

CSU SAN BERNARDINO  
2018 ANNUAL SECURITY REPORT



**PALM DESERT CAMPUS**

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

CLERY CRIME STATISTICS 2015-2017



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## MESSAGE FROM THE PRESIDENT OF CSUSB

Welcome to California State University, San Bernardino (CSUSB). We are extremely proud of the women and men who serve our campus as members of the University Police Department (UPD) and the exceptional job they do in keeping our university safe.

With a campus community that features more than 20,400 students and over 2,100 employees, CSUSB police officers are exceedingly qualified and dedicated to ensuring our students, faculty and staff enjoy a safe and secure environment around the clock throughout the entire year.

The department's record is exemplary, with CSUSB annually ranking among the safest public college and university campuses in California. It is under the direction of Police Chief Nina Jamsen, an experienced law enforcement leader with more than 30 years of public service throughout the Inland Empire. She leads a staff of highly trained and motivated professionals, all committed to "Campus Safety through Service."

During the past year, the University Police Department (UPD) continued to upgrade its fleet of vehicles to enhance UPD resources and further support campus safety. Its 45 Community Services Officers (CSO) consisting of university students are well-trained and assist with the successful campus escort service program, provide building access, and generally serve as the department's "eyes and ears" campus-wide.

The Clery Act is a federal law that provides transparency regarding campus crime and statistics. We annually produce a security report for both the San Bernardino and Palm Desert campuses in compliance with this law. These reports provide important information relating to the safety and security of each campus with input supplied from numerous university departments.

I am truly pleased with the collaborative partnership here at CSUSB involving the "See Something, Say Something" campaign. This slogan is prominently displayed across our campus and serves as a constant reminder that campus safety is a community effort.

Sincerely,

Tomás D. Morales  
President





## PREPARING THE ANNUAL SECURITY REPORT (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) and is developed in cooperation with key personnel from the Director of Student Conduct & Ethical Development, Title IX Coordinator, Student Health Center, the Department of Housing and Residential Education, and information provided by 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 and Fire Safety 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 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 is available after hours. UPD can be reached 24 hours a day by calling 911 or (909) 537-5165.

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 Campus Security Authorities 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 will trigger any warranted timely warning reports.

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 & Residential Education staff, including Assistant Directors, Area Coordinators, and Resident Assistants
- Athletic 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/csusb/files/ASR\\_PDC\\_2018.pdf](https://www.csusb.edu/sites/csusb/files/ASR_PDC_2018.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.



**CRIME STATISTICS**

<b>CLERY CRIME STATISTICS 2015-2017</b>					
<b>OFFENSE</b>	<b>YEAR</b>	<b>CAMPUS</b>	<b>CAMPUS RESIDENTIAL</b>	<b>NON-CAMPUS</b>	<b>PUBLIC PROPERTY</b>
Murder	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Manslaughter by Negligence	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Rape	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Fondling	2015	6	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Incest	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Statutory Rape	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Robbery	2015	0	N/A	0	1
	2016	0	N/A	0	1
	2017	0	N/A	0	0
Aggravated Assault	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Burglary	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Motor Vehicle Theft	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Arson	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0



OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Domestic Violence	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Stalking	2015	1	NA	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor law arrests	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Liquor law referrals	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Drug law arrests	2015	0	N/A	0	1
	2016	0	N/A	0	3
	2017	0	N/A	0	0
Drug law referrals	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Weapons law arrests	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0
Weapons law referrals	2015	0	N/A	0	0
	2016	0	N/A	0	0
	2017	0	N/A	0	0



OFFENSE	YEAR	TOTAL
Unfounded Crimes	2015	0
	2016	0
	2017	0

## HATE CRIMES

"Hate Crimes" as defined in the California Penal Code of 422.6 means "any act of physical intimidation or physical harassment, physical force or physical violence, or the threat of physical force or physical violence, that is directed against any person or group of persons because of the ethnicity, race, national origin, religion, sex, sexual orientation, disability, or political/religious beliefs of that person or group." The Clery Act defines hate crimes as "a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim." Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

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.

The statistics represented below account only for hate crimes as defined by the Clery Act.

2015 – There were no reported hate crimes.

2016 – There were no reported hate crimes.

2017 – There were no reported 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 308, UPD officers are dispatched immediately to the site of the complaint and have the authority to make arrests, if necessary.





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

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

#### **University Police**

- Nina Jamsen ([nina.jamsen@csusb.edu](mailto:nina.jamsen@csusb.edu))
- Location: UP (NW corner of campus, next to the A Parking Lot)
- Phone: (909) 537-5165

#### **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, having occurred in a Clery defined geographical area, and after a case by case analysis of pertinent facts known is completed and a determination is made that an on-going or continuing threat to the community exists.

The Chief of Police (or a management designee in the absence of the Chief) is responsible for the decision to issue a timely warning 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, 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 is



the absence of the Chief) will determine the content of the Timely Warning Bulletin, 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 to issue the Timely Warning Bulletin:

- 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 Bulletin is issued it will be entitled “Timely Warning” and include the following:

- A statement that the Timely Warning Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the campus community to aid members from becoming the victim of a similar crime.
- The Clery Act reportable crime that occurred
- The date, time, and location the crime occurred
- The date the Timely Warning Bulletin is issued
- Suspect information, including but not limited to description, name, etc.
- Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime

Timely Warning 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.

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## VOLUNTARY CONFIDENTIAL REPORTING

Pursuant to California Education Code section 67380(a)(6)(A), CSAs who receive reports from employees or students of a Part I violent crime, sexual assault or hate crime that occurred in or on a non-campus location as defined by the Clery Act, may not disclose to UPD or local law enforcement agencies the names of the victims or the alleged assailant, unless the victim consents to disclosing their name after being informed of their right to have their personally identifying information withheld. If the victim does not consent to being identified, the alleged assailant shall not be identified in the information disclosed to the local law enforcement agency, unless all of the following conditions are met:

- i. The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; **and**
- ii. The immediate assistance of the local law enforcement agency is necessary to contact or detain the alleged assailant.



The UPD maintains an anonymous crime tip line at (909) 537-7786. The UPD, Counseling and Psychological Services (CAPS), and The Advocate from 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.

## SECURITY OF AND ACCESS TO CAMPUS FACILITIES

The Palm Desert campus hours are 7:00 a.m.-10:00 p.m. Monday-Friday and 7:00 a.m.-5:30 p.m. on Saturdays. 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 10:30 p.m. until 5:30 a.m. Monday-Friday and also 10:30 p.m. Saturday through 5:30 a.m. Monday (includes all-day Sunday). 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. 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 pathways frequently traveled by students. Emergency telephones are located at the entrances of all University housing facilities and at many locations throughout the campus. All emergency telephones are connected directly to UPD.

Crime prevention programs include orientation workshops, individual floor meetings, residential community-wide presentations, and educational programs. All programs are presented each quarter or as requested.

Students are encouraged to report any problems with the campus environment to UPD at (909) 537-5165 and the Department of Housing and Residential Education at (909) 537-4155. The UPD maintains an anonymous crime tip line at (909) 537-7786. The UPD, Counseling and Psychological Services (CAPS), and 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 eighteen (18) sworn officers who have full peace officer authority, and powers of arrest, as defined in California Penal Code 836. The department also employs approximately forty (40) non-sworn support personnel. 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 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 also work very closely 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 UPD has existing mutual aid agreements with the Riverside Sheriff's Department for the Palm Desert campus, and both the San Bernardino Police Department and the San Bernardino County Sheriff's Department for the San Bernardino campus. There are no current mutual aid agreements with other State law enforcement, although the California Highway Patrol is a resource to state agencies, such as UPD.

Palm Desert Campus: The Riverside Sheriff's Department agrees to serve as the primary law enforcement agency, having principle 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 UPD encourages and promotes accurate and prompt reporting of criminal activity directly to the UPD or any appropriate police agency, to include when the victim elects or is unable to make a report. If a student prefers not to notify the police, they are strongly 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.

**UPD** – 911 or (909) 537-5165

**Title IX** – (909) 537-5669; [titleix@csusb.edu](mailto:titleix@csusb.edu)

### **University Police Department - Mission Statement**

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 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.

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. Individuals are encouraged to report acts of violence, threats of violence, or any other behavior which, by intent, act or outcome, harms another person.

### **Members of the University Police Department are available to provide the following presentations to staff, faculty and students:**

Self Defense, Use of Pepper Spray, Crosswalk Safety, Golf Cart Safety, How to Survive an Act of Violence, Police and Youth Diversity, New First Time Freshman, Family Members and Transfer Student Orientation, safety presentations to children and parents, and any other topics related to protecting personal and state property. We do encourage participation in our crime prevention programs and ask for your assistance in keeping our community safe. These programs are offered throughout the quarter and upon request. Crime Prevention brochures are also available on our web site at: <http://police.csusb.edu/resources/crimePrevention.html>.

## CRIME PREVENTION PROGRAMS

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.

The Palm Desert Campus offered self-defense classes throughout 2015. These classes were facilitated in the Indian Wells building, and were approximately 2 to 3 hours in length, with the exception of an abbreviated presentation at our Take Back the Night Event. The course focuses on prevention and personal safety awareness and physical techniques used to escape an attack. The feedback has been consistently positive and these classes will continue to be offered to our students, faculty, and staff.

The UPD provides an escort service to all students, faculty, and staff. The service is available upon request, 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 respond to the request. The CSO or officer will escort the person to their car or other locations on campus. This service is available 24 hours a day, seven days a week. Call (909) 537-5165 or (909) 537-7777.



CSUSB's ongoing prevention and awareness campaigns are programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to, and skills for, addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information shared in primary prevention programs. All programs are offered throughout the quarter and upon request.

## 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 that have been 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 against the organization, 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.

<sup>1</sup> EO 1098 - <https://www.calstate.edu/eo/EO-1098-rev-6-23-15.html>, Standards for Student Conduct - [https://www.csusb.edu/sites/csusb/files/Standards%20for%20Student%20Conduct\\_0.pdf](https://www.csusb.edu/sites/csusb/files/Standards%20for%20Student%20Conduct_0.pdf), and Student Org Handbook - <https://www.csusb.edu/sites/csusb/files/OSE-Handbook2016-2017%202.pdf>.

## 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, dispensing, possession 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 contained in the CSUSB Alcohol and Other Drug Policy. The policy is available on the CSUSB Policy Page at <https://www.csusb.edu/policies/alcohol-and-other-drug-policy>, or can be obtained from: Human Resources, UPD, and the Office of the Vice President for Student Affairs. 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.

Educational offerings for students begin with Orientation and continue throughout the academic year. Many of these programs are targeted specifically to high-risk populations (on-campus residents, fraternity and sorority members, new students). AlcoholEdu, an evidence-based risk reduction program, was deployed with on-campus residents in 2017 and will be expanded to target student-athletes, fraternity and sorority members, and on-campus residents in 2018. Please also see Community Services for additional resources (<https://www.csusb.edu/alcohol-drug-education/drug-information>). 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.

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. Applicable legal sanctions under local, State, and Federal law for the unlawful possession or distribution of illicit drugs and alcohol range from probation, diversion, imprisonment in the county jail for less than one year, to imprisonment in state prison. A police officer can take the license from any driver suspected of driving under the influence of alcohol and/or drugs who refuses to take a blood alcohol test.

CSUSB's alcohol prevention strategies include prevention education, as well as reactionary sanctions when students have been found responsible for violation of the Standards for Student Conduct. As a prevention program, CSUSB's Health Center and Peer Health Educators 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. Additionally, alcohol counseling and recovery meetings are available as options for further support. CSUSB also utilizes the CHOICES program to educate students in small groups. CHOICES is a reflective journaling program which helps students to see patterns in their drinking behaviors, as well as possible health and safety risks. Students are then supported in risk-reduction techniques and provided with campus resources (including counseling and recovery groups) for additional support.

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) 887-6333 X3900.

## 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.

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## PREVENTION, EDUCATION, AND AWARENESS

All new employees receive training at Orientation about Title IX and responsible 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 Assistant Director of Title IX and Gender Equity, Krysten Newbury (909) 537-5669 and CSUSB Advocate, Marina Rodriguez (909) 537-5040. The committee also includes members of the campus from Student Affairs such as the Queer and Transgender Resource Center and Women's Resource Center, Counseling and Psychological Services, Student Health Center, Student Union, Associate Students Incorporated (ASI), University Police Department, the Dean of Students, Student Conduct and Ethical Development, and a member 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 the year which fulfills mandatory annual End Sexual



Violence Training for students.

The CSUSB Advocate provides on-going programs with the assistance of her 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 through the promotion of positive and healthy behaviors that foster mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change 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.

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 sexual misconduct, dating or domestic violence, or stalking. It includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening and identifying safe and effective intervention options, and taking action to intervene.

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 of the CSUSB Sexual Assault Prevention and Training Plan, in addition to ensuring full compliance with Federal and State law and CSU policy, is the commitment 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. These prevention and training programs are 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 change behavior and social norms in healthy and safe directions. Such topics include laws, medicine, societal attitudes, crisis intervention and



counseling techniques, referral services, sexuality, and also includes 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. Based on a social science model that predicts that most people are unlikely to help others in certain situations, a bystander is anyone who observes an emergency or a situation that looks like someone could use some help. They must then decide if they are comfortable stepping in and offering assistance. Research has found that people tend to struggle with whether helping out is their responsibility, and 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 he or she believes 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 he or she wants 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 he or she hits you and then promises it won't happen again (but it does)? Put you down in public? Force you to have sex when you don't want to? Follow you? Send you unwanted messages and gifts?
- Be assertive. Speak up.





- 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. In 2014, CSUSB joined the White House Initiative: It's On Us. As a result, CSUSB initiated an annual CSUSB It's On Us: Call to Action Week.

### **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.

### **CSUSB programming initiatives:**

- **Stalking on Campus, "Know It. Name It. Stop It."** January 23, 2017, Lower Commons. This is an interactive presentation by V.O.I.C.E., a group of students dedicated to utilizing prevention education to reduce the number of CSUSB students impacted by interpersonal violence.
- **Taking Steps to Stop Human Trafficking.** January 24, 2017, SMSU Theater. An expert panel of speakers will discuss sex trafficking within the Inland Empire. A documentary highlighting sex trafficking will also be shown, after which the panel will address specific themes and discuss steps for taking action. This event is sponsored by College of Social Behavior Institute for Child Development and Family Relations, along with the Family Assist Open Door.
- **Bringing in the Bystander.** February 8, 2017, Lower Commons. Everyone has a role in ending violence toward others. Learn how to be an active bystander and to safely intervene when a negative, or potentially harmful incident, may be occurring. Bring your friends to understand how safety planning in advance can be beneficial in possible uncomfortable, or harmful, situations. You can make a difference!
- **Bringing in the Bystander Training to International Students.** February 9, 2017, Yasuda Center. Everyone has a role in ending violence toward others. Learn how to be an active bystander and to safely intervene when a negative, or potentially harmful





incident, may be occurring. Bring your friends to understand how safety planning in advance can be beneficial in possible uncomfortable, or harmful, situations. You can make a difference!

- **Bringing in the Bystander.** February 14, 2017, Lower Commons. Everyone has a role in ending violence toward others. Learn how to be an active bystander and to safely intervene when a negative, or potentially harmful incident, may be occurring. Bring your friends to understand how safety planning in advance can be beneficial in possible uncomfortable, or harmful, situations. You can make a difference!
- **Man to Man.** March 1, 2017, Lower Commons. Come and share your experiences of being male in today's world. Learn about the challenges and pressures facing men, and tools to improve the quality of our relationships, our work, our health and our lives.
- **Netflix and Chill?** April 11, 2017, SMSU FourPlex. This interactive workshop presented by VOICE peer educators will cover the concepts of communication, boundaries and negotiating consent.
- **The Invisible War Film: Excerpts, Testimonial and Discussion.** April 18, 2017, SMSU Theater. Join us for film excerpts, survivor testimony and a military panel discussion.
- **Domestic Violence Video and Discussion.** October 5, 2017, Lower Commons. This workshop will focus on the warning signs, types of abuse, cycle of violence, why victims stay and how to support a survivor through CSUSB student and alumni survivor testimony and interactive discussion.
- **Dating Violence and Substance Abuse.** October 12, 2017, Lower Commons. This workshop will cover the definition and types of domestic violence and abuse as well as focus on the effects of drug and alcohol use in an abusive relationship through interactive activities and survivor testimony.
- **Bringing in the Bystander.** October 14, 2017, HP. Everyone has a role in ending violence toward others. Learn how to be an active bystander and to safely intervene when a negative, or potentially harmful incident, may be occurring. Bring your friends to understand how safety planning in advance can be beneficial in possible uncomfortable, or harmful, situations. You can make a difference!
- **Ending Dating and Domestic Violence in LGBTQ+ Communities.** October 19, 2017, SMSU Fourplex. This presentation will focus on creating a common language, types of abuse, cycle of violence, how to support a survivor, and identifying unique barriers that LGBTQ survivors face.
- **Ending Dating and Domestic Violence in LGBTQ+ Communities.** October 19, 2017, Serrano Village Square. This presentation will focus on creating a common language, types of abuse, cycle of violence, how to support a survivor, and identifying unique barriers that LGBTQ survivors face.
- **“Justice for My Sister” Film Screening and Discussion.** October 23, 2017, SMSU Theater. The award-winning documentary film Justice for My Sister takes an intimate look at violence against women in Guatemala by chronicling the three-year journey of Rebeca as she tries to hold her sister's killer accountable. The film serves as the centerpiece of a transnational campaign to promote healthy relationships and denounce gender-based violence and femicide/feminicide.



- **Healthy, Unhealthy or Abusive?** October 25, 2017, Lower Commons. This workshop focuses on the 7 qualities of a healthy relationship and emphasizes how to negotiate consent and how to build trust through interactive activities and group discussion.
- **Bringing in the Bystander.** October 26, 2017, HP. Learn how to be an active bystander and to safely intervene when a negative or potentially harmful incident may be occurring. \*This event satisfies the mandatory yearly End Sexual Violence Training requirement.
- **Interpersonal Violence in Immigrant Communities.** November 7, 2017, Lower Commons. This workshop will define sexual assault, dating and domestic violence, and stalking, and focus on the unique barriers that immigrant communities might face in seeking help and local resources for survivors.
- **It's On Us to Stop Sexual Assault: Sexual Assault 101.** November 8, 2017, Obershaw Dining Room. Excerpts from the Stanford survivor's letter to her perpetrator will be read aloud and discussed through an interactive exercise.
- **"See Something, Say Something" Campaign:** Campus-wide effort to report anything that looks suspicious or seems out-of-place directly to UPD by dialing or texting 911. Information can also be shared by contacting UPD dispatch at (909) 537-7777, Crime TipLine at (909) 537-7786, We Tip at 800-78-CRIME, or e-mailing [ReportCrime@CSUSB.edu](mailto:ReportCrime@CSUSB.edu). Callers may remain anonymous when reporting suspicious activity or crimes in progress.

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## DEFINITIONS PER EXECUTIVE ORDERS 1095-1097

### 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.

### SEXUAL HARASSMENT

A form of Sex Discrimination, unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, offering benefits or giving preferential treatment in exchange for sexual favors, and any other conduct of a sexual nature where:

- a. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a person's employment terms or conditions, academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or
- b. 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 their ability to participate in or benefit from the services, activities or opportunities offered by the University; or

- c. 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.

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<sup>1</sup> As mandated by the Clery Act's Violence Against Women Act (VAWA)/Campus SaVE Act, 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.

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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.

## 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.

### **SEXUAL ASSAULT**

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

### **SEXUAL BATTERY**

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

### **RAPE**

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

### **ACQUAINTANCE RAPE**

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

### **AFFIRMATIVE CONSENT**

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:
  - The person was asleep or unconscious;
  - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  - The respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;
  - The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

## DOMESTIC VIOLENCE

Abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the abuser has a child; someone with whom the abuser has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a



substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and/or (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 themselves or others. Abuse does not include non-physical, emotional distress or injury.

### 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. 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 themselves or others. Abuse does not include non-physical, emotional distress or injury.

### STALKING

Engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for their own or others' safety, 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, Gender, Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.

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## 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, 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. Victims who prefer not to notify the police, 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.

Victims have the right to decide who and when to tell about Sexual Misconduct, 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. Except in extreme circumstances, University students or employees who are victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking will not be subject to discipline.

The University encourages victims of Sexual Misconduct, 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, 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 <http://psychcounseling.csusb.edu>.

#### **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, 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.

## 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 an advisor of their choice, including 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 Martin ([cristina.martin@csusb.edu](mailto:cristina.martin@csusb.edu))
- Location: SMSU-103A
- Website: <http://titleix.csusb.edu>
- Email: [titleix@csusb.edu](mailto:titleix@csusb.edu)
- Phone: (909) 537-5669
- Academic Year - Monday-Friday (8:00 a.m. to 4:30 p.m.)
- Summer – Monday-Thursday (7:00 a.m. to 5:30 p.m.)

Victims may also take any of the actions below.

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## CRIMINAL

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, 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.

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## REPORTING TO THE POLICE

As soon after the incident as possible, victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking are strongly encouraged to report the incident to the police. Sexual Misconduct, 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, 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, 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.

In cases of Sexual Misconduct, 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 or dispose of clothes, clean the bed linens/area where the assault took place, use the toilet (if possible), smoke, wash face, teeth, or hands, bathe, douche, or shower following the attack. The victim should seek a medical exam immediately. 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.

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## REPORTING TO A CSA

Any member of the University community may report incidents of Sexual Misconduct, 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 CSAs are required to report incidents of Sexual Misconduct, 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.*

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## ADMINISTRATIVE

Victims may report to the campus Title IX Coordinator online at <http://titleix.csusb.edu> 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 by giving them the CSUSB Rights and Options booklet during their initial meeting. Contact information for the Title IX Coordinator is listed above.

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## 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, 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 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 Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incidents 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, 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, 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 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. The University will protect the privacy of individuals involved in a Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incident except as otherwise required by law or University policy. A Sexual Misconduct, 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 interim remedies requested by the victim, 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, visa and immigration assistance, and legal assistance both on and off campus;
- Provide security and support, which could include issuing a no-contact order, helping arrange a change of campus-based living or working arrangements, transportation accommodations, changes to course schedules (including for the perpetrator pending the outcome of the investigation), 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 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, 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.

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, 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 report any incident of Sexual Misconduct, 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.

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### 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, 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. Title IX can be reached at (909) 537-5669 or [titleix@csusb.edu](mailto:titleix@csusb.edu). The Advocate can be reached at (503) 537-5040.

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### DISCIPLINARY PROCEDURES

The University has procedures that provide for an administrative investigation of reports of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking, and written findings based on the preponderance of the evidence standard, provided to the complainant and respondent. Both the complainant and respondent may appeal written findings to the CSU Chancellor's Office, as well as the ultimate sanction for violation of CSU policy in student misconduct cases. The procedure for investigating complaints from CSU employees and third parties, EO 1096 (<https://www.calstate.edu/eo/EO-1096-rev-10-5-16.html>) is separate from, but similar to, the procedure for CSU students, EO 1097 (<https://www.calstate.edu/eo/EO-1097-rev-6-23-15.html>).

When a student or employee reports to the University that the student or employee has been a victim of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking, whether the



offense occurred on or off campus, the University will provide the student or employee a written explanation of their rights and options (EO 1096 and EO 1097).

This describes on and off campus resources, including medical, psychological, and administrative options available to victims. It also includes information on how to preserve evidence, confidentiality, CSU procedures, and retaliation concerns, reporting options such as the Title IX office and University Police, and definitions of sexual misconduct, dating/domestic violence, stalking, and affirmative consent.

The investigation process from initial complaint to final result shall be prompt, fair, and impartial. The investigator will meet separately with the complainant and the respondent and other potential witnesses to gather information. The investigation shall be completed no later than 60 Working Days after the intake interview, unless the timeline has been extended. The timeline should not be extended for a period longer than an additional 30 Working Days from the original due date.

Before reaching a final conclusion or issuing a final investigation report, the Investigator shall have: a) advised the Parties, or have offered to do so, verbally or in writing, of any evidence upon which the findings will be based; and, b) given the Parties an opportunity to respond to the evidence, including presenting further relevant evidence, information or arguments that could affect the outcome. The Investigator will not reach a final conclusion or issue an investigation report until giving careful consideration to any such relevant evidence, information or arguments provided by the Parties. The Investigator retains discretion and authority to determine relevance.

At the conclusion of the University's complaint and investigation procedure, any employee or student found to have violated University policy against Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking will be subject to discipline. For employees, discipline would be administered consistent with applicable collective bargaining agreements, University policies and legal requirements. For students, discipline would be administered in accordance with CSU Executive Order 1098 (discussed below). Victims are not required to participate in any University disciplinary procedures 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, Dating Violence, Domestic Violence, and Stalking and how to conduct a hearing process that protects the of victims and promotes accountability;
- Provide the complainant and respondent the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- Simultaneously inform the complainant and respondent in writing of:
  - The outcome of the disciplinary proceeding;
  - The University's procedures to appeal the results of the disciplinary proceeding;





- Any change to the disciplinary results that occurs prior to the time such results become final; and
- 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).

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## 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, including Rape and 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](mailto: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 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, it 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, Domestic Violence, Dating Violence, and/or Stalking, prevent its recurrence, and remedy its effects.

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## 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://www.csusb.edu/sites/default/files/1097\\_0.pdf](https://www.csusb.edu/sites/default/files/1097_0.pdf).





## 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, Dating and Domestic Violence, and Stalking 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 <http://www.calstate.edu/eo/EO-1096-rev-10-5-16.pdf>.

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## 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 <http://www.calstate.edu/eo/EO-1096-rev-10-5-16.pdf>.

## DISCIPLINARY PROCEDURE

The Title IX Coordinator (or designee) is responsible for providing security and support to complainants, which could include issuing a no-contact order, helping arrange a change of campus-based living or working arrangements, transportation accommodations, or changes to course schedules (including for the perpetrator, pending the outcome of the investigation) or adjustments for assignments, tests, or work duties. They are also responsible for investigating complaints of Gender Discrimination, Harassment and Retaliation, including Sex Discrimination and Sexual Harassment, as well as Complaints of Sexual Misconduct, Domestic and Dating Violence, and Stalking. (See Executive Orders 1095, 1096 and 1097.) In accordance with Executive Orders 1096 and 1097, the Title IX Coordinator investigates those complaints, determines whether the accused violated the applicable Executive Order(s), and prepares a report that includes findings of facts and conclusions about whether the applicable Executive Order was violated. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.

Where a complaint is made against a student and the applicable Executive Order is found to have been violated, the Title IX Coordinator shall also notify the Student Conduct Administrator



of the investigation outcome and provide a copy of the investigation report (refer to Student Conduct Proceedings, page 39).

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

Unless the Chancellor's Office notifies the campus that an appeal has been filed, investigative findings pursuant to Executive Orders 1096 or 1097 become final 11 working days after the date of the Notice of Investigation Outcome issued pursuant to those Executive Orders. If an appeal is filed, the investigative findings do not become final until the appeal has been exhausted.

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## APPEAL OF FINDING IN INVESTIGATION OUTCOME

Any complainant or respondent who is not satisfied with a campus investigation outcome may file an appeal with the Chancellor's Office (CO) within 10 working days after the date of the Notice of Investigation Outcome. The appeal is limited to one or more of the following issues: 1. The investigation outcome is unsupported by the evidence, based on the preponderance of the evidence standard; 2. Prejudicial procedural errors impacted the investigation outcome to such a degree that the investigation did not comply with the relevant Executive Order; or 3. New evidence not available at the time of the investigation. The CO shall respond within 30 working days. The CO appeal response is final.

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## STUDENT CONDUCT PROCEEDINGS

Where the investigative report finds a student in violation of Executive Order 1096 or 1097 and any appeal has been exhausted, the report is referred to the Student Conduct Administrator to initiate student conduct proceedings. The Student Conduct Administrator will offer to conduct



pre-hearing conferences separately with the complainant and respondent to review information concerning the charges, interim remedies, proposed sanctions or range of sanctions, the nature of further proceedings, and possible disposition without hearing.

The Student Conduct Administrator shall, in consultation with and agreement from the Title IX Coordinator, determine which cases are appropriate for disposition without hearing, taking into consideration the investigation report and any additional information provided during any conferences. If a proposed resolution agreement can be reached, the terms shall be put in writing and signed by the student charged and the University (after a reasonable opportunity to consult with an advisor). Any proposed resolution may be appealed by the complainant and is not final until any such appeal is exhausted.

If not resolved, the Student Conduct Administrator will issue a Notice of Hearing and shall schedule the hearing promptly, but in any event no sooner than 10 working days after, and no later than 20 working days after, the date of the Notice of Hearing. The findings and conclusions of the investigations conducted in accordance with Executive Orders 1096 and 1097, once any appeals are exhausted, are final and binding. The hearing is limited to determining appropriate sanctions; the findings of the investigation are not under review.

The Hearing Officer controls the hearing. The Student Conduct Administrator and the student charged each put on the evidence in their case and may each ask questions of the witnesses in whatever manner the Hearing Officer deems appropriate. The Hearing Officer may ask questions of any witness, the student charged, the complainant, Student Conduct Administrator, or the Title IX Coordinator.

Questions may not be posed to complainants about their past sexual behaviors involving any persons other than the student charged. The Hearing Officer shall ask any questions of the complainant and other witnesses on behalf of the student charged (who shall give the Hearing Officer a written list of questions).

The investigation report and any Chancellor's Office Appeal Response prepared pursuant to Executive Orders 1096 or 1097 shall be entered into evidence at the hearing, redacted as appropriate to protect private (e.g. contact) information or as otherwise required by law. If the student charged fails to appear at the hearing without good cause, the hearing shall nevertheless proceed.

The Hearing Officer shall submit a written report to the president recommending sanctions, if any, as well as any recommendations regarding additional remedies. The report shall include any mitigating or aggravating factors relied upon by the Hearing Officer in reaching the recommendations. The report shall be submitted within 10 working days after the hearing.



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## PRESIDENT'S SANCTION DECISION/NOTIFICATION

The president shall review the investigative report and the Hearing Officer's report and issue a decision concerning the appropriate sanction. The president's decision letter shall be issued within 10 working days after receipt of the Hearing Officer's report. The president shall simultaneously send the decision electronically to the student charged and complainant(s).

Unless the Chancellor's Office notifies the campus that an appeal has been filed, the president's sanction decision becomes final 11 working days after the date of the decision letter.

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## 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.

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A student is not considered to be in good standing for purposes of admission to the University while under a sanction of suspension or expulsion, or while admission or re-admission has been disqualified.

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### **MORE THAN ONE SANCTION MAY BE IMPOSED FOR A SINGLE VIOLATION.**

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## 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 imposed.

### 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 exception. These requirements shall not be waived in connection with any resolution agreement.

### 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

The complainant and student charged each may file an appeal of the president's decision of appropriate sanctions to the Chancellor's Office no later than 10 working days after the date of the president's decision letter. The complainant may also appeal any proposed sanctions agreed to as part of a proposed resolution agreement with the student charged.

Sanction appeals are limited to a determination as to whether the sanction is reasonable under the facts and circumstances as determined by the investigation and whether any prejudicial procedural errors occurred during the hearing. The Chancellor's Office appeal review will not involve a new investigation and will not consider evidence that was not introduced during the investigation or hearing. The record will be limited to the record at the hearing.

The Chancellor's Office shall issue a final appeal response no later than 10 working days after receipt of the written appeal, unless the timeline has been extended under Article V. E of Executive Orders 1096 or 197.



## 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

Per 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. The areas identified to be affected will be notified through various software databases, such as Blackboard Connect, Informacast, and Alertus Desktop Notification.

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, determine the content of the notification and initiate the notification system, unless doing so would delay the ability to mitigate and/or contain the emergency, including the ability to provide immediate, life saving measures. Some of these





methods are equipped with pre-established notification messages relevant to emergency situations.

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

- The campus mass notification system Blackboard Connect, 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

Student 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](http://www.csusb.edu/alert) 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.

The community at large may be notified via platforms such as Twitter, the university’s website, and the San Bernardino County Sheriff’s Department’s Reverse 911 system.

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

CSUSB’s emergency notification system is checked annually in announced tests by the Emergency Management and Preparedness Manager and may be conducted simultaneously with the annual campus-wide evacuation drills. Notification will be made with a campus-wide e-mail for announced tests. CSUSB is not currently conducting any unannounced tests. Testing is documented each time it occurs with a description of the test/exercise, the date, and the time.

## **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. 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.