party no later than 30 Working Days after receipt of the written appeal unless the timeline has been extended.¹²

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

Individuals having reason to believe that a student who resides in on-campus housing has been missing should immediately notify the CSUSB University Police Department at 909-537-5165 or 911. UPD will initiate an investigation in accordance with the department's missing person policy and will undertake the emergency contact procedures as appropriate.

¹² The Chancellor's Office has discretion to extend the timelines for the appeal process for good cause or for any reasons deemed to be legitimate by the Chancellor's Office. This includes the time for filing an appeal, the time for a reopened investigation or hearing to be completed, and the time for the Chancellor's Office to respond to the appeal. The Chancellor's Office will notify the Parties and the Title IX Coordinator of any extensions of time granted pertaining to any portion of the appeal process.

Missing student reports should be made directly to UPD. However, these reports may also be made to a staff member from the Department of Housing and Residential Education (DHRE). If the missing person report is made to staff or organizations other than CSUSB UPD, the entity must contact CSUSB UPD immediately.

At the beginning of each academic year, DHRE will inform students residing in on-campus housing that CSUSB will notify a parent, guardian or an individual selected by the student no later than 24 hours after the time the student is determined to be missing. This information will remain confidential only to be used during a missing person investigation by university officials who retain the information and it may not be disclosed except to law enforcement personnel in furtherance of an official missing person investigation. This is a separate contact from the emergency contact, but may be the same person.

Information will include the following:

- Students have the option of annually identifying an individual to be contacted by CSUSB.
- If the student is under 18 years of age, and not an emancipated individual, CSUSB is required to notify a custodial parent or guardian and any other designated contact within 24 hours after the time that the student is officially determined to be missing.
- When CSUSB UPD makes an official determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, UPD will initiate the emergency contact procedures in accordance with the student's confidential contact designation and will also notify local law enforcement that has jurisdiction in the area the student went missing. This will be done within 24 hours, regardless of whether or not the student had a confidential contact, is above the age of 18, or is an emancipated minor.

DHRE will maintain each student's missing person contact(s) until the student changes the contact(s); it is the student's responsibility to update their missing person contact information. If the student does not register a missing student contact, then the student's designated emergency contact person or people will be contacted.

[Procedures When a Student is Report Missing](#)

Individuals who have reason to believe that a student has been missing 24 hours should immediately report their concern to:

- CSUSB University Police Department at 909-537-5165 or 911
- Any California law enforcement agency
- Department of Housing and Residential Education Staff

When a report of a missing student is received by any DHRE staff member, DHRE will immediately report this information to CSUSB UPD, as required by the university. UPD will initiate an investigation consistent with CSUSB policies, procedures, and applicable regulations.

The DHRE team member will utilize appropriate reporting lines to report this information to the Director of Housing and Residence Education (DHRE) who will report this information to the Associate Vice President of Student Affairs/Dean of Students who will contact the Vice President of Student Affairs.

DHRE will assist in gathering essential information about the situation and provide information to UPD as requested to further the missing person investigation. Information provided might include a description, clothes last worn, where student might be, who student might be with, vehicle description, information about physical and mental well-being of student, emergency contact information, up-to-date photograph, class schedule, meal plan activity, and resident's key/key card use information.

DHRE shall determine if the missing student has registered a person or persons to notify and will release this information to the campus official(s) authorized to notify the missing person contact (or the emergency contact if no missing person contact information has been provided).

UPD will update the appropriate Student Affairs designee if the student is determined to have been missing for 24 hours.

When a Student is Determined to Have Been Missing for 24 Hours

Staff from UPD or the Division of Student Affairs will contact the person listed in the missing student contact or emergency contact (if no missing student contact is provided) to inform them of the student's missing status. The following campus officials are authorized to notify the missing person contact(s) or emergency contact(s):

- CSUSB University Police Department
- Vice President for Student Affairs
- Associate Vice President for Student Affairs/Dean of Students or designee
- Director of Housing and Residential Education or designee

Note that although this requirement only applies to on-campus student housing, all reports regarding missing students living in on-campus student housing would be deemed official reports; a report does not have to only come from on-campus housing representatives in order to be considered an official report.

Fire Safety Report

The FY 2019-2021 Fire Safety Report is available at the following link:

https://www.csusb.edu/sites/default/files/2022_CSUSB_Annual_Security_Report_0.pdf

Appendix A: Jurisdictional Definitions

Rape (CA Penal Code Chapter 1 Section 261)

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person 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.

(2) Where 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) Where 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) Where 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.

(5) Where 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 any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) 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. 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) As used in this section, "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.

(c) As used in this section, “menace” means any threat, declaration, or act which 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.

(l) 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 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 Department of Fair Employment and Housing 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 at least 18 years of age.

(b) Any 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) Any 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.

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)

(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)

In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, in which consent is at issue, "consent" shall be defined to mean 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, 262, 286, 287, or 289, or former Section 288a.