

CALIFORNIA STATE UNIVERSITY SAN BERNARDINO, PALM DESERT CAMPUS



2020

ANNUAL SECURITY REPORT

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

Clery Crime Statistics 2017-2019

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MESSAGE FROM THE PRESIDENT OR THEIR DESIGNEE

Welcome to California State University, San Bernardino (CSUSB), where our mission requires us to create and maintain an environment that promotes student learning and success. With more than 20,000 people visiting, working, and studying on our campuses in San Bernardino and Palm Desert, a unified public safety team is essential. Thanks to our team's unwavering commitment, CSUSB continues to rank 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. This Annual Security Report (ASR) was created in compliance with the Act and comprises input from a number of CSUSB departments. An ASR is published for both the San Bernardino and Palm Desert campuses.

I encourage the entire CSUSB community to read and utilize this report to enhance our individual and collective safety-related decision-making. You will find it contains information about the University departments, systems and services that are dedicated to campus safety.

I am proud of the collaborative police partnerships at CSUSB and all the women and men who deliver our public safety priorities. Please join me in thanking them. And, as Chief Nina Jamsen says, when you "See Something, Say Something."

Sincerely,

Tomás D. Morales
President



PREPARING THE ASR

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, Fire Safety Report 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 University Police Department (UPD). The ASR is prepared in cooperation with the 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 Committee 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) 537-7354 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; however, members of the campus community may 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
- Victim Advocate
- 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/ASR_CSUSB_2020.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 2017 - 2019

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Murder and Non-Negligent Manslaughter	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Manslaughter by Negligence	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Rape	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Fondling	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Incest	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Statutory Rape	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Robbery	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Aggravated Assault	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Burglary	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Motor Vehicle Theft	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	1	N/A	0	0
Arson	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Domestic Violence	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Stalking	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Arrests	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Liquor Law Referrals for Disciplinary Action	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Drug Law Arrests	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Drug Law Referrals	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Weapons Law Arrests	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0
Weapons Law Referrals for Disciplinary Action	2017	0	N/A	0	0
	2018	0	N/A	0	0
	2019	0	N/A	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2017	0
	2018	0
	2019	0

HATE CRIMES

2017 – There were no reported hate crimes.

2018 – There were no reported hate crimes.

2019 – 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 non-negligent 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, non-campus buildings or property, and public property.

Incidents of hate violence can be reported to the UPD, Counseling and Psychological Services, and Student Conduct & Ethical Development. The University does not condone hate violence and is charged with ensuring that the rights guaranteed by state law and the U.S. Constitution are protected for all people regardless of their race, religious creed, color, national origin, ancestry, disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or veteran's status. The University investigates all allegations of hate crimes.

REPORTING CRIMINAL ACTIONS & EMERGENCIES

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, per UPD Policy 307, 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 (Palm Desert Campus)

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

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

TIMELY WARNINGS

In accordance with Executive Order 1107, The university will issue a timely warning as soon as pertinent information is available when a Clery reportable crime is reported to UPD or a designated campus security authority, occurred in a Clery defined geographical area, and a case by case analysis of pertinent facts known is completed and a determination is made that a serious or continuing threat to the community exists.

The Chief of Police is responsible for the decision to issue a timely warning (or a management designee in the absence of the Chief) and will confer with the Clery Director if one is designated by the campus and available, upon receiving a report of an incident reported to a CSA and/or UPD. The Chief of Police or designee, with the Clery Director if one is appointed and is available, will complete a case by case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the community.

If it is determined that any of the three factors are not met, then no timely warning will be issued. If it is determined that all three factors are met, the Chief of Police (or management designee in the absence of the Chief) will determine the content of the timely warning bulletin, consult with the Vice President of Administration & Finance or designee, disseminate the timely warning expeditiously in a manner likely to reach the entire campus community utilizing one or more, and not limited to, the following methods:

- All employee and student e-mail distribution lists
- University website
- Public area video display monitors
- Hard copies posted on campus building entrance doors

For clarity to the community when a timely warning is issued it will be titled "Timely Warning Crime Bulletin" and include the following:

- A statement that the Timely Warning Crime 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.
- The Clery Act reportable crime that occurred
- The date, time, and location the crime occurred
- The date the Timely Warning Crime Bulletin is issued
- A description of the suspect, and name if known, when the suspect is at large and evading apprehension and/or law enforcement is seeking assistance from the public to locate
- Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime

The Timely Warning Crime Bulletins will not include, under any circumstances, the name of the victim, or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime. The University is not required to issue a timely warning from crimes reported to a pastoral or professional counselor. Time Warning Crime Bulletins will be kept by UPD and retained for 7 calendar years.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

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.

Lighting improvements are constantly being evaluated. Recent improvements have included the placement of high intensity sodium vapor lights in buildings, in parking lot areas, in areas with heavy landscaping and trees, and along frequently traveled pathways. Emergency telephones are located at many locations 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 housing staff. All of these programs are geared to enhance safety and security in our housing and facilities.

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. As mentioned above, the UPD, Counseling and Psychological Services (CAPS), and The Advocate of the 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.

LAW ENFORCEMENT AUTHORITY

Campus safety is coordinated by the UPD, located on Fairview Drive, near Lot A. The Department has primary jurisdiction over the Campus, per California Penal Code 830.2(c), with nineteen (19) sworn officers who have full peace officer authority, and powers of arrest, as defined in California Penal Code 836. These police officers 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. The sworn employees have police powers that extend statewide. UPD officers are fully armed. They 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.

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.

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.

The campus community is encouraged to accurately and promptly report criminal activity 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

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.

University Police Department Mission

The UPD strives to provide "Quality Service" by providing professional service with honor, integrity, and a commitment to excellence to the community. We perform our mission through diligent crime prevention, victim assistance, disaster preparedness, and problem-oriented policing. We strive daily to live by our Department motto, "Campus Safety through Service."

SECURITY PROCEDURES AND PRACTICES

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. In 2019, UPD held a class on January 24th.

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.

CRIME PREVENTION PROGRAMS

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.

UPD provided Pepper Spray courses on February 20, 2019, March 20, 2019, and July 9, 2019 at the Palm Desert Campus. The Pepper Spray course 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.

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 held the first class on November 8, 2019.

Crime Prevention brochures are also available on the UPD website at:
<https://www.csusb.edu/police/services/crime-prevention>.

CRIMINAL 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.

ALCOHOL AND DRUGS

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 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.

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. Many of these programs are targeted specifically to high-risk populations (on-campus residents, fraternity and sorority members, new students).

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. The Coyotes for Recovery, a CSUSB chartered student organization, pursues a wide variety of pathways (12-Step Recovery, Refuge Recovery, SMART Recovery) that support students seeking help on campus and other evidence-supported social models for maintaining sobriety. 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 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

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), and protect all people regardless of their gender from Sex Discrimination, including Sexual Harassment, Sexual Misconduct, including Sexual Assault, Dating or Domestic Violence, and Stalking.

The University seeks to provide an education environment in which students, faculty, and staff work together in an atmosphere free of Sexual Misconduct, including 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, Dating or Domestic Violence, or Stalking as described in this report and University policy.

In an ongoing effort to prevent Sexual Misconduct, 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, Dating Violence, Domestic Violence, and Stalking receive annual training for compliance with federal, state and CSU system regulations.

The University is committed to empowering victims of Sexual Misconduct, 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.

PREVENTION, EDUCATION, AND AWARENESS

All new employees receive training at Orientation about Title IX and employee responsibilities per CSU Executive Order 1095. Faculty and staff are mandated to take: EDU: Eliminate Campus Sexual Violence. This course explains federal and state laws that prohibit campus sexual violence, and also covers: 1) Reporting sexual violence, 2) Assisting victims and survivors of sexual violence, and 3) Preventing sexual violence. This is a recurring training, required to be completed within three (3) months of employment (or assignment date) and required to be completed annually.

Prevention, education, and awareness initiatives are planned on an annual basis by the CSUSB Prevention Partners Committee. The committee is chaired by the Director of Title IX and Gender Equity, Cristina Alvarez (909) 537-5669 and the Survivor Advocacy Services Advocate. The committee also includes representatives from the Queer and Transgender Resource Center, Women's Resource Center, Counseling and Psychological Services, the Student Health Center, the Student Union, the Associate Students Incorporated (ASI), the University Police Department, the Dean of Students, Student Conduct and Ethical Development, and a representative of the Palm Desert Campus.

Title IX and Gender Equity offers on-going training for Bystander Intervention titled, "Bringing in the Bystander," throughout the course of each year, which fulfills mandatory annual End Sexual Violence Training for students.

Survivor Advocacy Services provides on-going programs with the assistance of the student group, VOICE Peers. This group assists with presentations and workshops throughout the year on many topics pertaining to sexual violence.

CSUSB Programming for Prevention and Awareness of Sexual Assault

Primary prevention programs include programming, initiatives, and strategies informed by research or assessed for value, effectiveness or outcome that are intended to stop sexual misconduct, dating and domestic violence, and stalking before they occur. 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.

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 the Title IX Office, 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:

- **Stop the Stalking.** January 10, 2019, 12:00 PM, Meeting Center - Pine Room. The workshop covered the definition of stalking, types of stalkers, the effects on survivors, and what to do if someone you know is being stalked.
- **Stop the Stalking.** January 10, 2019, 6:00 PM, Coyote Village Multipurpose Room. The workshop covered the definition of stalking, types of stalkers, the effects on survivors, and what to do if someone you know is being stalked.
- **K(no)w More: Stalking Prevention Show.** January 15, 2019, SMSU Theater. Peer-driven, live sketch comedy program facilitated by current college students which focused on stalking awareness. The show covered what stalking looks like and what people can do to be active bystanders.
- **Bringing in the Bystander.** January 16, 2019, Meeting Center - Panorama Room. Educated participants on how to be an active bystander and to safely intervene when a negative or potentially harmful incident may be occurring. Presented by Title IX and Gender Equity.
- **Rape Trauma: Child Exploitation and Sex Trafficking Aftermath.** January 24, 2019, SMSU Theater. Casandra Black from San Bernardino Sexual Assault Services (SBSAS) presented depictions of various rape experiences, child sexual abuse, sexual exploitation and sex trafficking. Content included identifying rape trauma phases, behavioral indicators of child rape victimization and ways to break down barriers of communication. This presentation was intended to enhance awareness and sensitivity to compounding trauma and acknowledge challenges. It also proposed some effective counseling techniques and support in order to assist those that have been victimized to gain trust, attain a sense of balance and self-worth, possibly attributing to the survivor feeling stronger and more resilient. This was an introductory presentation inclusive of input and real stories from children traumatized by rape.
- **Human Trafficking 101.** January 24, 2019, SMSU Theater. This workshop was presented by Kara Rooney from Open Door and provided education on awareness of, risk factors for, and indicators of human trafficking. This workshop also provided resources for survivors and education on taking

appropriate action.

- **Preventing Human Trafficking: Movie, Survivor Testimony, & Panel.** January 24, 2019, SMSU Theater. This workshop featured survivor speaker Vickye Poindexter-Wilson, a documentary, "Break the Chain," highlighting sex trafficking, and a panel discussion featuring local service providers which addressed risk factors, effects, and prevention of human trafficking.
- **Relationship Goals.** February 13, 2019, Meeting Center - Panorama Room. This workshop focused on the seven qualities of a healthy relationship, how to "fight fair," and the differences between healthy, unhealthy, and abusive relationships through interactive activities and group discussion.
- **Survivor Love Letters, Speak Out, & Ally Training.** February 14, 2019, SMSU 217/218. VOICE Peer Educators and the Campus Advocate trained students to be allies to survivors as well as create a safe space for survivors to tell their testimonies. Presentation defined and identified what abuse is, went over dynamics and effects of abuse, the do's and don'ts of responding to survivors, and heard from a few featured survivors before opening the floor to anyone present who wanted to share their story.
- **Teal Color Fest.** April 19, 2019, Pfau Library, Mall B. The Campus Community was invited to participate with family and friends to raise awareness at the 2nd Annual Sexual Assault Awareness Teal Color Fest. Teal is the color for sexual assault awareness. The Teal Color Fest is a carnival-like awareness event; participants wore white shirts and threw color powder similar to a "color run." There were games, resource tabling, and chanting for awareness.
- **Rape Culture: 101.** April 22, 2019, SMSU 106C. This workshop was co-hosted by the SMSU and CSUSB VOICE Peers and covered what rape culture is and provided examples.
- **Teal Me Your Story.** April 23, 2019, SMSU 215/216. This workshop was co-hosted by the SMSU Women's Resource Center and CSUSB VOICE peers and trained students to be allies to survivors. It also created a safe space for survivors to tell their testimonies, share their experiences, and/or make declarations of self-love. The training defined and identified what abuse is, went over dynamics and effects of abuse, and the do's and don'ts of responding to survivors. Participants heard from a few featured survivors and the floor was opened to anyone present to share their story.
- **Yes Means Yes.** April 24, 2019, SMSU 215/216. "Yes Means Yes" was a workshop that explored positive sexuality, consent, privilege, sexual agency, and much, much more. "Yes Means Yes" provided an opportunity to learn about the history of the program and how it's working to shift our individual societal relationship with sex, sexuality, and intimacy into one that is empowering, inclusive, and just.
- **Take Back the Night.** April 25, 2019, Pfau Library Mall and Mall B. "Take Back the Night" is an event which began in the 1970's in response to the numerous amounts of violent crimes against women as well as a way to protest the violence that women experienced while walking in public at night. "Take Back the Night" is an opportunity for people of all genders and backgrounds to unite and take a stand against all forms of gender-based and interpersonal violence through a rally, march, and survivor speak-out.
- **VOICE In-Service Training: Bridging the Empathy Gap: Changing Minds with the Power of Counter-Narratives.** April 26, 2019, College of Education Rm. 117. The volunteer group VOI(CE invited the campus community to come and learn at our in-service training. Participants heard from Dr. Edwin Hernandez from the CSUSB Counseling and Guidance Program about "Bridging the Empathy Gap: Changing Minds with the Power of Counter-Narratives.
- **Bringing in the Bystander Workshop.** July 23, 2019, PDC, RG-209. Educated participants on how to be an active bystander and to safely intervene when a negative or potentially harmful incident may be occurring. Presented by Title IX and Gender Equity.
- **ESVT In-Person Training Event.** September 24, 2019, Meeting Center - Panorama Room. Presented by the Title IX staff to educate on how to be a pro-social member of the campus community and what to do should you witness or experience sexual misconduct, sexual harassment, domestic or dating violence, or stalking.
- **ESVT In-Person Training Event.** September 25, 2019, Meeting Center - Panorama Room. Presented

by the Title IX staff to educate on how to be a pro-social member of the campus community and what to do should you witness or experience sexual misconduct, sexual harassment, domestic or dating violence, or stalking.

- **ESVT In-Person Training Event.** September 26, 2019, Meeting Center - Panorama Room. Presented by the Title IX staff to educate on how to be a pro-social member of the campus community and what to do should you witness or experience sexual misconduct, sexual harassment, domestic or dating violence, or stalking.
- **ESVT Love Shouldn't Hurt.** October 1, 2019, SMSU 217/218. Taught the warning signs, types of abuse, cycle of violence, why victims stay, and how to support a survivor through interactive activities and survivor testimony.
- **ESVT Relationship Goals.** October 3, 2019, SMSU 217/218. This workshop focused on the seven qualities of a healthy relationship, how to "fight fair," and the differences between healthy, unhealthy, and abusive relationships through interactive activities and group discussion.
- **ESVT Love Shouldn't Hurt.** October 3, 2019, SMSU 106A. Taught the warning signs, types of abuse, cycle of violence, why victims stay, and how to support a survivor through interactive activities and survivor testimony.
- **ESVT In-Person Training Event.** October 8, 2019, SMSU 215/216. Presented by the Title IX staff to educate on how to be a pro-social member of the campus community and what to do should you witness or experience sexual misconduct, sexual harassment, domestic or dating violence, or stalking.
- **Consent and Bystander Intervention.** October 12, 2019, PDC, RG-209. This workshop discussed what is affirmative consent, how an individual may be taken advantage of in certain situations, and how to be an active bystander to intervene when an individual is not capable of consenting to sexual activity. Presented by San Bernardino Sexual Assault Services.
- **ESVT In-Person Training Event.** October 15, 2019, Meeting Center - Panorama Room. Presented by the Title IX staff to educate on how to be a pro-social member of the campus community and what to do should you witness or experience sexual misconduct, sexual harassment, domestic or dating violence, or stalking.
- **ESVT In-Person Training Event.** October 16, 2019, Meeting Center - Panorama Room. Presented by the Title IX staff to educate on how to be a pro-social member of the campus community and what to do should you witness or experience sexual misconduct, sexual harassment, domestic or dating violence, or stalking.

DEFINITIONS PER EXECUTIVE ORDERS 1095-1097

These policy definitions are derived from the local jurisdiction, and based on the California Penal Code, the California Family Code, and the California Evidence Code. In some instances, these definitions may differ slightly from the federal definitions set forth in the next section for mandatory crime statistic reporting. For reportable crime statistics, the Clery Act regulations mandate definitions from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Handbook.

In 2020, through Secretary of Education Betsy DeVos, the United States Department of Education, Office for Civil Rights (OCR) issued and amended federal regulations (Federal Regulations) implementing Title IX of the Education Amendments of 1972. The Federal Regulations are titled Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (34 C.F.R. 106). The Federal Regulations were published in the Federal Register on May 19, 2020. The Federal Regulations have been implemented in CSU policy by way of an Addendum to Executive Orders 1096 and 1097 known as "Addendum B – Federal Mandated Hearing Addendum." The definitions required by the Federal Regulations are included below and identified as "Addendum B Definitions." These definitions will apply where the campus Title IX Coordinator determines that a Formal Complaint of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence,

or Stalking falls within the scope of Addendum B. Additional Executive Order definitions are included. These definitions apply to conduct that falls outside of the scope of Addendum B.

SEX DISCRIMINATION

An adverse action taken against an individual because of gender or sex (including Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking) as prohibited by Title IX; Title IV; VAWA/Campus SaVE Act; California Education Code § 66250 et seq.; and/or California Government Code § 11135. See also Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act (Cal. Govt. Code § 12940 et seq.), and other applicable laws. Persons of all genders and gender identities can be victims of Sex Discrimination.

ADDENDUM B: SEXUAL HARASSMENT

Sexual Harassment means conduct on the basis of Sex that satisfies one or more of the following:

1. An Employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity

EXECUTIVE ORDER: SEXUAL HARASSMENT

Sexual Harassment 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:

1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or
2. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; or
3. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as creating an intimidating, hostile or offensive environment.

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom or work environment that are unrelated to the coursework or employment. Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. The University's policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to University policy.

EXECUTIVE ORDER: SEXUAL MISCONDUCT

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

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Persons of all genders can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

ADDENDUM B: SEXUAL ASSAULT

- a. Rape is the penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant. Rape also includes the attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.
- b. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.
- c. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.

AFFIRMATIVE CONSENT (Applicable in Addendum B and non-Addendum B matters)

An informed, affirmative, conscious, voluntary, and mutually agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean consent. Affirmative Consent must be voluntary, and given without coercion. Force, threats, or intimidation.

AFFIRMATIVE CONSENT (Applicable in Addendum B and non-Addendum B matters)

An informed, affirmative, conscious, voluntary, and mutually agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean consent. Affirmative Consent must be voluntary, and given without coercion. Force, threats, or intimidation.

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.
- Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

- Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions,
- Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.
- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
 - o The person was asleep or unconscious;
 - o The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
 - o The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
 - o The respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;
 - o The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

ADDENDUM B: DOMESTIC VIOLENCE

Physical violence or threat of physical violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant.

EXECUTIVE ORDER: DOMESTIC VIOLENCE

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

ADDENDUM B: DATING VIOLENCE

Physical violence or threat of physical violence committed by a person—

- a. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and

- b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the persons involved in the relationship.

EXECUTIVE ORDER: DATING VIOLENCE

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.¹¹ This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to self or another. Abuse does not include non-physical, emotional distress or injury.

ADDENDUM B: STALKING

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

EXECUTIVE ORDER: STALKING

Engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his or hersafety or the safety of others, or to suffer Substantial Emotional Distress. For purposes of this definition:

- Course of Conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through Third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
- Reasonable Person means a reasonable person under similar circumstances and with the same Protected Status(es) as the complainant;
- Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- Protected Status includes Age, Disability (physical or mental), Gender (or sex), Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.

PROCEDURES FOR REPORTING A CRIME OF SEXUAL VIOLENCE/SEXUAL MISCONDUCT

Call 9-1-1 in any kind of emergency, or when facing immediate harm or threat of harm.

Persons who have experienced Sexual Misconduct/Sexual Assault, including Rape, Dating Violence, Domestic Violence, or Stalking, are encouraged to seek immediate assistance from police and healthcare providers for their physical safety, emotional support and medical care. University or local police can escort victims to a safe place and transport them to a hospital for medical treatment, if needed. University police can also provide access to a Sexual Assault Victim Advocate. Regardless of whether an individual chooses to notify the police, they are strongly encouraged to seek assistance from the campus Title IX Coordinator and/or a Sexual Assault Victim Advocate or counselor who can provide information on options, rights and remedies.

A written explanation of rights and options must be provided to a Student, Employee or Third Party who reports to the University that s/he has been a victim of Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking, whether the offense occurred on or off Campus. It is the Title IX Coordinator's responsibility to ensure this written Notice is provided to the complainant/victim(s). The Title IX Coordinator annually provides the written explanation of Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking (Attachment C in Executive Order 1095) to all members of the campus community including Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking victims. This includes information on preservation of evidence, how and to whom to report the alleged offense, the options available regarding and involving law enforcement and campus authorities (including notification of law enforcement authorities, being assisted by campus authorities in notifying law enforcement if the victim chooses, and declining to notify the authorities), and notification of the rights of victims to seek orders of protection and request "no-contact" orders, and restraining orders.

Victims have the right to decide who and when to tell about Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking. However, it is very important that they get medical attention after being assaulted. Following the incident, a victim may be physically injured, may have contracted a sexually transmitted disease, or may become pregnant.

The University's primary concern is the safety and well-being of every member of the campus community. The use of alcohol or drugs never makes the victim at fault. If a campus community member has experienced Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking they should not be deterred from reporting the incident out of a concern that they 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, Dating Violence, Domestic Violence, or Stalking 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.

The University encourages victims of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking to talk to someone about what happened – so they can get the support they need, and so the University can respond appropriately. Whether – and the extent to which – a University employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends on the employee's position and responsibilities at the University. The following information is intended to make everyone aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn for help. The University strongly encourages victims to talk to someone identified in one or more of these groups.

Certain University employees, listed below, are required by law to maintain near or complete confidentiality; talking to them is sometimes called a "privileged communication." University law enforcement employees may maintain the victim's identity as confidential, if requested by the victim, but will report the facts of the incident to the Title IX Coordinator, including the identity of the perpetrator. Most other University employees are required to report all details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator so the University can take immediate action to protect the victim, and take steps to correct and eliminate the misconduct.

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

PRIVILEGED AND CONFIDENTIAL REPORTS

Treating physicians, psychotherapists, professional counselors, and clergy who work or volunteer providing medical or mental health treatment or counseling (including those who act in that role under their supervision) may not report any information about an incident of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when these professionals must report to local law enforcement agencies. These confidential professionals should explain these limited exceptions to victims, if applicable.

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a treating physician, psychotherapist, professional counselor, or clergy member, and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the University and a separate complaint with local or University Police. If a victim insists on confidentiality, the University will likely not be able to fully assist the victim with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. Counselors and advocates can provide victims with that assistance if requested. Treating physicians, psychotherapists, professional counselors, and clergy will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

The UPD has an effective working relationship with Counseling and Psychological Services (CAPS). The UPD refers persons to CAPS on a regular basis. Both UPD officers and CAPS counselors have received training in threat assessment, and counselors share information about their reporting options for purposes of crime prevention. Counseling sessions are considered privileged and the holder of the privilege is the client. Crime information may be forwarded anonymously at the request of the client. Counselors do not disclose information to the UPD without the consent of the client, unless there is an immediate threat to safety or as required by law.

Counseling services are available to students at no cost. The staff consists of professionally trained and licensed counselors and psychologists and supervised graduate students and post-doctoral interns. Counselors are also available for consultations and can be reached at (909) 537-5040 or <https://www.csusb.edu/caps>.

EXCEPTIONS TO CONFIDENTIALITY

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient/victim who they know or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Misconduct/Sexual Assault, Domestic Violence, and Dating Violence).

This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable

Additionally, under California law, physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable. Finally, some or all of these professionals may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims.

PRESERVATION OF EVIDENCE

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 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.

REPORTING OPTIONS

Victims have several reporting options including those with confidentiality, and may pursue one or all of these options at any time. Victims have a right to have a friend, family member, sexual assault victim advocate, or other representative present while reporting the incident. They also have the right to have a sexual assault victim advocate and support person of their choice present with them during a rape examination. The campus Title IX Coordinator can assist in notifying the police.

CSU San Bernardino Campus Title IX Coordinator

• Cristina Alvarez (cristina.alvarez@csusb.edu)

- Location: SMSU-103A
- Website: <https://www.csusb.edu/title-ix>
- Email: titleix@csusb.edu
- Phone: (909) 537-5669
- Academic Year - Monday-Friday (8:00 a.m. to 4:30 p.m.)

Victims may also take any of the actions below.

Victims may also take any of the actions below.

REPORTING TO THE POLICE

Reporting to University Police and/or local police is an option at any time. Victims who choose not to report to the police immediately following a Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, or Stalking incident, 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 the victim's behalf.

As soon after the incident as possible, victims of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking are strongly encouraged to report the incident to the police. Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking may be reported to the University Police Department by dialing 911. The University Police will support all victims of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking regardless of their decision to seek criminal prosecution of the offender or not. Victims have the option to report anonymously to the police and the decision to seek criminal prosecution remains with the victim. University Police will protect the confidentiality of the victim to the extent permitted by applicable California State law.

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

REPORTING TO A CSA

Any member of the University community may report incidents of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence or Stalking to any Campus Security Authority (CSA's). These University personnel will assist the victim in notifying the appropriate law enforcement agency if the victim requests the assistance of law enforcement. In addition, most campus employees including CSA's are required to report incidents of Sexual Misconduct/Sexual Assault, Dating Violence, Dating Violence and Stalking to the Title IX Coordinator. Title IX Coordinator reporting responsibilities are described in detail below.

NOTE: If the University determines that the perpetrator poses a serious and immediate threat to the campus community, under the Clery Act the campus may be required to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

ADMINISTRATIVE

Victims may report to the campus Title IX Coordinator online at <https://www.csusb.edu/title-ix> or in person at SMSU 103, who will provide written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident. The Title IX Coordinator will also provide information regarding resources available to victims, as well as information regarding their rights and options. Contact information for the Title IX Coordinator is listed above.

The Campus Title IX Coordinator will also provide information regarding any reasonable Supportive Measures the University may offer prior to conclusion of an investigation to reduce or eliminate negative impact and provide available assistance. Examples include: adjustment to work assignments, housing locations, course schedules or supervisory reporting relationship; mutual restrictions on contact between the Complainant and the Respondent; leaves of absence; or campus escorts. These options may be available whether or not the victim chooses to report the incident to Campus police or law enforcement. The Title IX Coordinator remains available to assist the victim and provide reasonable Supportive Measures requested throughout the reporting, investigative, and disciplinary processes, and thereafter.

REPORTING TO A TITLE IX COORDINATOR OR RESPONSIBLE EMPLOYEE

Many resources and options are available on and off campus including confidential and privileged communication options. The University has designated a Title IX Coordinator as the primary point of contact to provide victims with assistance and support, and to monitor and oversee overall compliance with laws and policies related to Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking. The campus Title IX Coordinator is available to explain and discuss rights to file a criminal complaint and to assist in doing so; the University's relevant formal complaint process, and rights to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters.

Most University employees have a duty to report disclosed incidents of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking when they are on notice of it. When a victim tells the Title IX Coordinator or another non-confidential University employee about a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the University strongly encourages victims to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking directly to the campus Title IX Coordinator.

As detailed above, most University employees except treating physicians, licensed counselors, and clergy must report to the Title IX Coordinator all relevant details about any Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incidents of which they become aware. The University will need to determine what happened and will need to know the names of the victim(s) and the alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University employees will be kept private and shared only with individuals responsible for handling the University's response to the incident. Any Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures. The University will protect the privacy of individuals involved in a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident except as otherwise required by law or University policy. A Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and

privacy and the privacy of other involved individuals. Except as detailed in the section on Privileged and Confidential Communications above, no University employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

If a victim requests of the Title IX Coordinator or another University employee that their identity remain completely confidential, the Title IX Coordinator will explain that the University cannot always honor that request and guarantee complete confidentiality. If a victim wishes to remain confidential or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, employees and third parties, including the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the University has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited.

The Title IX Coordinator will inform the victim of the initiation of an investigation prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response to the incident. The Title IX Coordinator will remain mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm, and work with the victim to create a safety plan. Retaliation against the victim, whether by students, employees or third parties, will not be tolerated. The University and Title IX Coordinator will also:

- Provide Supportive Measures requested by the victim and the other party to a complaint, if they are reasonably available, regardless of whether the victim chooses to report to campus or local police;
- Assist victims in accessing available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Assist victims in accessing available financial aid assistance, assistance with transportation, and visa or immigration assistance.
- Provide security and support, which could include issuing a mutual no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules or adjustments for assignments, tests, or work duties; and
- Inform victims of their right to report a crime to University or local police – and provide victims with assistance if desired.

The Title IX 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.

The University will not require a victim to participate in any investigation or disciplinary proceeding if the victim does not wish to participate.

The University will not generally notify parents or legal guardians of a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking report unless the victim is under 18 years old or the victim provides the University with written permission to do so.

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.

Under California law, and pursuant to University policy, many University employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to report the incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

Because the University is under a continuing legal obligation to address the issue of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking campus-wide, reports (including non-identifying reports) may also require the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported incident(s) occurred; increased education, training and prevention efforts, including to targeted population groups; climate assessments/victimization surveys; and/or revision of policies and practices.

NON-REPORTING

Victims are strongly encouraged to formally report any incident of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, or Stalking to the police and/or campus Title IX Coordinator so that steps may be taken to protect them and the rest of the campus community. However, non-reporting is also an option.

CIVIL LAWSUIT

Victims may choose to file a civil lawsuit against the perpetrator, whether or not criminal charges have been filed. A civil lawsuit provides the opportunity to recover actual damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress.

RESTRAINING ORDERS

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 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.

DISCIPLINARY PROCEDURES

The investigation and hearing process (when applicable) from initial formal complaint to final result shall be prompt, fair, and impartial. An investigator will meet separately with the complainant and the respondent and other potential witnesses to gather information.

Victims are not required to participate in any University disciplinary process and may choose not to be a part of it. Disciplinary procedures will:

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, and Stalking and how to conduct a hearing process that protects members of the campus community and promotes accountability;
- Provide the complainant and respondent the same opportunity to be accompanied to any related meeting or proceeding by the Support Advisor of their choice;
- Simultaneously inform the complainant and respondent in writing of:
 - o The outcome of the disciplinary proceeding;
 - o The University's procedures to appeal the results of the disciplinary proceeding;
 - o Any change to the disciplinary results that occurs prior to the time such results become final;and
 - o When disciplinary results become final.

CSUSB will, upon written request, disclose to the victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is determined to be the perpetrator of such crime or offense. If the victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the victim for disclosure purposes. Compliance with this provision does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA).

COMPLAINT PROCEDURES

The CSU has adopted and published complaint procedures that provide for prompt, impartial, and equitable resolution of complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct/Sexual Assault, Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

The Title IX Coordinator is available to meet with complainants to ensure that the case is handled appropriately and that the correct complaint procedure is utilized. Once the Title IX Coordinator has been contacted, complaints can be submitted either electronically at TitleIX@csusb.edu or in person at the Title IX and Gender Equity office, Room 103 of the Santos Manuel Student Union.

Regardless of whether an employee, a student or a third party ultimately files a formal complaint under the applicable complaint procedure, if the University knows or has reason to know about possible Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking, the Title IX Coordinator must review the matter to determine if an investigation is warranted. When warranted, all such investigations must be prompt, thorough and impartial. The University must then take appropriate steps to eliminate the Sex Discrimination, Sexual Harassment, Sexual Misconduct/Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, prevent its recurrence, and remedy its effects.

COMPLAINTS MADE BY STUDENTS

Executive Order 1097, entitled "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Violence, Domestic Violence, Dating Violence, and Stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party. Executive Order 1097 can be viewed at <https://calstate.policystat.com/policy/6742744/latest/>.

COMPLAINTS MADE BY EMPLOYEES, FORMER EMPLOYEES, THIRD PARTIES, AND APPLICANTS FOR EMPLOYMENT

Executive Order 1096, entitled “Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Staling Against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties” is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party.

Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Sex Discrimination or Sexual Harassment, including Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking shall use the grievance procedure specified in their collective bargaining agreement. Executive Order 1096 can be viewed at <https://calstate.policystat.com/policy/6743499/latest/>.

COMPLAINTS MADE BY STUDENT-EMPLOYEES

Executive Order 1096 is the appropriate system-wide procedure for all complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, made by student-employees where the alleged Sex Discrimination, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking arose out of the person’s status as an employee and not their status as a student. Executive Order 1096 can be viewed at <https://calstate.policystat.com/policy/6743499/latest/>.

When the Title IX Coordinator receives a Formal Complaint, or where new information or events arise, the Title IX Coordinator will assess whether the Formal Complaint meets the requirements of the Federal Regulations to move forward under the process in Addendum B. A determination that allegations in a Formal Complaint do not meet the requirements of the Federal Regulations will result in a 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 University may have an obligation to address the matter under other laws and policies.

Written notice of a mandatory or discretionary dismissal and reason(s) for the dismissal will be sent Simultaneously to the Parties when a Title IX Coordinator dismisses a Formal 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. This notice may be accompanied by a Notice of Allegations, as described in Article VI. below, where a Notice of Allegations has not already been provided.

Either Party may appeal from a dismissal of a Formal Complaint or any part of the Complaint. The appeal must be filed within 10 Working Days from the date of the Notice of Dismissal. The appeal will be in writing and will be based only on one or more of the following grounds: a procedural irregularity occurred that affected the dismissal of the Formal Complaint; new evidence that was not reasonably available at the time the dismissal decision was made that could affect the decision to dismiss the Formal Complaint; or the Title IX Coordinator (or designee) who dismissed the Formal Complaint had a conflict of interest or bias for or against the complainant or respondent in this case or complainants or respondents in general.

Appeals 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

If you are unable to file an appeal or a response to an appeal electronically, please 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.

The CO review will not involve a new assessment of the Dismissal/Referral or consideration of evidence that was not introduced during the Campus review, unless the new evidence was not reasonably available at the time of the review.

If the CO review determines that the Dismissal/Referral should be reviewed to cure any defects, the matter will be remanded back to the Campus to reassess within a timeframe specified by the CO. The Parties will be informed Simultaneously of the review and the timeframe. Once the review is complete the Campus will provide the Parties and the CO with either a Notice of Dismissal/Referral or Notice of Allegations, depending on the outcome, that reflects any changes to the determination. The notice will inform the Parties of their right to appeal and the CO will contact the appealing Party to determine whether that Party wishes to continue with the appeal.

The CO appeal response is final and concludes the Dismissal/Referral process under Addendum B. If there is a mandatory dismissal of a Formal Complaint, it does not preclude the Campus from later identifying a relevant policy or policies that address the alleged conduct, notifying the Parties of the policy or policies, and moving forward under the procedures of those policies.

When the Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator will Simultaneously provide both Parties a written Notice of Allegations.

The Notice of Allegations will be provided to both Parties regardless of whether the Formal Complaint must be dismissed. See section above on dismissal of formal complaints. If a Formal Complaint is dismissed at this stage of the process, the Notice of Allegations will also include the Notice of Dismissal and appeal rights.

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.

INFORMAL RESOLUTION

At any time prior to the issuance of the Hearing Officer's Report, if the Title IX Coordinator or either Party believes that it may be possible to resolve the Formal Complaint in a prompt, fair, and reasonable manner without a hearing, the Parties may consider an Informal Resolution that does not involve a full investigation and adjudication, subject to the following:

- A.** informal Resolution under Addendum B may only be offered where a Formal Complaint has been filed;
- B.** the University cannot offer or facilitate Informal Resolution under Addendum B to resolve allegations that an Employee sexually harassed a Student; and
- C.** the University must obtain the Parties' voluntary, written consent before starting the Informal Resolution process.

Once the Title IX Coordinator determines that Informal Resolution is appropriate, the Parties should Simultaneously be provided written notice regarding Informal Resolution that includes the following:

- A.** the allegations of Sexual Harassment, as defined by Addendum B;
- B.** the requirements of the Informal Resolution process including that once the Informal Resolution process is finalized neither Party is permitted to file another Formal Complaint arising from the same allegations;
- C.** an explanation that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the Informal Resolution process and resume the Formal Complaint process;
- D.** an explanation of any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared; and
- E.** the Parties' right to consult with a Support Advisor, if any.

The Title IX Coordinator will oversee the Informal Resolution process 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 Formal Complaint.

The Informal Resolution process will be completed prior to any determination of responsibility being made, but no later than 60 Working Days after both Parties provide voluntary, written consent to participate in the Informal Resolution process.

The University may not require the Parties to participate in an Informal Resolution process under Addendum B, nor may a Party be required to waive their right to the investigation and adjudication of a Formal Complaint as a condition of enrollment or employment, or continuing enrollment or employment.

The terms of any Informal Resolution must be put in writing and signed by the Parties, and the Title IX Coordinator. Prior to signing the Informal Resolution, the Title IX Coordinator will consult with the Student Conduct Administrator and/or other appropriate University Administrator responsible for the implementation of the terms. Use of electronic signatures is permitted.

Any agreed-upon Remedies and disciplinary sanctions will have the force and effect of sanctions imposed following a hearing.

The resolution will be final and not appealable by either party.

INVESTIGATIVE PROCEDURES

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 the relevant Executive Order, including Addendum B.

Gathering of Evidence

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the Parties. 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. Parties should be aware that all evidence Directly Related to the investigation will be provided to the other Party, subject to the exceptions described below. The University cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to do so for a Formal Complaint process under Addendum B. The University will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present Relevant evidence (for example, contacting a potential witness).

Advisors

Support Advisor-The Complainant and the Respondent may each elect to be accompanied by a Support Advisor to any meeting, interview, or proceeding regarding the allegations that are the subject of a Formal Complaint. The Support 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. The Support Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent or speak on behalf of a Complainant or Respondent. However, the Support Advisor may observe and consult with the Complainant or Respondent.

Hearing Advisor-The Complainant and Respondent must have a Hearing Advisor at the hearing. A Hearing Advisor will be responsible for asking the other Party and any witnesses all Relevant questions and follow-up questions, including those that challenge credibility, during the hearing. During a hearing, Parties may not ask questions of the other Party or any witnesses. Questioning at the live hearing will be conducted directly, orally, and in real time by the Party's Hearing Advisor of choice or a Hearing Advisor provided by the University if the Party does not have a Hearing Advisor. The Hearing Advisor may be the same person as the Support Advisor. A Party may have both a Support Advisor and a Hearing Advisor present at a hearing. If a Party does not have a Hearing Advisor to perform questioning during the hearing, the University shall provide the Party with a Hearing Advisor for this purpose.

The Title IX Coordinator or Investigator will explain to the Complainant and Respondent that they may request that their Support Advisor, if any, be copied on communications during the Formal Complaint process. Any such request will be in writing to the Title IX Coordinator or Investigator and should include the Support Advisor's name and contact information. The Title IX Coordinator or Investigator will also explain that Support Advisors will receive a copy of the evidence and Final Investigation Report, unless the Party specifically directs in writing that this information should not be sent to their Support Advisor. Although reasonable efforts will be made to accommodate Hearing Advisors and Support Advisors, undue delays affecting the complaint resolution timeline will not be permitted. Disruptive, abusive, or disrespectful behavior also will not be tolerated. At the discretion of the Investigator or Title IX Coordinator during meetings or interviews and of the Hearing Officer during hearings, a Hearing Advisor or Support Advisor who engages in disruptive, abusive or disrespectful behavior will not be permitted to participate. If a Hearing Advisor is excused during a hearing, the University will either provide a Party with another Hearing Advisor or allow the Party to obtain another Hearing Advisor. It is within the Hearing Officer's discretion to proceed with or postpone the hearing in order to address the situation.

Notice of Meetings, Interviews and Hearings

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 Addendum B.

If a Party requests to meet 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 (Final Investigation Report), the Investigator will send to the Complainant and Respondent, and their respective Support Advisors,⁴² if any, all evidence (including evidence upon which the University 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). This includes inculpatory or exculpatory evidence whether obtained from a Party or other source, redacted if required by law.

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:

1. meet again with the Investigator to further discuss the allegations;
2. identify additional disputed facts;
3. respond to the evidence in writing;
4. request that the Investigator ask additional specific questions to the other Party and other witnesses;
5. identify additional relevant witnesses; or
6. request that the Investigator gather additional 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. As part of an Informal Resolution, at the request of both Parties, Campuses will provide a written preliminary assessment of the evidence by the Title IX Coordinator. Neither the fact nor the substance of the assessment will be shared with the Hearing Officer or considered Relevant at the Hearing. The Final Investigation Report shall be sent to the Parties and their respective Support Advisors, if any, in electronic format (which may include use of a file sharing platform that restricts the Parties and any Support Advisors from downloading or copying the evidence) or hard copy. The Parties and their Support Advisors will be provided 10 Working Days to review and provide a written response to the Final Investigation Report. Campuses will inform Parties not to include any reference to the preliminary assessment and that any such references will be redacted. The written response will be attached to the Final Investigation Report and provided to the Hearing Officer, if appropriate, and the Parties. Any references to a preliminary assessment, assuming one was requested, will be redacted from this written response. No documentation should be provided to the Hearing Officer if an Informal Resolution is reached.

Timeframe for Completion of Investigation

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, and notice to the Parties given, as set forth in Article V. E. of EO 1096 and EO 1097. 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 in Article IX 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.

Where required under the applicable collective bargaining agreement, educational code or government code, employees receiving a disciplinary action will be provided with a Notice of Intent outlining the proposed corrective action. The employee will have the allotted time to respond to the proposed action through a pre-adverse action (Skelly) review/meeting. Following the conclusion of the Skelly meeting, the appropriate administrator will evaluate the Skelly Officer's recommendation and determine the final discipline to impose. The employee may appeal that final decision in accordance with the applicable education code or government code.

HEARING PROCEDURES

A Hearing Coordinator, (either the Student Conduct Administrator, Title IX Coordinator, or other appropriate Administrator) will be responsible for coordinating the hearing process. The Hearing Coordinator's duties will include: scheduling the hearing; notifying witnesses of the hearing; ensuring that the Hearing Officer is provided with appropriate materials including a copy of the report and any exhibits; coordinating videoconferencing (if necessary); and securing a location for the hearing. The Hearing Coordinator will also act as liaison between the Parties and the Hearing Officer on procedural matters.

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 e-mail address, unless the recipient has specifically requested in writing to the Hearing Coordinator that notice be given to a different e-mail 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. The objection may only be based on an actual conflict of interest. A conflict of interest exists if the Hearing Officer has a personal relationship with one of the Parties or witnesses or has demonstrated actual bias towards a Party or witness. The fact that a Hearing Officer has previously served as a Hearing Officer in a University proceedings will not constitute a conflict of interest. The Hearing Coordinator will determine if a conflict of interest exists. In that event, the Parties will be notified in writing of the name of the new Hearing Officer. The date for the hearing may need to be rescheduled. Any objection to the new Hearing Officer will be made in accordance with this section.

No later than 15 Working Days before the hearing, each Party may: a. 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. 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.

DETERMINATION REGARDING RESPONSIBILITY

After the hearing, the Hearing Officer will make written findings of fact and conclusions about whether the Respondent violated Addendum B with respect to the definition of Sexual Harassment.

The standard of proof the Hearing Officer will use is whether each allegation is substantiated by a Preponderance of the Evidence. The Title IX Coordinator will review the Hearing Officer's Report to ensure procedural compliance with Addendum B.

The Hearing Coordinator will Simultaneously send the Hearing Officer's Report promptly to the Parties, the Title IX Coordinator, and the appropriate University Administrator, usually within 15 Working Days of the close of the hearing.

If no violation of the addendum 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 addendum 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 University Administrator responsible for discipline and Title IX Coordinator may also submit a written statement regarding aggravating and 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 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.

PRESIDENT'S SANCTION DECISION/NOTIFICATION

The president (or designee) may impose the recommended sanctions, adopt a different sanction or discipline, or reject sanctions or disciplines altogether. If the president (or designee) adopts a sanction other than what is recommended by the Hearing Officer, the president (or designee) must set forth the reasons in the Decision Letter.

The president will simultaneously send the Decision Letter electronically to the Respondent and Complainant at the University-assigned or other primary e-mail address linked to their University accounts. The decision letter

will also be sent to the Student Conduct Administrator or other appropriate University Administrator responsible for Employee discipline and the Hearing Officer.

The determination regarding responsibility and any sanctions become final either on the date that the Chancellor's Office provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely (11 working days after the date of the decision letter).

EMPLOYEE SANCTIONS

Where a complaint is made against an employee, Human Resources or Academic/Faculty Affairs shall be notified and provided a copy of the investigation reports. Sanctions are imposed in accordance with current collective bargaining agreement, when applicable, and may include:

- verbal reprimand
- written reprimand,
- reduction in salary
- temporary or permanent demotion
- paid or unpaid administrative leave
- suspension
- denial or curtailment of emeritus status
- mandated education or training
- change in work location
- restrictions from all or portions of campus
- restrictions to scope of work
- dismissal

STUDENT SANCTIONS

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

1. RESTITUTION

Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.

2. 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, cancelled or denied.

3. 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 misconduct or as deemed appropriate based upon the nature of the violation.

4. 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; or (ii) to have contact (physical or otherwise) with the complainant, witnesses or other specified persons.

5. 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.

6. SUSPENSION

Temporary separation of the student from active student status or student status.

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

7. 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.

More than one sanction may be imposed for a single violation.

OTHER CONSIDERATIONS RELATED TO SANCTIONS:

1. ADMINISTRATIVE HOLD AND WITHHOLDING A DEGREE

The University may place an administrative hold on registration transactions and release of records and transcripts of a student who has been sent written notice of a pending investigation or disciplinary case concerning that student, and may withhold awarding a degree otherwise earned until the completion of the process, including the completion of all sanctions imposed¹.

2. RECORD OF DISCIPLINE

A record of disciplinary probation or suspension is entered on a student's transcript, with beginning and end date, for the duration of the sanction. A record of expulsion or suspension for one academic year or more shall note the effective date of discipline and remains on the transcript permanently, without exception. A record of withdrawal in lieu of suspension or expulsion and withdrawal with pending misconduct investigation or disciplinary proceeding remains on the transcript permanently, without exception². These requirements shall not be waived in connection with any resolution agreement.

¹ For matters involving processes other than those that fall under addendum B, this is not applicable.

² For matters involving processes other than those that fall under addendum B, this is not applicable.

3. INTERIM SUSPENSION

A president may impose an interim suspension pursuant to Title 5, California Code of Regulations section 41302 where there is reasonable cause to believe that separation of a student is necessary to protect the personal safety of persons within the University community or University property, and to ensure the maintenance of order.

An investigative finding of a violation of Executive Orders 1096 or 1097 standing alone may be sufficient to constitute reasonable cause to believe that an interim suspension is necessary to protect the personal safety of persons within the University community or University property, and to ensure the maintenance of order.

4. DENIAL OF PRESENCE ON CAMPUS DURING INTERIM SUSPENSION

During the period of an interim suspension, the student charged may not, without prior written permission from the campus president, enter any campus of the California State University other than to attend the hearing regarding the merits of the interim suspension and any disciplinary hearing. The president may also restrict the student's participation in University-related activities on a case-by-case basis, such as attending off-campus activities and/or participating in on-line classes. Violation of any condition of interim suspension shall be grounds for expulsion.

5. ADMISSION OR READMISSION

Applicants for admission or readmission into any University program are subject to appropriate sanctions for violations of the Student Conduct Code, including qualification, revocation or denial of admission or readmission. For students who withdraw while a disciplinary matter is proceeding, the campus has discretion whether to continue proceedings or hold proceedings in abeyance.

APPEAL OF PRESIDENT'S SANCTION

Filing an Appeal to the Chancellor's Officer. Any Complainant or Respondent who is not satisfied with a Formal Complaint Process outcome (determination regarding responsibility or recommended sanction) may file an appeal with the Chancellor's Office (CO) no later than 10 Working Days after the date of the Decision Letter. 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 CO.

The appeal must be in writing and may be based only on one or more of the grounds for appeal listed below: the hearing outcome is not supported by substantial evidence (in other words, there was no reasonable basis for such findings or conclusions); a procedural irregularity occurred that affected the outcome of the matter; new evidence that was not reasonably available at the time of the hearing and would have affected the Hearing Officer's decision about whether the Respondent violated the Executive Order, including addendum B; the Title IX Coordinator, Investigator, or Hearing Officer had a Conflict of Interest or Bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and the sanction(s) imposed as part of the outcome of the Formal Complaint process constituted an abuse of discretion based on the substantiated conduct.

Issues and Evidence on Appeal. The issues and evidence raised on appeal will be limited to those raised and identified during the Campus hearing, unless new evidence becomes available that was not reasonably available at the time of a Campus hearing that could affect the outcome of the matter and is submitted by the appealing party. The CO may communicate, at the CO's discretion, with the appealing party, the responding party, and/or the Campus to clarify the written appeal. Appeals will be addressed to:

Equal Opportunity and Whistleblower Compliance Unit Systemwide Human Resources Office of the Chancellor
401 Golden Shore, 4th Floor Long Beach, California 90802 eo-wbappeals@calstate.edu.

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

The CO will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide prompt written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the Campus Title IX Coordinator. 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 and appeal response shall be limited to 3,500 words, excluding exhibits.

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/>.

EMERGENCY NOTIFICATION

In accordance with Executive Order 1107, The University will issue emergency notifications, without delay, in response to a confirmed significant emergency or a dangerous situation, occurring in the Clery defined on campus geography that, in the judgment of the University, constitutes an immediate threat to the health or safety of members of the on-campus community.

Once UPD has received the report, the Chief of Police, (or management designee in the absence of the Chief), will confer with the 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) an emergency or dangerous situation in fact exists in on-campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community.

If both of the above factors are not met, no emergency notification will be issued.

If it is determined that both of the above factors are met, then an emergency notification will be issued to the community. The Chief of Police (or management designee in the absence of the Chief), will confer with the Clery Director if one is designated and if available, to prepare the content of the notification taking into account the safety of the on-campus community. They will also determine, based on the confirmed facts of the emergency, if the entire campus community or only a specific segment of the on-campus community is threatened and need to be notified. Examples of emergencies where only a segment might be alerted would be a fire contained in a dorm laundry room where only the residents of that one dorm floor or of that one dorm building are at risk and need to evacuate, or a chemical spill in a lab where only the one room, floor, or the occupants of that one building are at risk and need to evacuate.

Once the notification is prepared, the Chief of Police or the Clery Director if one is designated, or in their absence, the management designee(s) 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.

Distribution methods of emergency notifications may include but are not limited to one or more of the following methods:

- The campus mass notification system, including but not limited to phone, campus email, or text messaging
- Audio/visual message boards
- Audible alarms/sirens
- Campus public address systems
- In person or door-to-door notifications in a building or residence halls
- Other means appropriate under the circumstances

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 or call the on-campus Emergency Management Office at 909-537-7477 for assistance.

The Chief of Police or the Clery Director if one is designated, 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.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

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>.

Each year the campus conducts regularly scheduled drills, exercises, and appropriate follow-up activities designed to improve emergency response on an ongoing basis. These tests and exercises, which may be announced or unannounced, are conducted in support of efforts to assess and evaluate emergency response plans and capabilities. After action briefings and corrective action plans may be developed and conducted. Procedures include the documentation of exercises, which list the exercise description, date, time, and whether they were announced or unannounced. Emergency response and evacuation procedures are also publicized annually in conjunction with such tests.

TESTING THE EMERGENCY NOTIFICATION 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, at least one test will be publicized in conjunction with the campus' emergency response and evacuation procedures. 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.