Reporting Sexual Misconduct and Filing Complaints

What to Report?

All allegations of sex discrimination, sexual harassment, sexual misconduct, dating or domestic violence, or stalking, on the basis of gender, which includes sex and gender identity or expression, or sexual orientation, which are made against students, faculty, staff, applicants or third parties associated with the campus, should be referred to the Title IX Coordinator.

If you would like to submit a complaint, or a concern, go to our website at http://titleix.csusb.edu and click on the “File a report here” button at the top of the page, or you may email, call or visit our office (contact information below).

You also have the option to file a complaint with:
Office of Civil Rights, U.S. Department of Education,
415.486.5555 OCR@ed.gov

Please know that it is illegal to be retaliated against for reporting an incident or participating in an investigation.

Who is the CSUSB Title IX Coordinator?

David Hou
Executive Director,
Institutional Equity & Compliance
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Sierra Hall, Room 131
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San Bernardino, CA 92407
https://www.csusb.edu/institutional-equity-compliance

Training to End Sexual Violence

Training and education are a vital part of helping to stop sexual harassment. End Sexual Violence Training for students is mandatory, once per academic year.
**What Is Title IX?**
A federal law that applies to educational institutions receiving federal financial assistance and prohibits discrimination on the basis of sex in programs or activities, including employment, academic, educational, extracurricular and athletic activities (both on and off Campus). Title IX protects all people regardless of gender, sexual orientation, or gender identity or expression, from sex discrimination, including sexual harassment and sexual misconduct, which are forms of sex discrimination.

**Sexual Harassment**
This is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature, where the conduct is explicitly or implicitly used as the basis for certain decisions or could create an intimidating, hostile or offensive environment. While relationships may begin as consensual, they may evolve into situations that lead to sexual harassment or sexual misconduct, including dating or domestic violence, or stalking.

**Sexual Misconduct**
All sexual activity must be based on affirmative consent. Engaging in any sexual activity without first obtaining affirmative consent to the specific activity is sexual misconduct, whether or not the conduct violates any civil or criminal law. Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape and dating violence. When based on gender, domestic violence and stalking also constitute sexual misconduct. Sexual misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person’s intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person’s incapacitation (including voluntary intoxication) to engage in sexual activity.

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

**Domestic Violence**
This is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the abuser has a child; someone with whom the abuser has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

**Stalking**
This means engaging in a repeated conduct, two or more times, directed at a specific person that would cause a reasonable person to fear for his/her or others' safety or to suffer substantial emotional distress. It is a pattern of behavior that makes one feel afraid, nervous, harassed or in danger. It may be when someone repeatedly contacts specific person, follows them, send things, talks to them when they don't want them to or threatens them.

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**Sexual Violence and Assault**

**What to Do If This Happens to You**

1. Get to a safe place and call 911.
2. Do not shower, bathe, douche or change your clothes if you have been assaulted or raped. Do not disturb anything at the scene of the assault or throw away any evidence.
3. Contact someone for help and support.
4. Go to a hospital for medical care. You will be given a physical exam and options for the prevention of pregnancy and STDS. (Even if several days have passed since the assault, it is still important to get medical care.)
5. Medical professionals are required to notify the police whenever they treat a rape victim but the decision to make a formal police report is still yours.
6. If you decide NOT to go to the police immediately, write down all the details of the assault (who, what, when, where, why and how) and keep them in case you wish to report the assault later.

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**Resources**

- CSUSB Title IX Coordinator 909.537.5669
- Campus Survivor’s Advocate 909.537.7354
- Counseling and Psychological Services 909.537.5040
- University Police Department 909.537.7777
- Women’s Resource Center 909.537.7203
- Partners Against Violence 909.885.8884

(24-hour hotline; bilingual counselors on call)

See additional resources & info on our website.

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**Affirmative Consent Is Key!**
If someone has been sexual with you without your consent, or if you have ever felt coerced or forced into having sex, you are not alone. *Sex without consent is sexual assault.*

**When Should You Ask for Consent?**
Ask before you act! It is the responsibility of the person initiating a sex act to obtain affirmative consent. Whenever you are unsure if consent has been given, you need to ask. Check-with your partner. Also, a person has the right to change his/her mind anywhere in the process.

**How Do You Ask for Consent?**
Consent is about getting a clear answer. It can also be understanding what your partner is feeling. Pay attention to verbal, non-verbal and physical responses.

**Consent Is Not Silence or Passivity**
Don’t make assumptions about consent. If an individual feels pressured, uncertain, or is having difficulty communicating and is afraid of how his/her partner may react to a “NO” response, then it is not freely given, so it’s not affirmative consent.

**Remember:** If someone is incapacitated by alcohol or drugs, s/he is unable to give valid consent to sexual activity. A minor under 18 is legally incapable of giving consent.