

# Annual Security Report

---

San Diego State University

**San Diego State University Imperial Valley**

San Diego State University Georgia

Jeanne Clery Disclosure of Campus Security Policies & Campus  
Crime Statistics Act (20 U.S.C. § 1092 (F))

Clery Crime Statistics 2020 - 2022



**SDSU**

San Diego State  
University

## TABLE OF CONTENTS

|  |           |
|--|-----------|
| <b>Message from the President .....</b>  | <b>4</b>  |
| <b>Preparing the Annual Security Report .....</b>  | <b>5</b>  |
| <b>Clery Crime Statistics 2020 to 2022: .....</b>  | <b>6</b>  |
| San Diego State University (in San Diego) .....  | 6         |
| San Diego State University Imperial Valley .....   | 10        |
| San Diego State University Georgia .....   | 14        |
| <b>Procedures for Students and Others to Report Criminal Actions or Other Emergencies on Campus ....</b>                           | <b>19</b> |
| <b>Voluntary and Confidential Reporting.....</b>   | <b>20</b> |
| <b>Crime of Violence Disclosures .....</b>   | <b>21</b> |
| <b>California Education Code Section 67380(a)(6)(A) .....</b>  | <b>21</b> |
| <b>Timely Warning Policy .....</b>   | <b>21</b> |
| Additional Considerations.....   | 22        |
| Contents of a Timely Warning.....  | 23        |
| Methods of Distribution.....   | 23        |
| <b>Emergency Notification Policy.....</b>  | <b>24</b> |
| Contents of the Emergency Notification.....  | 25        |
| Methods of Distribution.....   | 25        |
| Testing and Evacuation System.....   | 26        |
| <b>Security of and Access to Campus Facilities, and Security Considerations for the Maintenance of<br/>Campus Facilities .....</b> | <b>26</b> |
| <b>Systemwide Law Enforcement Policy and Law Enforcement Authority.....</b>  | <b>28</b> |
| <b>Security Awareness and Crime Prevention Programs .....</b>  | <b>29</b> |
| <b>Monitoring and Recording Crime Activity at Non-Campus Locations of Student Organizations.....</b>                               | <b>31</b> |
| <b>Possession, Use, Sale and Enforcement of Federal and State Alcohol and Drug Laws .....</b>                                      | <b>31</b> |
| <b>Sexual Violence Prevention.....</b>   | <b>33</b> |
| <b>Risk Reduction .....</b>  | <b>38</b> |
| <b>Written Notification.....</b>   | <b>42</b> |
| <b>Supportive Measures .....</b>   | <b>43</b> |
| <b>Reporting Options.....</b>  | <b>49</b> |
| <b>The Importance of Preserving Evidence .....</b>   | <b>49</b> |
| <b>Reporting to Law Enforcement and Making a Criminal Report .....</b>   | <b>50</b> |
| <b>Protective Orders.....</b>  | <b>51</b> |
| Civil Reporting Options & Protective Orders .....  | 51        |
| Court-Ordered Restraining Orders.....  | 51        |
| Emergency Protective Order (EPO) .....   | 51        |

|  |           |
|--|-----------|
| Temporary Domestic Violence Restraining Order (TRO) .....  | 51        |
| Criminal Protective Order (CPO) .....  | 51        |
| Civil Harassment Restraining Order .....   | 52        |
| The CSU, Restraining Orders and Protective Orders .....  | 52        |
| <b>Disciplinary Procedures.....</b>  | <b>52</b> |
| Applicable Procedures .....  | 54        |
| The Track System .....   | 55        |
| Standard of Evidence .....   | 56        |
| Dismissal/Referral .....   | 56        |
| Informal Resolution .....  | 57        |
| Investigation and Hearing for Track 1 .....  | 58        |
| Investigation and Hearing (if applicable) for Tracks 2 and 3 .....                                       | 63        |
| Sanctions .....  | 66        |
| Appeals .....  | 67        |
| <b>Registered Sex Offenders .....</b>  | <b>69</b> |
| <b>Missing Student Notification Procedures for On-campus Student Housing Facilities.....</b>             | <b>69</b> |
| <b>Fire Safety Report .....</b>  | <b>70</b> |
| <b>Appendix A: Jurisdictional Definitions.....</b>   | <b>70</b> |
| Rape (CA Penal Code Chapter 1 Section 261) .....   | 70        |
| Sodomy (CA Penal Code Chapter 1 Section 286) .....   | 71        |
| Oral Copulation (CA Penal Code Chapter 1 Section 287) .....  | 74        |
| Bigamy, Incest, and the Crime against Nature (CA Penal Code Chapter 1 Section 285 and Section 289) ..... | 76        |
| Fondling (CA Penal Code Chapter 9 Section 243.4, Assault and Battery) .....                              | 79        |
| Statutory Rape (CA Penal Code, Chapter 1, Section 261.5) .....   | 80        |
| Incest (CA Penal Code, Chapter 1, Section 285).....  | 81        |
| Abuse (CA Family Code, 6203 (definitions) and 6211) .....  | 81        |
| Domestic Violence/Dating Violence (CA Penal Code, Chapter 2, Section 273.5, and Section 243) .....       | 82        |
| CA Penal Code 243(e).....  | 82        |
| Stalking: CA Penal Code, Chapter 2, Section 646.9 .....  | 82        |
| Stalking: CA Penal Code, Chapter 2, Section 653m .....   | 82        |
| Consent to Sexual Activity (CA Penal Code, Chapter 1, Section 261.6 and Section 261.7) .....             | 83        |

## Message from the President

Dear Members of the SDSU Community,

San Diego State University is guided by a shared purpose of creating a more equitable, compassionate, and prosperous world through our teaching, research and enriching experiences. Foundational to this pursuit is our focus on providing a safe and secure environment for our community.



The university commits significant resources, training and support to our dedicated team of public safety professionals. Their ability to prevent crime is enhanced when they work in partnership with a community that is aware, informed and engaged. That is why we are grateful for your attention to SDSU's Annual Security Report. It shares details and statistics about campus crimes for the most recent three calendar years, from Jan. 1, 2020 through Dec. 31, 2022.

While we provide this report in the spirit of transparency and collaboration, it also complies with the Clery Act. The Clery Act is administered by the U.S. Department of Education and affects a vast majority of the country's public and private institutions of higher education. It requires those institutions to collect and report certain crime data to everyone on campus; to provide timely warnings of dangerous situations that may pose a threat to the campus; and to report student disciplinary referrals, as well as arrests for drug, liquor and weapons offenses on campus.

We recently welcomed Chief Gregory L. Murphy as the new leader of our University Police Department (UPD). Chief Murphy and his team welcome your questions and input related to campus security and encourage you to visit [UPD's website](#) for additional information.

With best regards,

***Adela de la Torre, Ph.D.***

San Diego State University President

## Preparing the Annual Security Report

The Campus Clery Director prepares this report in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the San Diego State University Police Department (UPD), the Residential Education Office, the Center for Student Rights and Responsibilities, the Center for Human Resources, Student Health Services and Counseling and Psychological Services. Each entity provides SDSU's Clery Director or UPD with information on crimes reported to their offices every year for inclusion in our annual crime statistics, as well as updated information on their educational efforts and programs in compliance with the Clery Act.

UPD conducts outreach and establishes collaborative relationships with local law enforcement agencies surrounding the SDSU campus in San Diego and off-campus sites to encourage statistical Clery reporting. Local and state agencies are also contacted to provide statistics for non-campus property (buildings owned by the University but located off campus) and public property (streets and alleys) that UPD does not patrol nor provide primary law enforcement response.

Campus crime, arrest and referral statistics include those reported to UPD, designated campus officials referred to as Campus Security Authorities (CSAs), and local law enforcement agencies (when available). SDSU maintains a procedure to capture statistics for crimes reported anonymously to designated campus officials.

CSAs must promptly report allegations of Clery crimes that occur within a campus's Clery geography that are reported to them. A report may be a written or verbal disclosure made by any person to the CSA, including information shared with the CSA by witnesses or other third parties. CSA reports must include the following, if known: the crime that was reported and the information provided; the exact location where the reported crime occurred; the date and time the reported crime occurred; any witness and perpetrator information; and victim information, unless the victim requests confidentiality.

Employees may be required to share this information with other offices if they have responsibilities under laws and policies including, but not limited to: Mandatory Reporting of Child Abuse and Neglect, Interim CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation. In the event the victim does request confidentiality, enough information must be obtained and provided by the CSA about the criminal incident to prevent over-reporting or "double-counting" of the incident.

## Clery Crime Statistics 2020 to 2022:

### San Diego State University (in San Diego)

#### **Murder/Nonnegligent Manslaughter**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

#### **Negligent Manslaughter**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

#### **Rape**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 3            | 0          | 0               |
| 2021 | 14                 | 14           | 0          | 1               |
| 2022 | 9                  | 12           | 1          | 1               |

#### **Fondling**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 5            | 0          | 0               |
| 2021 | 8                  | 13           | 0          | 2               |
| 2022 | 13                 | 16           | 0          | 2               |

#### **Incest**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Statutory Rape**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Robbery**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 3            | 0          | 0               |
| 2021 | 2                  | 6            | 0          | 0               |
| 2022 | 1                  | 5            | 0          | 1               |

**Aggravated Assault**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 1                  | 1            | 0          | 0               |
| 2021 | 2                  | 3            | 1          | 2               |
| 2022 | 2                  | 6            | 0          | 2               |

**Burglary**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 21                 | 25           | 0          | 0               |
| 2021 | 13                 | 42           | 2          | 0               |
| 2022 | 18                 | 50           | 7          | 0               |

**Motor Vehicle Theft**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 11           | 1          | 0               |
| 2021 | 0                  | 12           | 1          | 7               |
| 2022 | 2                  | 11           | 0          | 1               |

**Arson**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 1                  | 2            | 0          | 0               |
| 2021 | 0                  | 1            | 1          | 0               |
| 2022 | 1                  | 3            | 0          | 0               |

**Domestic Violence**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 4            | 1          | 0               |
| 2021 | 3                  | 8            | 1          | 4               |
| 2022 | 3                  | 4            | 1          | 0               |

**Dating Violence**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Stalking**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 2            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Arrests for Weapons Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 9            | 0          | 3               |
| 2021 | 1                  | 10           | 0          | 0               |
| 2022 | 1                  | 11           | 1          | 0               |



**Arrests for Drug Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 5                  | 60           | 1          | 11              |
| 2021 | 4                  | 26           | 3          | 13              |
| 2022 | 1                  | 36           | 6          | 11              |

**Arrests for Liquor Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 6            | 0          | 1               |
| 2021 | 1                  | 2            | 0          | 3               |
| 2022 | 0                  | 1            | 0          | 3               |

**Referrals to Disciplinary Action for Weapons Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 1                  | 1            | 0          | 0               |
| 2021 | 3                  | 3            | 0          | 0               |
| 2022 | 10                 | 10           | 0          | 0               |

**Referrals to Disciplinary Action for Drug Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 45                 | 45           | 0          | 0               |
| 2021 | 98                 | 98           | 0          | 0               |
| 2022 | 148                | 148          | 0          | 0               |

**Referrals to Disciplinary Action for Liquor Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 398                | 398          | 0          | 0               |
| 2021 | 444                | 444          | 0          | 0               |
| 2022 | 749                | 749          | 0          | 0               |

## Unfounded Crimes

2020 – There was 1 unfounded crime.

2021 – There were no unfounded crimes.

2022 – There were no unfounded crimes.

## Hate Crimes

2020 – There were no reported hate crimes.

2021 – There were no reported hate crimes.

2022 – There were 3 reported hate crimes; an aggravated assault that occurred in a residential facility with a bias of ethnicity; a sexual assault that occurred on campus with a bias of sexual orientation; and a vandalism that occurred on campus with a bias of religion.

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes includes any offense in the following group: murder and nonnegligent manslaughter, sexual assault including rape, fondling, incest and statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property.

Bias is a preformed negative opinion or attitude toward a group of persons based on their race, gender, gender identity, religion, disability, sexual orientation, ethnicity, or national origin.

Hate crime reporting is considered for all Clery geography including on campus, residential facilities, non-campus buildings or property and public property.

## San Diego State University Imperial Valley

### *Murder/Nonnegligent Manslaughter*

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

### *Negligent Manslaughter*

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Rape**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Fondling**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Incest**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Statutory Rape**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Robbery**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Aggravated Assault**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Burglary**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Motor Vehicle Theft**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Arson**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Domestic Violence**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Dating Violence**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Stalking**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Arrests for Weapons Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Arrests for Drug Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Arrests for Liquor Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Referrals to Disciplinary Action for Weapons Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Referrals to Disciplinary Action for Drug Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Referrals to Disciplinary Action for Liquor Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Unfounded Crimes**

2020 – There were no unfounded crimes.  
2021 – There were no unfounded crimes.  
2022 – There were no unfounded crimes.

**Hate Crimes**

2020 – There were no reported hate crimes.  
2021 – There were no reported hate crimes.  
2022 – There were no reported hate crimes

**San Diego State University Georgia**

**Murder/Nonnegligent Manslaughter**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Negligent Manslaughter**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Rape**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Fondling**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Incest**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Statutory Rape**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Robbery**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Aggravated Assault**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Burglary**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Motor Vehicle Theft**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Arson**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |



**Domestic Violence**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Dating Violence**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Stalking**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Arrests for Weapons Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Arrests for Drug Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Arrests for Liquor Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Referrals to Disciplinary Action for Weapons Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Referrals to Disciplinary Action for Drug Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Referrals to Disciplinary Action for Liquor Law Violations**

| Year | Campus Residential | Campus Total | Non-Campus | Public Property |
|------|--------------------|--------------|------------|-----------------|
| 2020 | 0                  | 0            | 0          | 0               |
| 2021 | 0                  | 0            | 0          | 0               |
| 2022 | 0                  | 0            | 0          | 0               |

**Unfounded Crimes**

2020 – There were no unfounded crimes.  
2021 – There were no unfounded crimes.  
2022 – There were no unfounded crimes.

**Hate Crimes**

2020 – There were no reported hate crimes.  
2021 – There were no reported hate crimes.  
2022 – There were no reported hate crime

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

SDSU encourages all members of our community to report crimes, concerning activity, safety hazards or campus emergencies, including medical and fire emergencies, to UPD as soon as possible by dialing 9-1-1 from any phone. Community members can also use one of the blue light emergency duress phones throughout campus. Campus duress phones are distinctly marked as large pillars with a blue light on top. Campus elevators are equipped with emergency intercoms, and most classrooms are equipped with campus phones that can be used to summon assistance or report crimes. You may also text 9-1-1 to report an emergency using a cellular phone. Remember, call if you can, text if you can't.

For non-emergencies occurring on campus, contact UPD by calling 619-594-1991 (from a campus phone, you can dial extension 41991). You may also report a crime in person by visiting the UPD building at 55th Street and Remington Road: 5350 55th Street, San Diego, California 92115.

Whether you are in San Diego, Imperial Valley, or Georgia, immediately call local authorities to report a crime or other emergency occurring in the community surrounding SDSU. In San Diego, contact the San Diego Police Department (SDPD) by dialing 9-1-1. For non-urgent matters, call 619-594-1991 or for San Diego PD, 619-531-2000 for non-emergencies.

Faculty, staff, students, and visitors are encouraged to promptly report any criminal activity directly to UPD. Doing so facilitates a timely response, thorough criminal investigation, and the ability for the police department to issue timely warnings and emergency notifications to the university community if necessary. However, in some cases, the victim of a crime may feel uncomfortable contacting the police, getting law enforcement involved, seeking criminal prosecution or may want to remain anonymous. If community members do not want to report a crime directly to UPD, or need assistance, the following designated campus officials are available:

### SDSU (in San Diego)

|   |   |
|---|---|
| Director, Student Rights and Responsibilities | <ul style="list-style-type: none"><li>• Phone: 619-594-3069</li><li>• Email: <a href="mailto:lmintz@sdsu.edu">lmintz@sdsu.edu</a> or <a href="mailto:csrr@sdsu.edu">csrr@sdsu.edu</a></li></ul> |
| Director, Residential Education Office        | <ul style="list-style-type: none"><li>• Phone: 619-594-5742</li><li>• Email: <a href="mailto:kbauer@sdsu.edu">kbauer@sdsu.edu</a></li></ul>   |
| Director, Student Health Services             | <ul style="list-style-type: none"><li>• Phone: 619-594-4325</li><li>• Email: <a href="mailto:shs@sdsu.edu">shs@sdsu.edu</a></li></ul>   |
| Director, Center for Human Resources          | <ul style="list-style-type: none"><li>• Phone: 619-594-5200</li></ul>   |

### SDSU Imperial Valley

|   |   |
|---|---|
| Dean, Imperial Valley Campus              | <ul style="list-style-type: none"><li>• Phone: 760-768-5520</li><li>• Email: <a href="mailto:gnunez@sdsu.edu">gnunez@sdsu.edu</a></li></ul>                 |
| Associate Dean, Imperial Valley Campus    | <ul style="list-style-type: none"><li>• Phone: 760-768-5615</li><li>• Email: <a href="mailto:sespinos@sdsu.edu">sespinos@sdsu.edu</a></li></ul>             |
| Director, Financial and Business Services | <ul style="list-style-type: none"><li>• Phone: 760-768-5515</li><li>• Email: <a href="mailto:maribel.madero@sdsu.edu">maribel.madero@sdsu.edu</a></li></ul> |

### SDSU Georgia

To report a crime or emergency on the Georgia campus, dial 112. Calls made to this hotline are handled by a professional operator who instantly notifies the appropriate division. The caller's location can be tracked if they do not provide, or if they are unable to provide, the address. The Head of the University Security Office oversees this process. The contact information for the closest police stations to Georgia's university buildings are listed below, but emergency calls should be placed by dialing 112.

|  |  |
|--|--|
| Vake-Saburtalo District Police Division N1 | <ul style="list-style-type: none"><li>• Address: N. Ramishvili Street N 31</li><li>• Phone: +995 032 2 41 47 20</li></ul>          |
| Vake-Saburtalo District Police Division N3 | <ul style="list-style-type: none"><li>• Address: Shalva Nutsubidze Plato I, Block 1</li><li>• Phone: +995 032 2 41 47 40</li></ul> |
| Vake-Saburtalo District Police Division N5 | <ul style="list-style-type: none"><li>• Address: Kostava Street 68</li><li>• Phone: +995 032 2 41 31 00</li></ul>                  |
| Vake-Saburtalo District Police Division N7 | <ul style="list-style-type: none"><li>• Address: Pekini Street N46</li><li>• Phone: +995 032 2 41 46 97</li></ul>                  |

A procedure is in place to capture crime statistics reported to designated campus officials for inclusion in our annual crime statistics and to issue a timely warning or emergency notification if appropriate.

### **Voluntary and 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 an on or 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 personal identifying information withheld. The name of the alleged assailant may be disclosed, however, if the following conditions are met:

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

All publicly available record-keeping will be maintained without including personally identifiable information about the victim. All persons are encouraged to report any criminal incident or misconduct. This means any reporting party, victim or witness may also remain confidential or anonymous when making the report.

## Crime of Violence Disclosures

The institution will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased because of such a crime or offense, the victim's next of kin shall be treated as the alleged victim.

## California Education Code Section 67380(a)(6)(A)

Pursuant to California Education Code section 67380(a)(6)(A), CSAs who receive reports from employees or students of a Part I violent crime, sexual assault or hate crime that occurred in an on or 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 personal identifying information withheld. The name of the alleged assailant may be disclosed, however, if the following conditions are met:

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

## Timely Warning Policy

This policy describes the procedures that will be used to provide members of the community with information to aid in preventing them from becoming victims of crimes posing a serious or ongoing threat to the Campus communities. It is intended to provide faculty, staff, and students with timely information about Clery reportable crimes occurring within the defined Clery Geography of their Campuses, and to comply with the Timely Warning requirements of the Jeanne Clery Act.

As required by the Clery Act, CSU campuses will keep their campus communities informed by providing a timely warning when appropriate.

- Upon receipt of a CSA report of a Clery crime on Clery geography, a timely warning analysis shall be completed and documented by the Clery Director. The Clery Director shall have the authority

to delegate this responsibility as appropriate. It is not necessary to complete and document a timely warning analysis for referrals to disciplinary action.

- If it is determined that the report includes a Clery crime on Clery geography, the Clery Director and Chief of Police (or management designee) will confer to analyze the known pertinent facts to determine whether they constitute a serious or ongoing threat to the campus community. The unavailability of the Clery Director shall not unduly delay the issuance of a timely warning.
- If a CSA report includes 1) a Clery crime, 2) on Clery geography and 3) a discernible serious or ongoing threat, a timely warning as described below shall be issued expeditiously.
- In the absence of any of the three elements, no timely warning will be issued.
- The Chief of Police (or the management designee) shall have the ultimate authority and responsibility for determining whether to issue a Timely Warning.

Each reported incident must be analyzed on a case-by-case basis. All known factors shall be considered in the case-by-case analysis to determine whether a timely warning should be issued. No single factor should govern the decision regarding the issuance of a timely warning. Campuses are prohibited from circumventing a case-by-case analysis by issuing a blanket rule that timely warnings will be issued for all reports of any given Clery-reportable crime. Requests from an outside law enforcement agency to refrain from issuing a timely warning is insufficient grounds on its own for not issuing or delaying the issuing of a timely warning, unless the Chief of Police concurs that by issuing a timely warning, an identified risk can be articulated that would compromise the law enforcement efforts of the outside agency investigating the crime to gather evidence and/or apprehend suspect(s).

The case-by-case analysis will involve reviewing relevant factors including, but not limited to, the following, if known:

- The timing of the report: shortly after the occurrence of the crime vs. days or weeks following the occurrence of the crime, (i.e., a "cold report")
- Physical injury to the victim
- Use of weapons
- Forced entry used and/or tools used in commission of the crime
- A suspect arrested or incapacitated by injury
- A suspect that is identified or otherwise can be located by law enforcement
- A suspect that is out of the area
- A victim who fears for their safety from the suspect
- A clear modus operandi and/or pre-planning indicated
- Multiple suspect(s) involved
- A pattern of similar crimes established
- The possible risk of compromising law enforcement efforts, such as to gather evidence and/or apprehend suspect(s), if a warning was issued

### Additional Considerations

The Clery Director (or management designee) shall notify the campus president, as soon as practicable, that a timely warning will be or has been issued.

The Chief of Police (or management designee) is responsible for collaborating with surrounding law enforcement agencies to encourage them to share information with UPD about crimes reported to local law enforcement that occur in Clery geography.

Nothing in this policy precludes campuses from maintaining a campus policy about informing, re-publicizing and/or sharing with the campus community crimes or other informational notices, (e.g., traffic advisories, events, prevention information) the campus deems may be of interest to the campus community. Such a policy is separate and distinct from the Timely Warning Policy. Such notices must differ in appearance or be distributed in a manner that assures that community members understand such notices are different from a timely warning notification required by the Clery Act. Campus community members should not be misled to believe such notices are timely warnings.

### Contents of a Timely Warning

When a timely warning is issued, it shall be entitled "Timely Warning Crime Bulletin" and contain the following:

- A statement that reads, "This Timely Warning Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the Campus community to aid members from becoming the victim of a similar crime."
- Identify the Clery reportable crime that occurred (i.e., rape, burglary, motor vehicle theft, etc.)
- The date, time, and location the crime occurred
- The date the timely warning bulletin is issued
- Description of the suspect when deemed appropriate, and if there is sufficient detail. Only include a description of the suspect when the descriptors provided by the reporting party could reasonably lead to conclusive identification of the perpetrator(s)
- At least three preventative tips or points of information specifically related to the circumstances of the crime which occurred that could help others from becoming the victim of a similar crime
- The phone number of UPD and a statement encouraging community members to report all information about crimes to UPD
- If appropriate, the phone number of support services

The timely warning shall not include, under any circumstances, the name of the victim or information so specific (i.e., specific address or dorm room number or floor) that would or likely could identify the victim of the crimes of sexual violence, rape, dating violence, domestic violence, or stalking. Timely warning bulletins should use gender-inclusive, culturally appropriate language and avoid victim blaming and bias language.

### Methods of Distribution

Timely warnings will be distributed as quickly as possible in a manner that will likely reach the entire campus community. Distribution methods vary from campus to campus and include, but are not limited to, any of the following:

- All employee and student email distribution

- University website
- Public area video display monitors, if necessary
- Press release, if necessary

This list is not intended to be exhaustive or intended to prioritize the method of distribution. The Chief of Police will confer with the Clery Director (or management designee), if available, to determine the most appropriate method(s) to distribute a timely warning. In the absence of the Clery Director (or management designee), the Chief of Police will determine the appropriate distribution method. Campuses are required to maintain a list of the methods of distribution for timely warnings and include said list in the Annual Security Report.

## Emergency Notification Policy

This policy describes the procedures that will be used to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees occurring on the campus, as required by the Clery Act.

Any campus community member with information believed to constitute a significant emergency or a dangerous situation that poses an imminent or immediate threat shall report the information to UPD and/or by calling 9-1-1. Examples include, but are not limited to, the following types of incidents:

- Severe weather warning (e.g., flash flooding, tsunamis, hurricane, etc.)
- Environmental emergency within an on-campus facility (e.g., hazardous chemical spill, fire, earthquake, building collapse)
- Criminal activity with an imminent threat to the campus community (e.g., active shooter, murder, fleeing suspect with a weapon)
- Public health emergency (e.g., measles outbreak, swine flu outbreak, etc.)

Once UPD has received the report, the Chief of Police (or management designee) will, without delay and considering the safety of the community, confer with any appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency. The appropriate officials should confirm whether the report meets both criteria: 1) a legitimate emergency or dangerous situation exists impacting on-campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community. This confirmation process may include, but is not limited to, visual observation, officer investigation, the assistance of key campus administrators, local or campus first responders, and/or official government reporting through agencies such as the National Weather Service.

If above criteria are not met, no emergency notification is required. If it is determined that above criteria are met, then an emergency notification as described below shall be issued. The Chief of Police (or management designee) will confer with the Clery Director, if available, to prepare the content of the notification and determine which members of the campus community are threatened and need to be notified. The content of the message will be developed based on a careful but swift analysis of the most critical facts.



Once the notification is prepared, the Chief of Police and/or the Clery Director (or their management designee) will, without delay and considering the safety of the community, transmit the emergency notification, unless doing so would delay the ability to mitigate and/or contain the emergency – including the ability to provide immediate, life-saving measures. If an emergency notification is issued, a timely warning shall not be issued for the same incident.

### Contents of the Emergency Notification

The emergency notification shall contain the following information:

- A statement as to what the emergency or dangerous situation is, in specific terms (e.g., chemical spill, active shooter, building fire)
- A statement providing direction as to what actions the receiver of the message should take to ensure their own safety
- A statement as to where or when additional information may be obtained

The Chief of Police and/or Clery Director (or management designee) will provide updates to the emergency notification with pertinent updates or direction to persons for their safety when new information becomes available. Updates will be provided in regular intervals until the emergency has been mitigated or no longer poses an imminent threat, e.g., fire is out, and building has re-opened.

### Methods of Distribution

Emergency Notifications will be distributed as quickly as possible in a manner that will likely reach the segment(s) of the on-campus community threatened by the emergency. Segmentation will be considered by the Chief of Police (or management designee) by evaluating which persons are likely to be at risk based on the circumstances at the time. Segmentation should not be considered if making this determination would delay issuing the emergency notification. The Chief will determine if a notification to the larger community is appropriate. Distribution methods, including distribution to the larger community, vary from campus to campus and depending on the nature of the emergency, may include:

- A campus mass notification system, including but not limited to phone, campus email, or text messaging. Systems should provide currently enrolled students, faculty and staff the ability to adjust their subscription preferences to select multiple contact methods from text messages, emails, and phone calls, or if desired, to opt out of the service and not receive any notifications.
- SDSU mobile app, called [SDSU Safe](#)
- Audio/visual message boards
- Audible alarms/sirens
- Campus public address systems
- In-person or door-to-door notifications in a building or residence halls
- Local media
- Social media
- Other means appropriate under the circumstances, which campuses shall disclose in their ASRs as applicable.

## Testing and Evacuation System

Testing of the Emergency Notification System and evacuation will be completed at least once annually. The tests may be announced or unannounced. Tests must be scheduled, contain drills, exercises, and appropriate follow-through activities, and be designed to assess and evaluate of emergency plans and capabilities. However, the campus emergency response and evacuation procedures will be publicized in conjunction with at least one test per calendar year. Each test will be documented to include a description of the exercise, the date of the test, the start and end times of the test, and whether the test was announced or unannounced. The California State University Emergency Management Policy describes these tests and defines responsibility for their completion. A copy of the documentation will be provided to the Clery Director.

## SDSU Georgia

Emergency notifications are handled by the Information Technology Director, Giga Gotsiridze.

Administration offices of the three partner universities in Georgia manage emergency situations on their premises. The Emergency Plan refers only to the steps to be taken in emergency situations at the Administrative Office located at Kostava 5:

- Fire alarm system is in place.
- The evacuation plan is posted on the walls of the office.
- The employees shall be trained on evacuation procedures before the start of the semester, including testing how well-organized and effective the emergency evacuation plan is.

There are two exits from the office: one through the stairs and another exit using the elevator exclusively for SDSU and the Millennium Foundation employees and guests.

The Evacuation Team Leader is the Head of Administration, Mr. Lado Kiknadze. Others who are authorized to order an evacuation is the Dean, Halil Guven, or any other designated individual or employee.

- Email: vkiknadze@sdsu.edu
- Phone, including texts: +995 593 307 323.

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

SDSU San Diego and Imperial Valley Campus buildings are normally secured during non-business hours, on weekends and holidays. After-hours access to campus buildings is limited to authorized faculty and staff with valid university identification. Students who wish to work in a building after hours must first obtain written authorization from the college dean or designee with valid student identification. Anyone working late or on weekends should notify UPD at 619-594-1991.

SDSU facilities are maintained by the Facilities Services department and patrolled by UPD. Facilities Services maintains the university buildings, grounds and roadways for safety and security. They inspect

campus facilities regularly, make repairs affecting safety and security, and respond to reports of potential safety and security hazards, such as broken windows, locks, and lighting. Police officers and community service officers regularly test the emergency phones, and report non-functioning lights or other security hazards to Facilities Services. Periodic crime prevention surveys are conducted upon the physical change of office space and equipment when requested by an administrator or when a crime trend occurs. Most campus buildings are equipped with card key access and door alarms that alert UPD. Main offices, labs, computer rooms and areas of campus have alarms and video cameras. To report any safety or security hazard in or around campus buildings, grounds or roadways, individuals are encouraged to call Facilities Services at 619-594-4754 during business hours or UPD at 619-594-1991 after hours.

Lighting and environmental improvements are constantly evaluated. Members of the campus Parking Group periodically review lighting and other environmental concerns for safety. The campus has closed circuit and IP-based video cameras which assist UPD in monitoring parking lots and other selected areas on campus. Improvements have included the placement of high intensity LED motion-sensor lights in buildings, parking lots, areas with heavy landscaping and trees, and along pathways frequently traveled by students. Distinctively marked duress telephones are located at the entrances of most university housing facilities and at many locations throughout the campus. Additionally, all emergency telephones are connected directly to UPD.

SDSU offers traditional residence halls, high-rise and apartment-type complexes, which provide on-campus housing for approximately 8,400 students. Security safeguards and access control systems vary depending on the type of residence facility. Through a combination of card-key systems, conventional keys, video cameras and on-duty Residential Education personnel, many of residential facility entrances are monitored on a 24-hour basis. Residential facility access is restricted to residents, escorted guests, and university staff. Professional Residence Hall Coordinators (RHCs) and student Resident Advisors (RAs), who are members of the Residential Education Office staff, live on campus and provide 24-hour staff coverage. All university housing facilities have members of the Residential Education staff assigned to them.

Residents are reminded to take responsibility for their safety and security by observing building security procedures, keeping their doors locked (even when occupied), reporting security concerns, and notifying Residential Education staff or the UPD of any unfamiliar persons or unusual incidents within the residential facility. Residential Education staff, Office of Housing Administration staff, maintenance personnel, Risk Management and UPD officers regularly assess university residential facilities for safety and security. Crime prevention programs include residential education training, orientation workshops, individual floor meetings, residential community-wide presentations, and educational programs.

All Residential Education staff members undergo comprehensive training each semester for prevention of and response to safety and security issues. As part of their responsibility for campus security, both student and professional staff participate in lectures and seminars associated with substance abuse, sexual assault prevention and community security.

## SDSU Georgia

On-campus security staff are responsible for observing all university buildings on a 24-hour basis. For the maintenance of public order, security cameras with video recording storage functions are installed both inside and outside of the campus buildings. Evacuation plans, information on emergency exits, and fire extinguishers are available in visible locations on all floors of university buildings.

## Systemwide Law Enforcement Policy and Law Enforcement Authority

Persons employed and compensated as members of a California State University police department, when appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their powers or authority<sup>1</sup> except (a) at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University, or by trustees or the state on behalf of the California State University, and (b) as provided in Section 830.2 of the Penal Code.

The arrest authority outside the jurisdiction of the CSU Police Department includes Penal Code § 830.2(c); Penal Code § 836:

- a. When the officer has probable cause to believe the person committed a felony.
- b. When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
- c. When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
- d. When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- e. In compliance with an arrest warrant.

On-duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed within the State, or while assisting another agency.

On-duty officers who discover criminal activity outside the jurisdiction of the State should, when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

California State University encourages accurate and prompt reporting of crime. All members of the Campus community are encouraged to promptly contact UPD and/or other appropriate police agencies

---

<sup>1</sup> Including the authority to make arrests

when they have been the victim of, or have witnessed criminal actions, including when the victim of crime elects to or is unable to make such a report.

UPD works closely with local, state, and federal law enforcement agencies and has memorandums of understanding (MOU) with SDPD and other local law enforcement agencies surrounding off-campus sites. These MOUs outline the investigative responsibilities for investigating the alleged criminal offenses. UPD officers have direct radio communication with SDPD and often respond to incidents that occur off campus in the area surrounding the university, including the locations of officially recognized student organizations. SDSU owns or controls several residential properties located off the San Diego campus and in the adjacent area surrounding the campus. UPD is responsible for law enforcement services at those locations, including any investigation or follow-up of the crime. For reporting purposes, crime statistics at these locations are considered on-campus residential facilities in the Annual Safety and Security Report.

SDPD and other law enforcement agencies routinely work and communicate with UPD in cases involving serious incidents and crime trends that might involve the university community. SDSU encourages accurate reporting of all crimes.

## Security Awareness and Crime Prevention Programs

The entire campus community is encouraged to report all known or suspected incidents of criminal activity on campus to UPD as soon as possible. Individuals may confidentially report on-campus incidents to other non-police CSAs, who are officials of the university and have significant responsibility for student and campus activities. Such officials include, but are not limited to, student housing staff, student discipline staff, staff involved in campus judicial proceedings, athletic officials, deans, or faculty advisors. Confidential crime reporting can be made when the victim of the crime elects or cannot submit a report.

A common theme of all security awareness programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. Various student organizations and campus departments conduct security procedure programs.

### Collaborative Incident Management Team (CIM-T)

SDSU was one of the first universities in the country to convene a crisis management & behavioral intervention team, the Collaborative Incident Management Team (CIM-T). Now in place for over 20 years, the team remains current on student needs and the overall campus climate. CIM-T has protocols in place for threat management assessments and bias incidents.

CIM-T consists of qualified SDSU professionals from a variety of disciplines striving to:

- Identify and evaluate risk behaviors.
- Balance the needs of the individual student and those of the campus community.
- Provide a structured method for assessing and addressing student behaviors of concern.
- Initiate appropriate interventions that will assist the individual student.
- Encourage safety for campus members.
- Assist in maintaining a high-functioning academic environment.

- Provide input for concerns or incidents related to faculty, staff, and organizational behavior.

Current members include representatives from the Center for Student Rights and Responsibilities, Counseling and Psychological Services, Student Life and Leadership, Student Ability Success Center, UPD, the Title IX Investigator and the Ombudsman.

### Crime Prevention Programs

The following programs are designed to inform students, faculty, and staff about various ways to help prevent campus crime:

| <u>Program Description</u>  | <u>Frequency</u>   | <u>Intended Audience</u>  | <u>Contact Information</u>   |
|---|--|---|--|
| Multi-Option Active Shooter Response Training   | As requested   | All students, faculty, and staff  | UPD<br>619-594-1991  |
| Self-Defense – Basic, Physical Self-Defense Instruction   | As requested   | All students, faculty, and staff  | UPD<br>619-594-1991  |
| CPTED: Crime Prevention through Environmental Design - A program designed to minimize crime opportunities based on physical environment   | As requested or as part of new construction                | Primarily those in office spaces, classrooms, front desks, as well as faculty and staff | UPD<br>619-594-1991  |
| Community Events with the Chief – An opportunity to interact with the police chief to address safety concerns   | Monthly  | Student organizations, including cultural identity-based student organizations          | UPD<br>619-594-1991  |
| Orientation Programs – A program that provides an overview of safety and security information to new students and employees   | Monthly for faculty and staff; fall semesters for students | All students, faculty, and staff  | Human Resources<br>619-594-6404<br><br>New Student Programs<br>619-594-1509<br><br>Emergency Preparedness<br>619-594-0857<br><br>UPD<br>619-594-1991 |
| Social Worker Program - Social workers will serve as liaisons between first responders and our diverse campus population to promote safety, provide a wide range of resources, and foster community healing | 40 hours per week  | All students, faculty, staff, and campus visitors                                       | UPD<br>619-594-1991  |

### SDSU Georgia

Campus community members can locate fire safety equipment, medical assistance cabinets and medical staff on campus. Additionally, order regulations are in visible places and evacuation plans are posted on

all floors of the university buildings. The campus security service takes necessary measures to prevent and document violations. Information on safety and order is constantly posted and updated on the website.

For crime prevention purposes, students are given instruction at the first information meeting, and each student is provided a copy of the Student Code of Ethics. These, and other documents related to safety, are available on the university server as well as the university website. In addition, security service staff undergo annual professional development training, including conflict prevention and mitigation.

## Monitoring and Recording Crime Activity at Non-Campus Locations of Student Organizations

SDPD has primary jurisdiction for the public and private property that adjoins SDSU, and several off-site locations maintained by SDSU. UPD shares concurrent jurisdiction with SDPD for the community immediately surrounding the university, and routinely patrols the area. SDSU records and monitors criminal activity by students at non-campus locations of student organizations through a memorandum of understanding with SDPD that ensures the timely reporting of crimes for inclusion in the Annual Security and Safety Report. UPD regularly communicates with local law enforcement agencies who may notify them of an incident involving a campus-affiliated organization at a non-campus location. UPD may gather information and refer incidents to the Center for Student Rights and Responsibilities for further investigation.

## Possession, Use, Sale and Enforcement of Federal and State Alcohol and Drug Laws

Except for specified areas on campus and in some residential housing where residents are over the age of 21, the possession, sale or use of alcoholic beverages is prohibited on campus. The campus enforces the legal drinking age of 21 and follows all state and local laws regulating the use of alcoholic beverages. Therefore, all campus community members are subject to disciplinary action and/or criminal prosecution for the on-campus possession, use, sale, or distribution of any quantity of inappropriate prescription drugs or controlled substances as defined by federal, state, and local laws.

SDSU is committed to providing positive academic and professional environments for our students, faculty, and staff. Alcohol abuse and the use of illegal drugs are incompatible with this objective. The Center for Human Resources provides the following information to faculty and staff per the Federal Drug-Free Schools and Communities regulations and requirements. [SDSU Alcohol and Substance Abuse Policies](#) are available online. SDSU is also a smoke-free campus. Smoking, including electronic cigarettes, is not permitted anywhere on campus.

### Health Risks

The use and abuse of alcohol and illegal drugs can lead to accidents, injury, and death. If you see someone unconscious and suspect that alcohol and/or drugs are involved, please call 9-1-1.

Driving after consumption of even relatively small quantities of alcohol, such as one drink, compromises safe driving and substantially increases the risk of being involved in an accident. If you witness an intoxicated driver, please call 9-1-1. Law enforcement personnel will typically need a description of how the driver is operating the vehicle, a license plate number, a description of the vehicle and driver, and an exact location and direction of travel.

Alcohol and/or drug dependency – Using substances with adverse effects puts life, including pregnancy, at risk and may contribute to serious health problems, including cancer and heart disease.

### Resources for Faculty and Staff

All faculty and staff may utilize the University's [Employee Assistance Program](#) (EAP) for confidential, around-the-clock information about counseling related to alcohol abuse and/or the use of illegal drugs and their impact. EAP offers SDSU faculty confidential support for various concerns, including emotional, relationship, health, legal and workplace issues. The Center for Human Resources Information provides resources and tools available online or by calling Empathia directly at 1-800-367-7474. In addition, university-sponsored medical insurance plans may provide additional counseling, treatment, or rehabilitation programs. Contact your medical insurance provider or SDSU's Center for Human Resources, Benefits Services at 619-594-1144 for more information. All contact is confidential.

### Law

Federal and most state laws make it illegal to possess most drugs (including marijuana, federally). It is also illegal for anyone under 21 years of age to purchase or possess alcohol or to furnish alcohol to those under 21 years of age.

### Consequences

While the totality of the circumstances will always be determinative of the university's handling of a violation of law or the SDSU Alcohol Abuse and Illegal Drugs Policy, such violations may result in disciplinary sanction in accordance with the controlling collective bargaining agreement and California Education Code, Section 89595, or for management employees, Title 5 of the California Code of Regulations.

### Alcohol and Drug Education Programs

Various drug and alcohol education programs are offered on campus. SDSU's Well-Being and Health Promotion offers two Alcohol and Other Drugs (AOD) presentations, one on alcohol basics and one on drug basics. Other programs include bystander intervention training which focuses on typical responses in problematic or emergency situations; FratMANers which raises awareness about sexually coercive behavior and rape; RADD California which promotes non-drinking designated driving; Alcohol e-CHECKUP To Go which is an interactive self-assessment tool that provides feedback about drinking and risk patterns; Marijuana e-CHECKUP To Go which is an interactive self-assessment tool that provides feedback about marijuana use and risk patterns. Aztec Choices, a program designed specifically for student athletes, is a counseling appointment for incoming students that focuses on lifestyle choices specific to student



athletes. In addition, Residential Education routinely provides training to resident advisors, community assistants and other reside hall staff throughout the year.

The [Drug Free Schools and Communities Act \(DFSC Act\) biennial reports](#) are available online.

### SDSU Georgia

Subject to internal regulations of the university staff and as the student code of ethics, it is not permissible to bring, distribute or consume alcohol, drugs, or psychotropic substances on the university territory. Employees and students are notified in writing and at the first information meeting on the rule mentioned above and other norms stipulated in the Code of Ethics and Labor Regulations. In case of violation of this norm, the violator shall bear the appropriate disciplinary responsibility.

## Sexual Violence Prevention

The California State University (CSU) promotes a safe living, learning, and working environment through systemwide policies and through a variety of campus educational programs provided to students, faculty, and staff. The CSU prohibits dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, and provides programs to prevent, educate, and promote awareness of these topics, in accordance with the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation ("Nondiscrimination Policy"). These prohibited behaviors are also crimes as defined by 34 C.F.R. §668.46, and California criminal definitions.

The CSU provides comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to stop dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking before they occur through the promotion of behaviors that foster healthy relationships, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

The CSU's prevention programs and initiatives are sustained over time and focus on increasing awareness and understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, using a range of strategies with audiences throughout the CSU community. This includes both community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, reduce perpetration, promote safety and a culture of respect.

Campus programs must include primary prevention and awareness training: (1) for all new Students, including incoming transfer, graduate, online and extended education Students and should occur no later than the first few weeks of the semester; and new Employees; (2) refresher programs at least annually for all Students; (3) twice a year for all Students who serve as advisors in residence halls; (4) annually for all Student members of fraternities and sororities; (5) annually for all Student athletes and coaches; and (6) annually for all Employees consistent with their role in responding to and reporting incidents. Ongoing prevention and awareness campaigns for all Students and Employees will also be conducted. The CSU

system will provide online training for all Employees and each campus will provide online training for all Students. All training must be consistent with the applicable CSU policy and state and federal regulations.

Each campus must assess which student organizations participate in activities that may place Students at risk and ensure that they receive annual supplemental training focused on situations the group's members may encounter.

To ensure that all Students receive the necessary information and training enumerated above on dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, campuses should impose consequences such as registration holds on those Students who do not participate in and complete such mandatory training.

### Training for Employees

Training will be mandatory for all employees within six months of their initial hiring, and on an annual basis thereafter. Such training will include, but not be limited to: what constitutes discrimination, harassment, retaliation, sexual misconduct/sexual assault, dating and domestic violence, sexual exploitation and stalking under applicable law; the rights and responsibilities of each Employee relating to discrimination, harassment, retaliation, sexual misconduct/sexual assault, dating and domestic violence, sexual exploitation and stalking including the duty to report and exceptions; the protection against retaliation for Employees who report discrimination, harassment, retaliation, sexual misconduct, dating and domestic violence, sexual exploitation and stalking; the procedures provided under the CSU Nondiscrimination Policy for filing, investigating and resolving a complaint; and the option and method for filing complaints with external government agencies such as the Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC).

Under Cal. Govt. Code §12950.1, each campus shall provide supervisory Employees at least two hours of interactive sexual harassment training within six months of the Employee's assignment to a supervisory position and every two years thereafter. Each campus shall maintain documentation of the delivery and completion of these trainings. For detailed guidance regarding the definition of "supervisor" and the implementation of this training, campuses shall consult Coded Memoranda HR 2005-35 and other applicable policies.

### Prevention and Awareness Programming

California State University campuses provide primary prevention programs to all incoming students and new employees. California State University campuses provide ongoing prevention programs to all students and employees during their time at the institution. To comply with CSU Policy and 34 C.F.R. §668.46., campus-specific programs to prevent dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking will include:

1. A statement that the CSU prohibits dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking as defined under CSU policy and 34 C.F.R. §668.46.

2. The definitions of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction, California (California Penal Code) and the definitions under CSU policy (to also include the CSU policy definition of “sexual exploitation”).
3. The definition of “consent,” in reference to sexual activity, in the applicable jurisdiction, California (California Penal Code), and the definition of “affirmative consent” under CSU policy.
4. Common facts and myths about the causes of sexual misconduct/sexual assault.
5. A description of safe and positive options for bystander intervention, as exemplified below.
6. Information on risk reduction, exemplified below.
7. Information regarding campus, criminal, and civil consequences of engaging in acts of sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking.
8. Information about reporting, adjudication, and disciplinary procedures as required by 34 C.F.R. §668.46 and as described in the procedures under the CSU Nondiscrimination Policy.

### Information About Campus Reporting, Adjudication, and Discipline Procedures

Campus training programs will reference the procedures outlined in the CSU Nondiscrimination Policy that victims/survivors may follow if an incident of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking has occurred. Training programs will also reference information about preserving evidence, reporting to the appropriate authorities, confidentiality options, and available protective and supportive measures.

Campuses apply the relevant CSU policy and procedures when responding to all reports of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking. Campuses shall establish processes to provide a print and/or digital copy of the "Rights and Options for Victims" as outlined in the CSU Nondiscrimination Policy to any community member who reports experiencing such harm, regardless of whether the incident occurred on or off campus.

Campus training programs regarding the procedures for reporting and addressing reports of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking will include the following:

- A statement explaining that the campus' primary concern is the safety of members of the campus community; that the use of alcohol or drugs never makes the victim/survivor at fault for sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking; that Students who experience or witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking should not be deterred from reporting incidents out of a concern that they might be disciplined for related violations of drug, alcohol, or other CSU policies; and that Students who experience or witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking shall not be subject to discipline for related violations of conduct policies at or near the time of the misconduct unless the violation is egregious (including actions that place the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.)

- A statement that "CSU policy prohibits retaliation against a person who: reports sex discrimination, sexual harassment, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking; assists someone with a report of such conduct; or participates in any manner in a related investigation or resolution.
  - Retaliation means that a substantial motivating reason for an Adverse Action taken against a person was because the person has or is believed to have:
    - Exercised their rights under this policy,
    - Reported or opposed conduct which was reasonably and in good faith believed to be in violation of this policy,
    - Assisted or participated in an investigation/proceeding under this policy, regardless of whether the Complaint was substantiated,
    - Assisted someone in reporting or opposing a violation of this policy or assisted someone in reporting or opposing Retaliation under this policy.
    - Adverse Action means an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.
    - Retaliation may occur whether there is a power or authority differential between the individuals involved.
- What someone should do if they have experienced or witnessed sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- Individuals to whom incidents may be reported along with information regarding what degree of confidentiality may be maintained by those individuals.
- The availability of, and contact information for, campus and community resources for victims/survivors of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- A description of campus and systemwide policies and disciplinary procedures available for addressing alleged violations and the consequences of violating these policies, including the fact that such proceedings shall:
  - Provide a prompt, fair, and impartial investigation, and resolution; and,
  - Be conducted by officials who receive annual training on issues related to sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking and how to conduct an investigation and hearing process that protects the safety of victims/survivors and promotes accountability.
- The fact that the Complainant and the Respondent will be afforded the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice.
- The fact that both the Complainant and the Respondent shall be simultaneously informed in writing of:

- The outcome of any disciplinary proceedings that arises from an allegation of a sex discrimination, sexual harassment, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- The CSU's procedures for the Complainant or Respondent to appeal the results of the disciplinary proceeding.
- Any change to the disciplinary results that occurs prior to the time such results become final.
- When disciplinary results become final.
- Possible sanctions or remedies the campus may impose following the final determination of a campus disciplinary procedure regarding sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- How the campus will protect the confidentiality of Complainants, including how publicly available recordkeeping (e.g., campus Clery reports) will be accomplished without the inclusion of identifying information about the Complainant to the extent permissible by law.
- That all students and employees must receive written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims/survivors, both on campus and in the community. San Diego State University complies with this requirement by providing this information to the campus community in writing each year through CSULearn assignment.
- That all students and employees who report being a victim/survivor of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking must receive written notification of available assistance in, and how to request changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim/survivor chooses to report the incident to campus police or local law enforcement.
- Procedures that victims/survivors are recommended to follow if sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking has occurred, as well as the fact that the following written information must be provided to victims:
  - The importance of preserving evidence following an incident of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking, which may also be used to obtain a temporary restraining or other protective order.
  - The name and contact information of the campus Employee(s) to whom the alleged incident should be reported.
  - Reporting to law enforcement and campus authorities, including the option to: (a) notify law enforcement authorities, including on-campus and local police; (b) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and, (c) decline to notify such authorities.
  - Where applicable, the rights of victims/survivors and the campus' responsibilities regarding orders of protection, no contact directives, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

## Risk Reduction

The CSU provides community members with information and strategies for risk reduction designed to decrease perpetration, promote bystander intervention and healthy relationships, empower marginalized voices, and support victims/survivors. Information and strategies for risk reduction help promote safety and help individuals and communities address conditions that facilitate violence.

### **Sexual Misconduct/Sexual Assault**

The CSU is committed to maintaining a safe campus for all members of the CSU community. Risk reduction strategies are focused on creating a culture of respect, reducing the risk for perpetration and for victimization. It is important to emphasize that only those who engage in sexual misconduct/sexual assault, dating violence, domestic violence, sexual exploitation, and stalking are responsible for those actions. The following tips provide some possible strategies to help promote a caring community and mitigate personal risk.

- Communication is key to healthy relationships and healthy sexual interactions. Obtain Affirmative Consent from your partner for all sexual activity.
  - Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity.
  - Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether the conduct violates any civil or criminal law.
  - Affirmative Consent can be withdrawn or revoked at any time.
  - Affirmative Consent to sexual activity in the past does not mean consent in future – there must be voluntary consent for all sexual activity.
  - Lack of protest, resistance, or mere silence does not equal Affirmative Consent.
  - Sexual activity between a minor (a person younger than 18 years old) and a person who is at least 18 and two years older than the minor always constitutes Sexual Misconduct, even if there is Affirmative Consent to all sexual activity.
- Do not engage in sexual activity with someone who is incapacitated.
  - A person who is incapacitated by alcohol or drugs cannot give Affirmative Consent.
  - A person who is unconscious or asleep cannot give Affirmative Consent.
  - A person's own intoxication or incapacitation does not diminish their responsibility to obtain Affirmative Consent from any person with whom they engage in sexual activity.
- Signs that someone does not respect the importance of consent:
  - They pressure or guilt you into doing things you may not want to do.
  - They suggest you "owe" them something (including sexual acts) because you're dating or because they have done or claim to have done something for you.
  - They react negatively with sadness, anger, or resentment if you don't consent to something or don't do so immediately.

[Source: Love Is Respect]

## **Dating/Domestic Violence**

### **Common signs of abusive behavior in a relationship**

According to the National Domestic Violence Hotline, one feature shared by most abusive relationships is that an abusive partner tries to establish or gain power and control through many different methods, at different moments. Even one or two of the following behaviors is a red flag that a partner may be abusive.

- Showing extreme jealousy of friends or time spent away from a partner.
- Preventing or discouraging one's partner from spending time with friends, family members, or peers.
- Insulting, demeaning, or shaming a partner, especially in front of other people.
- Preventing one's partner from making their own decisions about working or attending school.
- Controlling finances in the household without discussion, including taking a partner's money or refusing to provide money for necessary expenses.
- Pressuring one's partner to have sex or perform sexual acts they are not comfortable with.
- Pressuring a partner to use drugs or alcohol.
- Threatening to harm or take away a partner's children or pets.
- Intimidating one's partner with weapons
- Destroying a partner's belongings or home

If you notice warning signs in your relationship or that of someone you care about, remember there are support resources available on your campus, including individuals with whom you can speak confidentially and who can assist you with making a safety plan. A good starting place for a list of resources is your campus Title IX webpage. You can also contact the National Domestic Violence Hotline at 1-800-799-SAFE (7233), which is free and confidential.

Abusive behaviors can be difficult to recognize in a relationship, even if you are the one engaging in them. In addition to some of the common signs of abusive behavior outlined above, ask yourself if your partner:

- Seems nervous around you,
- Seems afraid of you,
- Flinches, cringes, or retreats when you are emotional,
- Seems scared, or unable to contradict you or speak up around you, and/or
- Restricts their own interactions with friends, family, coworkers, or others to avoid upsetting you

If you recognize the behaviors above in yourself, or in how your partner reacts, these could be signs that you are hurting them. This can be a difficult realization to come to but it's vital that you do so if you want to change and stop harming your partner. By acknowledging that your actions are harmful and taking responsibility for them, you can continue to progress on the path toward correcting them.

You could consider contacting the psychological counseling center on your campus to speak with a counselor confidentially, or you could contact the National Domestic Violence Hotline at 1-800-799-SAFE (7233), which is free and confidential.

Abusive behaviors can be difficult to recognize in a relationship, even if you are the one engaging in them. In addition to some of the common signs of abusive behavior outlined above, ask yourself if your partner:

- Seems nervous around you,
- Seems afraid of you,
- Flinches, cringes, or retreats when you are emotional,
- Seems scared, or unable to contradict you or speak up around you, and/or
- Restricts their own interactions with friends, family, coworkers, or others to avoid upsetting you

If you recognize the behaviors above in yourself, or in how your partner reacts, these could be signs that you are hurting them. This can be a difficult realization to come to but it's vital that you do so if you want to change and stop harming your partner. By acknowledging that your actions are harmful and taking responsibility for them, you can continue to progress on the path toward correcting them.

You could consider contacting the psychological counseling center on your campus to speak with a counselor confidentially, or you could contact the National Domestic Violence Hotline at 1-800-799-SAFE (7233), which is free and confidential.

[Source: National Domestic Violence Hotline]

### **Stalking**

#### **Respecting boundaries**

If someone tells you that they do not want you to contact them or do something like visit their home or send them gifts, or if they have stopped interacting with you, respect their choice. Everyone has the right to set boundaries.

#### **Recognizing stalking behaviors**

A person who engages in stalking may:

- Repeatedly call or send other unwanted communication such as text messages, emails, social media messages, letters, etc.
- Follow the person and seem to “show up” wherever they are.
- Send unwanted gifts.
- Damage home, car, or other property.
- Monitor phone calls or computer use.
- Drive or linger near the home, school, or work of the person they are stalking.
- Use other people to try and communicate with the person they are stalking, like children, family, or friends.



[Source: Victim Connect Resource Center]

Below are some tips from the Stalking Prevention Awareness and Resource Center (SPARC) regarding steps one can take if they are experiencing stalking

- Trust your instincts – if you/someone feels they are in immediate danger or fear a threat of harm, call 9-1-1
- Keep a record or log of each contact with the stalker.
- Save evidence when possible, such as emails, text messages, postings on social media, etc.

Know that there are support resources available on each CSU campus, including individuals with whom individuals can speak confidentially and who can assist in making a safety plan and/or seeking a protective order. A good starting place for a list of resources is your campus Title IX webpage.

### Bystander Intervention

The California State University and the campuses provide training on 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 misconduct/sexual assault, sexual exploitation, 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. Information about bystander intervention is included in a variety of prevention, outreach, and awareness programs across the CSU.

This training encourages employees and students to:

- Notice the Event
- Interpret the Event as a Problem
- Assume Personal Responsibility
- Learn How to Help
- And Step Up by utilizing the “4 Ds” – Direct, Distract, Delegate, and Delay
  - Direct – Directly addressing the situation.
  - Distract – Making a simple (or elaborate) distraction to diffuse the situation.
  - Delegate – Finding someone else to address the concern.
  - Delay – Checking in with the person after to see if you can do anything to support them.

## CSU Policy Definitions

Definitions of conduct that is prohibited under CSU policy are found in Article VII of the CSU Nondiscrimination Policy. These definitions are applicable in relation to the University's administrative processes and may differ from the criminal law definitions (California) found in Appendix A.

## SDSU Georgia

Public lectures are held to prevent sexual assault and raise awareness on sexual assault prevention. Subject to the Law of Georgia on Higher Education and the Labor Code of Georgia, hiring a person convicted of a sex crime in an educational institution is strictly prohibited.

## Written Notification

The Title IX Coordinator will provide Complainants alleging Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence or Stalking, with the information in Attachment D to the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation - Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating and Domestic Violence, And Stalking. This same information is provided in writing to all students and employees within the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation, and as part of annually assigned training.

This written notice (annually to all students and employees, and specifically to complaints as outlined above) includes the information below, including:

- Supportive measures
- Rights and options available throughout the reporting process and/or the duration of any formal or informal complaint resolution process, including campus and criminal reporting options, available advocates, preserving evidence, medical Care and treatment, and protective orders.
- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available

You have the right to be offered and receive reasonably available support services and supportive measures, available both on and off campus. You do not have to file a formal complaint or a criminal complaint in order to receive support services and/or supportive measures. Supportive services and supportive measures include, but are not limited to, counseling, victim/survivor advocates, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator, University Police Department and victim/survivor advocate on your campus can provide some of these services directly and/or provide you with information about and a referral to these and additional resources on and off campus for support.

## Supportive Measures

Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether a Formal Complaint is filed. Supportive Measures are designed to restore or preserve equal access to CSU education programs or activities, or the workplace without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational or work environment. Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, transportation options when appropriate (Red and Black Safe Ride, or other personalized options depending on case specifics), mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security, and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator/DHR Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality to provide the Supportive Measures.

The following is a list of on-campus and off-campus resources that offer a variety of services in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas. Campus advocates can help provide information about and referral to any of these resources if requested. These resources are available to victims/survivors whether they choose to make a criminal or administrative report.

| Confidential Resources on Campus   |   |   |
|--|---|---|
| Resource Name  | Types of Services   | Contact Information   |
| Jess Marshall, Sexual Violence Prevention Educator and Advocate (will not share information with Title IX) | Provides confidential support to the University campus population.  | <b>Phone #</b> (call or text): 1-619-594-2348<br><b>Email:</b> <a href="mailto:jmarshall2@sdsu.edu">jmarshall2@sdsu.edu</a>                   |
| SDSU Counseling & Psychological Services (will not share information with Title IX)                        | Provides confidential support, including counseling and mental health services for SDSU students.   | <b>Phone:</b> 1-619-594-5220 (non-emergency, M-F 8:00AM – 4:30PM)<br><b>Website:</b> <a href="http://sacd.sdsu.edu/cps">sacd.sdsu.edu/cps</a> |
| LifeMatters  | SDSU's Employee Assistance Program and work/life resource. Offers 24/7, confidential access to resources and clinically trained counselors. | <b>Phone:</b> 1-800-367-7474<br><b>Website:</b> <a href="http://www.mylifematters.com">www.mylifematters.com</a><br><b>Login:</b> SDSU1       |

### Non-Confidential Resources on Campus

| Resource Name   | Types of Services  | Contact Information   |
|---|--|---|
| Gail Mendez, J.D.<br>Title IX Coordinator               | Monitors and oversees overall implementation of Title IX compliance at the University, including coordination of training, education, communications, and administration of grievance procedures for faculty, staff, students, and other members of the University community.                        | <b>Phone:</b> 1-619-594-6464<br><b>Email:</b> gmmendez@sdsu.edu<br><b>Website:</b> <a href="http://titleix.sdsu.edu">titleix.sdsu.edu</a>   |
| Center for Student Rights and Responsibilities          | Oversees Title IX compliance for matters involving students, including training, education, communication, and administration of grievance procedures for all complaints against SDSU students.  | <b><u>Title IX Deputy Coordinator:</u></b><br>Lee Mintz<br><b>Phone:</b> 1-619-594-3069<br><b>Email:</b> lmintz@sdsu.edu<br><br><b><u>Title IX &amp; Student Conduct Investigator:</u></b><br>Lauren Betters<br><b>Phone:</b> 1-619-594-3069<br><b>Email:</b> lbetters@sdsu.edu |
| Jenny Bramer, Title IX Deputy Coordinator for Athletics | Responsible for Title IX compliance matters related to gender equity in SDSU athletics programs.   | <b>Phone:</b> 1-619-594-0394<br><b>Email:</b> jbramer@sdsu.edu  |
| Office of the Student Ombudsman                         | Provides information, advice, referrals, and intervention to students at SDSU. The Student Ombudsman is a student-focused resource who supports students in addressing and resolving concerns or issues that may arise within the University.  | <b><u>Dr. Darrell Hess, Student Ombuds</u></b><br><b>Phone:</b> 1-619-594-6578<br><b>Email:</b> dhess@sdsu.edu<br><b>Website:</b> <a href="http://sacd.sdsu.edu/student-ombudsman">sacd.sdsu.edu/student-ombudsman</a>  |
| Financial Aid & Scholarships                            | Provides information and counseling so that you can make informed choices as you and your family plan for meeting the costs associated with attending San Diego State University. We also provide outreach and access services in collaboration with other university departments and the community. | <b>Location:</b> Student Services West, Room 3615<br><b>Website:</b> <a href="http://sacd.sdsu.edu/financial-aid">sacd.sdsu.edu/financial-aid</a>   |
| Undocumented Resource Center                            | Provides undocumented students guidance, support in navigating the campus and local community resources to support their well-being, enhance their educational achievement and timely progress toward a university degree.   | <b>Location:</b> Arts & Letters 202<br><b>Phone:</b> 1-619-594-3634<br><b>Email:</b> undocatsdsu@sdsu.edu<br><b>Website:</b> <a href="https://sacd.sdsu.edu/undocumented-resource">https://sacd.sdsu.edu/undocumented-resource</a>  |

|  |  |   |
|--|--|---|
| International Student Center                                 | Fosters student success, global perspectives, intercultural awareness, and international cooperation.  | <b>Phone:</b> 1-619-594-1982<br><b>Email:</b> iscreception@sdsu.edu<br><b>Website:</b> <a href="https://www.sdsu.edu/international-student-center">https://www.sdsu.edu/international-student-center</a>                    |
| Women's Resource Center                                      | Serves women and gender expansive individuals. Through an intersectional feminist lens, WRC offers training on sexual and gender-based violence (known as the Brave Project), educational and healing programming, resources for pregnant and parenting students, and a Women and Gender Equity first-year experience Program. | <b>Phone:</b> 1-619-594-2301<br><b>Email:</b> wrc@sdsu.edu<br><b>Website:</b> <a href="https://sacd.sdsu.edu/womens-resource">sacd.sdsu.edu/womens-resource</a>   |
| Black Resource Center  | Provides a safe and welcoming environment where students, staff, and faculty of the African Diaspora Can congregate, collaborate, and cultivate a unified community.   | <b>Phone:</b> 1-619-594-3502<br><b>Email:</b> brc@sdsu.edu<br><b>Website:</b> <a href="https://sacd.sdsu.edu/black-resource">sacd.sdsu.edu/black-resource</a>   |
| Latinx Resource Center                                       | Cultivates a student-centered and welcoming environment for Latinx identifying students. The LRC encourages students of a Latinx background to embrace their culture through events, celebrations, programs, and services while connecting with other students, faculty, staff, and the community.                             | <b>Location:</b> Love Library, Room 182<br><b>Phone:</b> 1-619-594-4333<br><b>Email:</b> latinxresourcecenter@sdsu.edu<br><b>Website:</b> <a href="https://sacd.sdsu.edu/latinx-resource">sacd.sdsu.edu/latinx-resource</a> |
| The Pride Center   | Provides resources and support services to assist students in their sexual orientation, romantic orientation, gender identity, and gender expression development. Facilitates campuswide education, awareness, dialogue, intellectual exploration, advocacy, and understanding on issues related to sexuality and gender.      | <b>Phone:</b> 1-619-594-3520<br><b>Email:</b> pridecenter@sdsu.edu<br><b>Website:</b> <a href="https://sacd.sdsu.edu/pride">sacd.sdsu.edu/pride</a>   |
| Asian Pacific Islander Desi American Resource Center (APIDA) | Facilitates the academic and personal success of APIDA-identified students by providing relevant and accessible programming, resources, and services.  | <b>Location:</b> Aztec Student Union, 210A-K<br><b>Email:</b> apida@sdsu.edu<br><b>Website:</b> <a href="https://sacd.sdsu.edu/apida-resource">sacd.sdsu.edu/apida-resource</a>   |

|                               |  |   |
|-------------------------------|--|---|
| Student Health Services (SHS) | A multidisciplinary team of qualified, professional staff specifically dedicated to working with students. Medical staff include board-certified physicians and licensed nurse practitioners. Complementing general medical services is a clinical support staff of registered and licensed vocational nurses, laboratory and X-ray technologists, medical assistants, pharmacists, and other support. | <b>Phone:</b> 1-619-594-4325<br><b>Email:</b> shs@sdsu.edu<br><b>Website:</b> <a href="https://shs.sdsu.edu">shs.sdsu.edu</a> |
|-------------------------------|--|---|

### Law Enforcement Resources

| Resource Name                | Types of Services   | Contact Information   |
|------------------------------|---|---|
| University Police Department | Provides policing services to San Diego State University. UPD officers are state peace officers, and their policing powers extend throughout the state. | <b><u>Greg Murphy, Chief</u></b><br><b>Non-Emergency:</b> 1-619-594-1991<br><b>Emergency:</b> 9-1-1<br><b>Email:</b> police@sdsu.edu<br><b>Website:</b> <a href="https://police.sdsu.edu">police.sdsu.edu</a> |
| San Diego Police Department  | Maintains public safety by providing the police services to San Diego communities.  | <b><u>David Nisleit, Chief</u></b><br><b>Address:</b> 1401 Broadway, San Diego, CA 92101<br><b>Non-Emergency:</b> 1-619-531-2000<br><b>Emergency:</b> 9-1-1   |

### Community/National/Global Resources

| Resource Name   | Types of Services   | Contact Information  |
|---|---|--|
| Center for Community Solutions: Hope, Healing, and Prevention | Provides trauma-informed, wrap-around services to empower survivors as they heal and recover from trauma. CCS' free services include a 24/7 confidential crisis hotline, four domestic violence shelters, counseling, legal services, safety planning, prevention education and more. | <b>Phone:</b> 1-888-DVLINKS (385-4657) 24-Hour Toll Free Crisis Line<br><b>Address:</b> 4508 Mission Bay Drive, San Diego, CA 92109<br><b>Website:</b> <a href="https://www.ccssd.org">www.ccssd.org</a> |
| Your Safe Place: A Family Justice Center                      | Work with a team of dedicated community partners and volunteers to provide confidential, comprehensive services free of charge, including housing support, financial security, protection from gun violence, legal and immigration  | <b>Phone:</b> 1-619-533-6000 (M-F, 8:00AM – 5:00PM)<br><b>Address:</b> 1122 Broadway, 2 <sup>nd</sup> Floor, San Diego, CA 92101<br><b>Website:</b>  |

|   |  |   |
|---|--|---|
|   | services, mental health counseling, parenting assistance, substance abuse, etc.  | <a href="http://www.sandiego.gov/sandiegofamilyjusticecenter/">http://www.sandiego.gov/sandiegofamilyjusticecenter/</a>   |
| San Diego District Attorney's Stalking Information Line     | Provides information and support to victims of stalking.   | <b>Phone:</b> 1-619-515-8900<br>(If you are a stalking victim and want to report a crime or believe you are in immediate danger, call your local police first to file a report)   |
| Legal Aid Society of San Diego                              | Provides free legal advocacy, education, and other services to lower income San Diego residents. Runs self-help clinics to provide assistance to anyone of any income level.   | <b>Phone:</b> 1-877-LEGALAID (534-2524) M-F, 9:00AM-5:00PM<br><b>Website:</b> <a href="http://www.lassd.org">www.lassd.org</a>  |
| National Human Trafficking Resource Center                  | Connects victims of human trafficking with law enforcement and social service providers in their local area who can help them get out of exploitative situations and into safe environments where they have access to services, such as emotional support, health care, and legal services.                              | <b>Toll Free, 24/7 Hotline:</b> 1-888-373-7888<br><br><b>Text 'Help' or 'Info' to:</b> BeFree (233733)<br><br><b>Website:</b> <a href="https://humantraffickinghotline.org/en">https://humantraffickinghotline.org/en</a> |
| U.S. Department of Education, Office for Civil Rights (OCR) | Serves student populations facing discrimination and the advocates and institutions promoting systemic solutions to civil rights problems. Enforces several Federal civil rights laws that prohibit discrimination in programs or activities that receive federal financial assistance from the Department of Education. | <b>OCR Hotline:</b> 1-800-421-3481<br><br><b>Online Complaint Form:</b> <a href="https://www2.ed.gov/about/offices/list/ocr/complaintintro.html">https://www2.ed.gov/about/offices/list/ocr/complaintintro.html</a>       |
| RAINN (Rape, Abuse, and Incest National Network)            | National network supporting victims/survivors of sexual assault and abuse. 24/7 free and confidential hotline and chat services.   | <b>Hotline:</b> 1-800-656-4673<br><br><b>Website:</b> <a href="https://www.rainn.org/">https://www.rainn.org/</a>   |

|   |  |  |
|---|--|--|
| U.S. Department of State –<br>Office of Overseas Citizens<br>Services | Assists victims/survivors who are overseas<br>with local and/or US-based resources for<br>victims of crime, including local legal<br>representation. | <b>From the US or Canada:</b><br>1-888-407-4747<br><b>From overseas:</b><br>1-202-501-4444<br><b>Website:</b><br><a href="https://travel.state.gov/content/travel/en/international-travel/emergencies.html">https://travel.state.gov/content/travel/en/international-travel/emergencies.html</a> |
|---|--|--|

Regardless of whether a victim/survivor decides to maintain confidentiality, these individuals will still assist victims/survivors in receiving other necessary protection and support, such as victim advocacy, medical, mental health services, and/or legal services. However, these individuals may have limited ability to assist a victim/survivor with university academic support or accommodations, or changes to university-based living or working schedules, as such accommodations likely require the involvement of other University officials.

Contact the Campus Title IX Coordinator, Gail Mendez, if you wish to request an accommodation.

- Email: [gmmendez@sdsu.edu](mailto:gmmendez@sdsu.edu)
- Phone: 619-594-8699

### SDSU Safe Mobile App

Students, faculty and staff are encouraged to download SDSU Safe, a free phone-based app designed to address and promote personal safety both on and off campus.

SDSU Safe provides easy and instant access to useful information, to include the following features:

- Safety Notifications: Users can receive notifications and instructions from SDSU when the university is communicating about emergencies occurring on or near campus. Generally, notifications are deployed only when there is an imminent threat to people or infrastructure, to include the sending of Clery notices or a change in university operations.
- Friend Walk: Users can share their physical location with an individual through email or SMS, allowing that individual to track their progress to their destination after accepting the Friend Walk.
- Mobile Blue Light: If you are in crisis on campus, the feature will contact the University Police Department, sharing information about your location in real time so that the department may respond to assist.
- Reporting Tools: Whether it is an emergency, a crime tip or an incident, the mobile app provides mechanisms to report in real time.
- SDSU Urgent: Directly connects to the university's Urgent.sdsu.edu page, which the university launches in the event of certain emergency situations to keep the campus informed of incidents, responses and safety measures.



- Maps and Directions: Access to the SDSU and SDSU Imperial Valley maps are provided, including information about the shuttle that transports students and employees between both family locations.

Information and instructions on downloading the app for Apple or Android devices is available at <https://urgent.sdsu.edu/sdsu-safe>.

## Reporting Options

### Reporting to University Administration

Complaints of discrimination, harassment, sexual misconduct, and sexual assault, dating and domestic violence, sexual exploitation, and stalking may be addressed through the University administrative process<sup>2</sup>. A complainant or reporting party can report an incident to the University by contacting the Title IX Coordinator on their campus. A complainant has the right to have a support person present with them while making a complaint.

The University will protect the privacy of everyone involved in a report to the greatest degree possible under applicable law and University policy. Personally identifiable information about the involved parties will be shared only on a need-to-know basis, e.g., to those who are investigating/adjudicating the report or those involved in providing support services. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any supportive measures and remedies provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures and remedies.

The CSU does not publish the name of victims/survivors or other identifiable information regarding victims/survivors in the Daily Crime Log or in the crime statistics that are disclosed in the *Annual Security and Fire Safety Report*. Furthermore, if a Timely Warning is issued based on a report of sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the name of and other personally identifiable information about the victim/survivor will be withheld.

## The Importance of Preserving Evidence

Victims/survivors are encouraged to preserve all physical evidence, including but not limited to: clothing worn during the assault, bed sheets, and/or photos of any injuries. This evidence may be helpful in proving that a crime occurred, in the event the victim/survivor chooses to report now or in the future. It may also be helpful in obtaining a court-ordered protective or restraining order. If a victim/survivor does not have any evidence preserved, they still have an option to report the crime and request a medical evidentiary examination.

Victims/survivors of sexual misconduct, sexual assault, sexual exploitation, stalking, dating violence and domestic violence are also encouraged to preserve evidence by saving text messages, instant messages,

---

<sup>2</sup> See page 51, Disciplinary Procedures

social networking pages, other communications, pictures, logs or other copies of documents that may be useful to university investigators or police should the victim/survivor decide to report now or in the future.

## Reporting to Law Enforcement and Making a Criminal Report

Some forms of misconduct prohibited under the Nondiscrimination Policy may also be prohibited by law. You have a right to be informed of law enforcement options and information regarding the availability of a criminal or civil prosecution for victims of crime.

It is a victim's/survivor's choice to report a crime. You have the right to report or decline to report an incident to law enforcement. You have the right to not be forced, coerced, or pressured into reporting to law enforcement.

A victim/survivor may report an incident to law enforcement at any time. In the event of an emergency where immediate assistance is required, a victim/survivor should dial 9-1-1 to be connected with the nearest police department. If there is no emergency, victims/survivors can file a police report at any time in the jurisdiction where the assault occurred. A confidential victim advocate can assist the victim/survivor in filing the report if requested.

Victims/survivors of crimes such as sexual assault, sexual exploitation, stalking, dating violence, domestic violence, abuse, threats of abuse and/or serious harassment all have a right to petition the court in the appropriate jurisdiction for a protective order (also referred to as a restraining order).

Your Campus Advocate, University Police Department and Title IX Coordinator are all able to provide you with more information about pursuing criminal prosecution, civil prosecution and/or protective orders.

A victim/survivor of specific offenses [enumerated in California Government Code section 7923.615(b)(1)] has the right to request to be listed as a confidential victim in a law enforcement agency's report. Being listed as a confidential victim in a law enforcement agency's report prevents the law enforcement agency from disclosing the confidential victim's name and address as a matter of public record. However, the confidential victim's information can be released to the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law. Please see California Penal Code section 293 for more information.

### SDSU Georgia

A crime can be reported with the consent of a victim or an eyewitness or a person who provides medical, legal, psychological assistance to a victim by notifying the university security guard and/or calling the police. If the information is communicated only to the security guard, he/she is obliged to provide the information to the Head of the Security Office and law enforcement agencies.

If an incident takes place on university territory, the scene will be protected and secured. Meanwhile, the crime is reported to the police to investigate and respond. Aside from roles carried out by investigative bodies, the campus will initiate disciplinary proceedings if a sex offender is a university employee or a student and the degree of disciplinary liability against the offender is defined as prescribed by the

university's internal regulations or the procedures set by the Student Code of Ethics. In addition, in the case where a sexual assault social services counselor is working with the victim, they will be assisting the police during the entire process.

## Protective Orders

### Civil Reporting Options & Protective Orders

A victim/survivor may choose to file a civil lawsuit against the alleged offender, whether criminal charges have been filed. A civil lawsuit provides an opportunity to recover actual money damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress. An Advocate can assist a victim/survivor with identifying the necessary steps and processes for filing a lawsuit if requested.

### Court-Ordered Restraining Orders

A victim/survivor may choose to obtain a restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can help protect a victim/survivor who has experienced or is reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

### Emergency Protective Order (EPO)

An Emergency Protective Order (EPO) is a type of restraining order that only law enforcement can ask for by calling a judge. Typically, this is done by an officer responding to the scene of a domestic violence incident. Judges are available to issue EPOs 24 hours a day. The EPO takes effect immediately and can last up to seven calendar days. The judge can order the alleged abuser to leave the domicile and stay away from the victim and their children for up to a week. This provides the victim with time to go to court to request a temporary restraining order.

### Temporary Domestic Violence Restraining Order (TRO)

A TRO is a type of protective order. To obtain one, the victim/survivor must fill out paperwork explaining the facts and why a protective order is needed. If a judge agrees that protection is needed, the judge will issue a temporary restraining order. Temporary restraining orders usually last until the court hearing date, typically 20 to 25 days after the petition is filed.

### Criminal Protective Order (CPO)

When there is a claim that a domestic violence incident occurred, a criminal charge (or charges) may be filed by a prosecutor (such as the City Attorney or District Attorney) against the person who allegedly committed the criminal act. The prosecutor commonly asks a judge to issue a Criminal Protective Order while the criminal case proceeds. A CPO typically requires the defendant (the person who allegedly committed the criminal act) to stay away from and not to hurt, threaten, or communicate with the victim/accuser. If the defendant is convicted of or pleads guilty to the criminal charge(s), the CPO may last for up to ten years after the case is over.

## Civil Harassment Restraining Order

This type of court order is available to individuals who have been harassed by any of the following: a neighbor, roommate (if no dating/romantic relationship existed or exists), friend, family member more than two degrees removed (e.g., an aunt/uncle, niece/nephew, cousin, or more distant relative), stranger, or another person not closely related to the victim of the harassment.

An individual who has been civilly harassed by a current or former spouse/partner, or someone with whom a dating/romantic relationship existed, or a close relative (parent, child, brother, sister, grandmother, grandfather, in-law) may qualify for a domestic violence restraining order but would not qualify for a civil harassment restraining order.

## The CSU, Restraining Orders and Protective Orders

The CSU complies with California law in recognizing restraining orders and protective orders. If you obtain a restraining order a copy should be provided to your campus Police Department. To comply with the restraining order, Title IX Coordinators, DHR Administrators, Advocates and/or the University Police Department on your campus may assist with setting up escorts, establishing special parking arrangements, changing classroom or employment locations, or additional measures as needed. Victim/Survivor Advocates on your campus can offer assistance with obtaining a restraining order.

## SDSU Georgia

Subject to the Administrative Procedures Code of Georgia, a protection order is issued by a court of the first instance. It is an act issued under the rules of administrative proceedings, defining temporary measures for the protection of a victim. To get a protection order, a victim, as well as his/her family member, or a person who provides medical, legal, and psychological assistance to the victim, can appeal to the court. The address is Tbilisi City Court, Tbilisi, David Agmashenebeli Alley N64.

## Disciplinary Procedures

Disciplinary procedures for sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking will provide a prompt, fair, and impartial process and resolution, outlined in the following excerpts from the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \("the Policy"\)](#). As required by law, the excerpts in this Annual Security Report capture the steps, decisionmakers, and anticipated timelines for both formal and informal resolution processes, as applicable. For details beyond the steps, decisionmakers, and anticipated timelines, please see the policy.

The campus Title IX Coordinator is the designated administrator to receive reports of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and associated Retaliation.

The Campus Title IX Coordinator at SDSU is Gail Mendez.

- Email: [gmmendez@sdsu.edu](mailto:gmmendez@sdsu.edu)
- Phone: 619-594-8699

- <https://titleix.sdsu.edu>

Complaints against a Chancellor's Office employee, or a campus Title IX Coordinator/ Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator") will be made to the Chancellor's Office at [eo-wbappeals@calstate.edu](mailto:eo-wbappeals@calstate.edu).<sup>3</sup>

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

After receiving a report, the Title IX Coordinator will assess the report and provide outreach to the possible Complainant named in the report. This outreach will include the following:

- a. A statement that the campus has received a report of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, or Retaliation.
- b. A description of the role of the Title IX Coordinator/DHR Administrator.
- c. Information regarding counseling and other support resources.
- d. A statement regarding the importance of preserving evidence.
- e. A statement that the Complainant may, but is not required to, report to law enforcement any allegations that could constitute criminal behavior.
- f. A request for the Complainant to meet with the Title IX Coordinator/DHR Administrator, or other designated employee, to discuss the Complainant's options and next steps.
- g. A statement that the Complainant can be accompanied by an Advisor of their choice during any meeting relating to the report and any subsequent Complaint process.
- h. Information regarding potential Supportive Measures, where applicable.
- i. A brief summary of the investigation procedures.
- j. An explanation of how the campus responds to reports of Nondiscrimination Policy violations and a description of potential disciplinary consequences.
- k. A statement that retaliation for making a Complaint or participating in a Complaint process is prohibited by the Nondiscrimination Policy.

Along with the information provided in the outreach communication, the Title IX Coordinator will provide Complainants alleging Sexual Misconduct, Sexual Exploitation Dating Violence, Domestic Violence or Stalking, with the information in Attachment D - Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating and Domestic Violence, and Stalking. The Title IX

---

<sup>3</sup> Complaints against a President should be made to the Chancellor's Office, but only if it is alleged that the president directly engaged in conduct that violates the Policy. Any other Complaints against a president (for example, that the president had no substantial involvement other than to rely on or approve a recommendation made by another administrator) will be made to and addressed by the campus.

Coordinator will describe and offer Supportive Measures to Complainants during the initial assessment (even if the Complaint is ultimately not investigated).

The Title IX Coordinator will make reasonable efforts to ensure that anyone involved in conducting investigations, finding facts, and making disciplinary decisions in a matter will be impartial, neutral, and free from actual Conflicts of Interest.

All persons involved in implementing these procedures (e.g., the campus Title IX Coordinator and any Deputy Title IX Coordinator(s), Investigators, Human Resource Directors, and Hearing Officers presiding over hearings) shall have relevant annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking. Such annual training shall include the CSU complaint processes, as well as the handling, investigation, and analysis of complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking. The annual training shall also address applicable confidentiality issues, especially with respect to the Title IX Coordinator's duty to weigh any victim's request for confidentiality against the duty to provide a safe and nondiscriminatory environment for all members of the campus community. For matters involving Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking, the training shall also include how to conduct an investigation and hearing process that protects the safety of the person(s) involved and promotes accountability.

The Complainant and Respondent may choose to be accompanied by an Advisor of their choice during meetings or any stage of the Complaint process. The Parties also have the right to consult with an attorney, at their own expense, or a union representative at any stage of the process if they wish to do so. An attorney or union representative may serve as a Party's chosen Advisor. The unavailability of a specific Advisor will not unduly interfere with prompt scheduling.

### Applicable Procedures

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

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

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

- occurred on campus; or

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

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

### The Track System

There are three possible sets of procedures ("tracks") for formal Resolution of complaints against a student <sup>4</sup>(Track 1, Track 2, Track 3) as required by federal and state law. There are two sets of procedures ("Tracks") for Formal Resolution of Complaints against an Employee or a Third-party (Track 1 or Track 3) as required by federal and state law. The remaining track, track 2: State Mandated Hearing Process, is not applicable to Complaints against Employees or Third Parties, as it applies only to certain Complaints against Students. Which procedure applies to any given complaint will depend on a variety of factors described below. Questions about which procedures apply to any specific case should be directed to the Campus Title IX Coordinator and/or the Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator").

Prior to a Notice of Investigation being sent to the complainant and the respondent, the Title IX Coordinator/DHR Administrator will determine which track applies.

- Track 1 applies when the alleged conduct:
  - Meets the definition of Sexual Harassment as defined in Article VII.C of the policy; and
  - Occurred in the United States; and
  - Occurred in an education program or activity at the university, as defined in Track 1.
- Track 2 applies when:
  - The complaint is against a student; and
  - The complaint is one of sexual misconduct, dating violence, or domestic violence; and
  - The credibility of one (or both) of the complainants and the respondent ("the parties"), or any witness is central to the determination as to whether the student violated the policy; and
  - The student is facing a severe disciplinary sanction (expulsion or suspension) if found to be in violation of university policy.

---

<sup>4</sup> A complaint against a student-employee where the alleged conduct arose out of the respondent's status as an employee and not their status as a student, should be made using the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-party.

- Track 3 applies to all other complaints under these procedures that allege a policy violation.

Under Track 1 or 2, the campus will conduct an investigation and the complaint will proceed to a hearing unless otherwise resolved. An investigator will first interview the complainant, the respondent, and any witnesses, and gather any documentary evidence. The hearing will occur once an investigation has finished. During the hearing, a hearing officer listens to the witnesses, including the complainant and the respondent, and analyzes the evidence, before deciding whether the respondent violated the policy.

Under Track 3, an investigator interviews the complainant, the respondent, and any witnesses, gathers any documentary evidence, analyzes the evidence, and decides whether the respondent violated the policy. There is no hearing in Track 3 cases.

### SDSU Georgia

In case of violation of the Student Code of Ethics, the issue of disciplinary action can be raised by any person, or a student involved in the university activities. Any individual can raise an issue of violation of the internal regulations of the employees. The issue is investigated by a disciplinary committee, which requires explanations from the parties and decides on imposing the disciplinary measure established by the Student Code of Ethics. In the case of an employee, the disciplinary measures are determined by the university's internal regulations.

### Standard of Evidence

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

### Dismissal/Referral

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

At any time after a complaint has been accepted for investigation, it is within the discretion of the Title IX Coordinator/DHR Administrator to dismiss a complaint, or any part of a complaint, if the complainant notifies the Title IX Coordinator/DHR Administrator in writing that they would like to withdraw the



complaint or any part of it, or if the specific circumstances prevent the campus from gathering evidence necessary to reach a determination as to the complaint or part of the complaint.<sup>5</sup>

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

Either party may appeal from a dismissal of a complaint or any part of the complaint. The appeal must be filed within 10 working days from the date of the notice of dismissal.

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

**Systemwide Title IX Unit**  
Systemwide Human Resources  
Office of the Chancellor  
[TIX-Dismissal-Appeals@calstate.edu](mailto:TIX-Dismissal-Appeals@calstate.edu)

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

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

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

### Informal Resolution

The CSU recognizes some parties may desire resolution of their matter through an Informal Resolution Process ("Informal Resolution"), instead of through the Formal Resolution Process (described below). Accordingly, parties may mutually agree, with the agreement of the Title IX Coordinator, to resolve a complaint through an Informal Resolution Process, instead of undergoing the Formal Resolution Process<sup>6</sup>.

---

<sup>5</sup> Formal complaints under track 1 may be discretionarily dismissed for the additional reason that the Respondent is no longer a student or Employee

<sup>6</sup> Track 1, a Formal Complaint must be filed before the Informal Resolution Process may take place and that under Track 1, Informal Resolution cannot be used to resolve allegations that an employee sexually harassed a student

The Informal Resolution process is entirely voluntary and will not occur unless both parties agree in writing to participate in an Informal Resolution process.

The Title IX Coordinator/DHR Administrator will oversee the Informal Resolution Process, conduct an initial and ongoing assessment as to whether the Informal Resolution Process should continue, and make the final determination on all Informal Resolutions facilitated by the Title IX Coordinator or designee regarding whether the terms agreed to by the parties are appropriate considering all the circumstances of the complaint. In some circumstances, depending on the nature and/or severity of the allegations, an Informal Resolution may not be appropriate, and the Title IX Coordinator/DHR Administrator will not approve an Informal Resolution. Prior to approving an Informal Resolution, the Title IX Coordinator/DHR Administrator will consult with the appropriate administrator in Human Resources or Faculty Affairs<sup>7</sup>.

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

- An explanation that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the Informal Resolution process and resume the investigation process.
- The Parties' right to consult with an Advisor.
- Any resolution must be in writing and signed by both Parties and the Title IX Coordinator/DHR Administrator.
- Once the Informal Resolution process is finalized, neither Party is permitted to file another Complaint arising from the same allegations.

The informal Resolution process may take place at any time before a determination of responsibility is made, but no later than 60 working days after both parties provide voluntary, written consent to participate in the Informal Resolution process

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

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

### Investigation and Hearing for Track 1

#### *Supportive Measures*

After receiving a report of Sexual Harassment, the Title IX Coordinator will contact the complainant promptly to discuss the availability of supportive measures. The Title IX Coordinator will conduct an intake meeting with any complainant who responds to outreach communication, or otherwise makes a report of a potential policy violation to discuss the complainant's options, explain the process, and provide information about Supportive Measures. During the discussion, the Title IX Coordinator will consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of

---

<sup>7</sup> For matters involving students, this consultation will be with the student conduct administrator.

supportive measures with or without the filing of a Formal Complaint<sup>8</sup>, and explain the process for filing a Formal Complaint.

### *Notice of Allegations*

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

### *Investigation of a Formal Complaint*

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

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

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

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

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

---

<sup>8</sup> Formal Complaint means a document or electronic submission filed by a complainant that contains the complainant's physical or digital signature<sup>15</sup> or a document signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting an investigation of the allegation of sexual harassment. At the time that the Formal Complaint is filed, a complainant must be participating in or attempting to participate in an education program or CSU activity.

### Review of Evidence

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

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

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

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

### Final Investigation Report

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

### Timeframe

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

and why. The notice will indicate if the extension alters the timeframes for the major stages of the Formal Complaint Process.

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

### **Track 1 Hearing**

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

No later than 15 working days before the hearing, each party may provide to the hearing coordinator a proposed witness list that includes the names of, and current contact information for, that party's proposed witnesses as well as an explanation of the relevance of each proposed witness's testimony and the disputed issue to which the witness's testimony relates. The hearing officer may also identify witnesses from the final investigation report.

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

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

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

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

### *Determination Regarding Responsibility Under Track 1*

After the hearing, the hearing officer will make written findings of fact and conclusions about whether the respondent violated the policy with respect to the definition of Sexual Harassment<sup>9</sup>. The hearing coordinator will simultaneously send the hearing officer's report promptly to the parties, the Title IX Coordinator, and the appropriate campus administrator, usually within 15 working days of the close of the hearing.

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

If a violation of the policy is found, within 5 working days of receiving such finding the parties may submit to the hearing coordinator an impact statement or other statement regarding discipline that is no more than 2000 words in length. The document is an opportunity for the parties to suggest disciplinary outcomes and to provide information that they believe is important for the hearing officer to consider. The student conduct administrator and/or appropriate campus administrator responsible for discipline and Title IX Coordinator may also submit a written statement regarding aggravating and mitigating factors that provides a recommendation regarding the disciplinary outcome, including information regarding prior disciplinary outcomes for similar conduct and whether the respondent was previously found to have violated university policy.

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

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

The president (or designee) will simultaneously send the decision letter electronically to the respondent and complainant at the campus-assigned or other primary email address linked to their campus accounts<sup>10</sup>. The decision letter will include:

- The outcome of the hearing, including any sanction imposed, and the name of the respondent(s).
- Information regarding the procedures and permissible bases for the complainant and respondent to appeal to the Chancellor's Office.
- If a finding of responsibility is made against the respondent, a statement as to whether remedies will be provided to the complainant that are designed to restore or preserve equal access to the

---

<sup>9</sup> See definition of Sexual Harassment in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#).

<sup>10</sup> Communication with parties who are neither students nor employees will be sent to an email address that they designate.

campus's education program or activity. The specifics of any such remedies may be discussed separately between the complainant and the Title IX Coordinator and need not be included in the decision letter.

- A copy of the final hearing officer's report will be attached to the decision letter, redacted as appropriate or as otherwise required by law.

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

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

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

In the notice of investigation, the Title IX Coordinator/DHR Administrator will schedule an initial meeting with the respondent. At this meeting, the Title IX Coordinator/DHR Administrator will explain the allegations against the respondent, as well as the investigation process, and the respondent's rights during the process. The Title IX Coordinator/DHR Administrator will also explain that during the investigation, the respondent and the complainant will have the opportunity to present evidence, identify witnesses, and review evidence.

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

In matters where a hearing is not required (Track 3 cases)<sup>11</sup>, a final investigation report will be provided to the parties along with a notice of investigation outcome. The final investigation report will include a summary of the allegations, the investigation process, the Preponderance of the Evidence standard, a detailed description of the evidence considered, analysis of the evidence including relevant credibility evaluations, and appropriate findings. Relevant exhibits and documents will be attached to the written report. The final investigation report will be attached to a notice of investigation outcome. The notice may

---

<sup>11</sup> Under Track 2, the process will proceed to a hearing, as outlined below, and the final investigation report will include all the information included in the preliminary investigation report as well as additional relevant evidence received during the review of evidence. Any relevant evidence provided by the parties or witnesses, or otherwise gathered by the Investigator, will be attached to the final investigation report, or made available for review by the parties. Evidence offered by the parties or any other witnesses that the Investigator concluded is not relevant will be noted but not included in the final investigation report and should be available at the time of the hearing such that it can be provided to the hearing officer if requested.

be delivered to the parties electronically. If the notice includes a determination that the policy was violated, the Title IX Coordinator/DHR Administrator will notify the campus student conduct administrator (where the respondent is a student)/appropriate campus administrator (where the respondent is an employee) of the investigation outcome and provide a copy of the final investigation report.

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

Any communications relating to the outcome of an investigation or hearing, including any changes to the outcome or when the outcome becomes final, will be provided in writing simultaneously to the complainant and the respondent.

### **Track 2 Hearing process:**

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

#### **Prior to a hearing:**

Parties will be given written notice of the date, time, location, and purpose of the hearing as well as the identity of the hearing officer. The parties will be sent a notice of the hearing at least 20 Working Days before the hearing. Objections to an appointed hearing officer will be made in writing to the hearing coordinator no later than 5 Working Days after notice of hearing has been sent to the parties.

No later than 15 Working Days before the hearing, each party will provide to the hearing coordinator a proposed witness list that includes the names of, and current contact information for, that party's proposed witnesses as well as an explanation of the relevance of each proposed witness' testimony. The hearing officer may also identify witnesses from the Final Investigation Report.

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

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

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



at the hearing to the hearing coordinator. No later than 5 Working Days before the hearing, the parties will submit to the hearing coordinator any objections to, or questions about, the witness list.

**At the hearing:**

Each party will be given an opportunity to make an opening statement that will last no longer than 10 minutes. The parties will not make closing statements. An opening statement is intended to give the parties the opportunity to share their perspective regarding the facts and discuss the core disputes in the investigation. It should focus on the facts of the matter and not be argumentative.

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

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

At the hearing, each party will have an opportunity to ask questions, submit concerns, or note an objection to questions posed. All such questions, concerns or objections will be submitted in writing to the hearing officer. The hearing officer is not required to respond to an objection, other than to include it in the record.

The hearing officer has the authority and duty to decline or rephrase any question that the hearing officer deems to be repetitive, irrelevant, or harassing. Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing. However, the hearing officer may take guidance from the formal rules of evidence.

**After the hearing:**

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

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

If a violation is found, the parties may submit to the hearing coordinator an impact statement or other statement regarding discipline. The statement may not be more than 2000 words in length and will be submitted no later than five working days after the hearing officer's report is sent to the parties. The

statement is an opportunity for the parties to suggest disciplinary outcomes and to provide information that they believe is important for the hearing officer to consider. The student conduct administrator and the Title IX Coordinator may also submit a written statement regarding aggravating and mitigating factors no later than five working days after the hearing officer's report is sent to the parties.

Within five working days after receiving and considering the statements described above, the hearing officer will submit the hearing officer's report to the president (or designee), including recommended sanctions (as defined in Executive Order 1098 Student Conduct Procedures<sup>12</sup>) if a respondent has been determined to have violated university policy.

Within 10 working days of receipt of the hearing officer's report, the president (or designee) will review the Investigation Report and the hearing officer's report and issue a decision concerning the appropriate sanction. The president may impose the recommended sanctions, adopt a different sanction or sanctions, or reject sanctions altogether. If the president adopts a sanction other than what is recommended by the hearing officer, the president must set forth the reasons in the Decision Letter. The president will simultaneously send the decision letter electronically to the respondent and complainant. The decision will also be sent to the student conduct administrator and the hearing officer. Unless the campus and parties are notified that an appeal has been filed, the president's (or designee's) sanction decision becomes final 11 working days after the date of the decision letter.

### Sanctions

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

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

The following sanctions may be imposed for violation of the Student Conduct Code:<sup>13</sup>

- **Restitution.** Compensation for loss, damages, or injury. This may include appropriate service and/or monetary material replacement.
- **Loss of Financial Aid.** Scholarships, loans, grants, fellowships, and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, canceled, or denied.
- **Educational and Remedial Sanctions.** Assignments, such as work, research, essays, service to the university or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities and sororities), and/or university events, or other remedies intended to discourage similar misconduct or as deemed appropriate based upon the nature of the violation.
- **Denial of Access to Campus or Persons.** A designated period of time during which the student is not permitted: (i) on university property or specified areas of campus, or (ii) to have contact (physical or otherwise) with the complainant, witnesses or other specified persons.

---

<sup>12</sup> See sanctions below.

<sup>13</sup> Found in Article V, Executive Order 1098 Student Conduct Procedures

- **Disciplinary Probation.** A designated period during which privileges of continuing in student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate the Student Conduct Code or any university policy during the probationary period.
- **Suspension.** Temporary separation of the student from active student status or student status.
  - A student who is suspended for less than one academic year shall be placed on inactive Student (or equivalent) status (subject to individual Campus policies) and remains eligible to re-enroll at the university (subject to individual campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
  - A student who is suspended for one academic year or more shall be separated from student status but remains eligible to reapply to the university (subject to individual campus application policies) once the suspension has been served. Conditions for readmission may be specified.
  - Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the student's transcript permanently without exception; this requirement shall not be waived in connection with a resolution agreement.
- **Expulsion.** Permanent separation of the student from student status from the California State University system. Expulsion, withdrawal in lieu of expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the student's transcript permanently, without exception; this requirement shall not be waived in connection with a resolution agreement.

## Appeals

A written appeal may be submitted to the Chancellor's Office no later than 10 working days after the date of the decision letter (Track 2) or notice of investigation outcome (Track 3). All arguments and/or evidence supporting the appeal must be submitted by the deadline to file the appeal. Evidence/arguments submitted after the appeal submission deadline will not be considered by the Chancellor's Office. A written appeal may not exceed 3,500 words, excluding exhibits. Appeals will be submitted to:

### **Equal Opportunity and Whistleblower Compliance Unit**

Systemwide Human Resources  
Office of the Chancellor  
401 Golden Shore  
Long Beach, California 90802  
[eo-wbappeals@calstate.edu](mailto:eo-wbappeals@calstate.edu)

The Chancellor's Office will provide prompt written acknowledgement of the receipt of the appeal to the appealing party, and will provide written notification of the appeal, including a copy of the appeal, to the non-appealing party and the Campus Title IX Coordinator/DHR Administrator. The notice will include the right of the non-appealing party and the campus to provide a response to the appeal within 10 working

days of the date of the notice. The appeal response will be limited to 3,500 words, excluding exhibits. Any response to the appeal received by the Chancellor's Office will be provided to the appealing party for informational purposes only.

The Chancellor's Office will not conduct a new investigation; however, the Chancellor's Office may make reasonable inquiries to determine if the new evidence could have affected the investigation or hearing determination. On appeal, the Chancellor's Office does not reweigh the evidence, re-decide conflicts in the evidence, or revisit determinations made by the Investigator or hearing officer about the credibility or reliability of witnesses and the parties. The Chancellor's Office appeal response will include a summary of the issues raised on appeal, a summary of the evidence considered, the Preponderance of the Evidence standard, and the determination(s) reached regarding the issue(s) identified within the written appeal. A copy of the final Chancellor's Office appeal response will be forwarded to the Complainant, the Respondent, and the Title IX Coordinator/DHR Administrator.

If the Chancellor's Office review determines that an issue raised on appeal would have affected the investigation outcome or hearing outcome, the investigation or hearing will be remanded back to the campus and the investigation or hearing reopened at the campus level. The Chancellor's Office will return the matter to the campus and will specify in writing the timeline by which a reopened investigation or hearing must be completed. The Chancellor's Office will notify the parties of the reopening of the investigation or hearing and the timeline for completion of the reopened investigation or hearing. The campus will complete the reopened investigation or hearing and provide the Chancellor's Office with an amended final investigation report/final decision. The campus will also provide the parties with amended notices of investigation outcome/final decision, and such notices will provide the non-prevailing party the opportunity to appeal. Upon receipt of the amended final investigation report/final decision, if the outcome remains unchanged, the Chancellor's Office will contact the original appealing party to determine whether that party wishes to continue with the appeal. If the outcome is reversed by the campus, the non-prevailing party will be given an opportunity to appeal.

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

The Chancellor's Office will respond to the appealing party no later than 30 working days after receipt of the written appeal unless the timeline has been extended<sup>14</sup>

## Registered Sex Offenders

California's sex offender registration laws require convicted sex offenders to register their status with the UPD 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 displayed on the California Department of Justice Megan's law web site at <http://www.meganslaw.ca.gov/>

## Missing Student Notification Procedures for On-campus Student Housing Facilities

The purpose of the SDSU Missing Student Policy is to establish procedures for the university's response to reports of missing students, as required by the Higher Education Opportunity Act of 2008. This policy applies to students who reside in San Diego State University's on-campus housing.

For purposes of this policy, a student may be considered a "missing student" if the student's absence is contrary to his/her usual pattern of behavior and unusual circumstances may have caused the absence. Such circumstances could include, but not be limited to, a report or suspicion that the missing person may be the victim of foul play, has expressed suicidal thoughts, is drug dependent, is in a life-threatening situation, or has been with persons who may endanger the student's welfare.

Upon check in, each student living on campus is required to provide emergency contact information. If the resident is under 18 years old, they must also provide the contact information for their parent or legal guardian. In addition, students may identify a confidential contact person to be notified within 24 hours of when the student has been determined to be missing. If a student under 18 years old (or non-emancipated) is determined to be missing, their parents or listed contact person will be notified within 24 hours. In these circumstances, immediately report the missing person to UPD.

This information is confidential and accessible only by authorized university officials responsible for maintaining the information. It will not be disclosed except to law enforcement personnel in furtherance of an official missing person investigation. Students may update this information via their online Housing Portal.

---

<sup>14</sup> The Chancellor's Office has discretion to extend the timelines for the appeal process for good cause or for any reasons deemed to be legitimate by the Chancellor's Office. This includes the time for filing an appeal, the time for a reopened investigation or hearing to be completed, and the time for the Chancellor's Office to respond to the appeal. The Chancellor's Office will notify the parties and the Title IX Coordinator of any extensions of time granted pertaining to any portion of the appeal process.

Missing students may be reported to UPD, the Dean of Students Office, or any Residential Education Office or Office of Housing Administration staff member. Upon notification of a potentially missing student, UPD shall be notified immediately, and they will begin an investigation of the situation which may include, but not be limited to, the following:

- Conduct a welfare check in the student's on-campus residence.
- Attempt to contact the missing student via phone numbers on file.
- Contact online, call, or speak in person with known contacts such as roommate, suitemates, apartment mates and friends.

## Fire Safety Report

The [2023 Fire Safety Report](#) is available for viewing.

## Appendix A: Jurisdictional Definitions<sup>15</sup>

### Rape (CA Penal Code Chapter 1 Section 261)

(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

(1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.

(2) If it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) If a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) If a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

---

<sup>15</sup> Note that these are not the definitions used to compile the statistics at the beginning of these document. The federal definitions of rape, fondling, incest, statutory rape, domestic violence, dating violence, and stalking are used for the statistics, as required by federal law.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) If a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) If the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) For purposes of this section, the following definitions apply:

"Duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

"Menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

### Sodomy (CA Penal Code Chapter 1 Section 286)

Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

(b) (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.

(c) (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of sodomy with another person who is under 14 years of age when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 9, 11, or 13 years.

(C) Any person who commits an act of sodomy with another person who is a minor 14 years of age or older when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act, and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.



(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.

(j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) Any person who commits an act of sodomy, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), “threatening to retaliate” means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.

### Oral Copulation (CA Penal Code Chapter 1 Section 287)

(a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

(b) (1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.

(c) (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of oral copulation when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(3) Any person who commits an act of oral copulation where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim’s will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison

for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(f) Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act, and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or

reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(j) Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(k) Any person who commits an act of oral copulation, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

### **Bigamy, Incest, and the Crime against Nature (CA Penal Code Chapter 1 Section 285 and Section 289)**

#### **Section 285**

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

#### **Section 289**

(a) (1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(2) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act, and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(g) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.

(i) Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.

(j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) As used in this section:

(1) "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.

(2) "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ.

(3) “Unknown object” shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.

(l) As used in subdivision (a), “threatening to retaliate” means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.

(m) As used in this section, “victim” includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.

#### **Fondling (CA Penal Code Chapter 9 Section 243.4, Assault and Battery)**

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person’s will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e)(1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment.

However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, “touches” means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), “touches” means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) “Sexual battery” does not include the crimes defined in Section 261 or 289.

(3) “Seriously disabled” means a person with severe physical or sensory disabilities.

(4) “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) “Minor” means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer, and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

**Statutory Rape (CA Penal Code, Chapter 1, Section 261.5)**



(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator if the person is a minor. For the purposes of this section, a “minor” is a person under the age of 18 years and an “adult” is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

#### Incest (CA Penal Code, Chapter 1, Section 285)

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

#### Abuse (CA Family Code, 6203 (definitions) and 6211)

(a) For purposes of this act, “abuse” means any of the following:

(1) To intentionally or recklessly cause or attempt to cause bodily injury.

(2) Sexual assault.

(3) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.

(4) To engage in any behavior that has been or could be enjoined pursuant to Section 6320.

(b) Abuse is not limited to the actual infliction of physical injury or assault.

“Domestic violence” is abuse perpetrated against any of the following persons:

(a) A spouse or former spouse.

(b) A cohabitant or former cohabitant, as defined in Section 6209.

(c) A person with whom the respondent is having or has had a dating or engagement relationship.

(d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).

(e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.

(f) Any other person related by consanguinity or affinity within the second degree.

Domestic Violence/Dating Violence (CA Penal Code, Chapter 2, Section 273.5, and Section 243)

(a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.

(b) Subdivision (a) shall apply if the victim is or was one or more of the following:

(1) The offender's spouse or former spouse.

(2) The offender's cohabitant or former cohabitant.

(3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship.

(4) The mother or father of the offender's child.

CA Penal Code 243(e)

(1) When a battery (willful and unlawful use of force or violence upon the person of another) is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment.

Stalking: CA Penal Code, Chapter 2, Section 646.9

Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

Stalking: CA Penal Code, Chapter 2, Section 653m

(a) Every person who, with intent to annoy, telephones or makes contact by means of an electronic communication device with another and addresses to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person addressed or any member of his or her family, is guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith.

(b) Every person who, with intent to annoy or harass, makes repeated telephone calls or makes repeated contact by means of an electronic communication device, or makes any combination of calls or contact, to another person is, whether or not conversation ensues from making the telephone call or contact by means of an electronic communication device, guilty of a misdemeanor. Nothing in this subdivision shall

apply to telephone calls or electronic contacts made in good faith or during the ordinary course and scope of business.

Consent to Sexual Activity (CA Penal Code, Chapter 1, Section 261.6 and Section 261.7)

- a) Consent is positive cooperation in act or attitude pursuant to an exercise of free will. The Person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.
- b) A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under section 261, 286, 287, or 289, or former section 262 or 288a
- c) This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent.

In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.