2026 Annual Security Report

San Diego State University
San Diego State University Imperial Valley
San Diego State University Georgia

Jeanne Clery Campus Safety Act (20 U.S.C. § 1092 (F))

Clery Crime Statistics 2023-2025

SDSU | San Diego State University

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SAN DIEGO STATE UNIVERSITY ANNUAL SECURITY REPORT

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 January 1, 2023, through December 31, 2025.

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.

Chief Gregory L. 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' 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, and CSU Interim Nondiscrimination Policy. 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.

The campus is required by law to disclose reports of some crimes (including dating violence, domestic violence, sexual assault/sexual misconduct and stalking) including through the daily crime log, the Annual Security Report, and Timely Warning Notices as explained in greater detail below. However, while the University will include reportable incidents in these disclosures, the victim's name/identity will not be included in publicly-available records or reports.

Clery Crime Statistics 2023 to 2025:

San Diego State University, San Diego

Murder/Nonnegligent Manslaughter

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Rape

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	8	11	2	0
2024	1	1	2	0
2025	10	11	5	0

Fondling

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	1
2024	0	2	0	0
2025	5	7	0	0

Incest

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Statutory Rape

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Robbery

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	1	0	2
2024	0	2	0	2
2025	0	3	0	4

Aggravated Assault

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	2	4	2	1
2024	1	14	4	3
2025	1	12	1	4

Burglary

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	6	18	5	0
2024	5	20	11	0
2025	8	11	3	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	16	2	0
2024	0	6	0	1
2025	0	7	0	1

Arson

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	1	0	1
2024	0	1	0	0
2025	0	1	0	1

Domestic Violence

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	2	0	0
2024	3	10	1	0
2025	5	11	1	1

Dating Violence

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Stalking

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	1	2	0	0
2024	0	0	0	0
2025	0	1	0	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	7	1	0
2024	3	20	1	1
2025	0	12	1	7

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	1	14	0	3
2024	0	10	1	6
2025	7	72	0	36

Arrests for Liquor Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	1	4	0	0
2024	0	6	0	4
2025	2	9	0	17

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	16	16	0	0
2025	0	0	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	269	269	0	0
2024	241	241	0	0
2025	223	223	0	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	774	774	0	0
2024	685	685	0	0
2025	689	689	0	0

Hazing

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	NA	NA	NA	NA
2024	NA	NA	NA	NA
2025	0	1	0	0

Unfounded Crimes

2023 – There was one unfounded crime: an on-campus motor vehicle theft.
2024 – There were no unfounded crimes.
2025 – There were no unfounded crimes.

Hate Crimes

2023 – There were no reported hate crimes.
2024 – There were **4 reported hate crimes**, consisting of:

- One weapons law violation motivated by **sexual orientation bias** (on campus).
- One act of vandalism motivated by **race bias** (residential facility).
- One simple assault motivated by **race bias** (on campus).
- One simple assault motivated by **religious bias** (on campus).

2025 – There were **8 reported hate crimes**, consisting of:

- One act of vandalism involving antisemitic statements and property damage motivated by **religious bias**(residential facility).
- One act of vandalism involving antisemitic graffiti targeting a student, motivated by **religious bias** (on campus).
- One act of vandalism involving anti-LGBTQ+ slurs, motivated by **sexual orientation bias** (on campus).
- One act of vandalism involving racist graffiti, motivated by **race bias** (residential facility).

- One act of vandalism involving anti-LGBTQ+ graffiti, motivated by **sexual orientation bias** (residential facility).
- One act of vandalism involving racist graffiti, motivated by **race bias** (on campus).
- One act of vandalism involving anti-LGBTQ+ graffiti targeting residents, motivated by **sexual orientation bias**(residential facility).
- One act of vandalism involving threatening, antisemitic graffiti, motivated by **religious bias** (non-campus property).

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
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Rape

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Fondling

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Incest

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Statutory Rape

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Robbery

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Aggravated Assault

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Burglary

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	3	0	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Arson

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Domestic Violence

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Dating Violence

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Stalking

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Arrests for Liquor Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Hazing

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	NA	NA	NA	NA
2024	NA	NA	NA	NA
2025	0	0	0	0

Unfounded Crimes

2023 – There were no unfounded crimes.
2024 – There were no unfounded crimes.
2025 – There were no unfounded crimes.

Hate Crimes

2023 – There were no reported hate crimes.
2024 – There were no reported hate crimes.
2025 – There were no reported hate crimes

San Diego State University, Georgia

Murder/Nonnegligent Manslaughter

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Rape

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Fondling

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Incest

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Statutory Rape

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Robbery

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Aggravated Assault

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Burglary

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Arson

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Domestic Violence

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Dating Violence

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Stalking

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Arrests for Liquor Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	0	0	0	0
2024	0	0	0	0
2025	0	0	0	0

Hazing

Year	Campus Residential	Campus Total	Non-Campus	Public Property
2023	NA	NA	NA	NA
2024	NA	NA	NA	NA
2025	0	0	0	0

Unfounded Crimes

2023 – There were no unfounded crimes.
2024 – There were no unfounded crimes.
2025 – There were no unfounded crimes.

Hate Crimes

2023 – There were no reported hate crimes.
2024 – There were no reported hate crimes.
2025 – There were no reported hate crimes.

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. While on SDSU Georgia's campus, report issues by dialing 112 (additional contact information is listed below).

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:

<u>SDSU, San Diego</u>

Director, Student Rights and Responsibilities	• **Phone:** 619-594-3069 • **Email:** lmintz@sdsu.edu or csrr@sdsu.edu
Director, Residential Education Office	• **Phone:** 619-594-5742 • **Email:** kbauer@sdsu.edu
Director, Student Health Services	• **Phone:** 619-594-4325 • **Email:** shs@sdsu.edu
Director, Center for Human Resources	• **Phone:** 619-594-5200 • **Email:** chr@sdsu.edu

SDSU, Imperial Valley

Dean, SDSU Imperial Valley	• **Phone:** 760-768-5520 • **Email:** gnunez@sdsu.edu
Associate Dean, SDSU Imperial Valley	• **Phone:** 760-768-5615 • **Email:** sespinos@sdsu.edu
Director, Business and Financial Affairs	• **Phone:** 760-768-5515 • **Email:** maribel.madero@sdsu.edu

SDSU, Georgia

To report a crime or emergency at SDSU Georgia while on 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	• **Address:** N. Ramishvili Street N 31 • **Phone:** +995 032 2 41 47 20
Vake-Saburtalo District Police Division N3	• **Address:** Shalva Nutsubidze Plato I, Block 1 • **Phone:** +995 032 2 41 47 40
Vake-Saburtalo District Police Division N5	• **Address:** Kostava Street 68 • **Phone:** +995 032 2 41 31 00
Vake-Saburtalo District Police Division N7	• **Address:** Pekini Street N46 • **Phone:** +995 032 2 41 46 97

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.

For certain sex offenses[1], the victim has the right to affirmatively request from University Police, after being informed of their options, that the victim's identity remain confidential. However, even if the victim requests confidentiality of identity, the University Police should specifically ask the victim if the victim's name can be provided to the Title IX Office so that the Title IX Coordinator can contact the victim to discuss supportive measures that can be offered. And in all cases, even when the victim requests confidentiality, the identity of the alleged perpetrator (if known) must be reported to the Title IX Coordinator.

Any victim of these crimes may request their name remain confidential in the police report narrative. These reports will be included in the university's annual disclosure of crime statistics.

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

[1] See Penal Code Sections 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6.

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 all of the following conditions are met:

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

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, arson, etc.)

- The date, time, and location the crime occurred
- The date the Timely Warning Bulletin is issued
- Description of the suspect when deemed appropriate, and if there is sufficient detail. Only include a description of the suspect when the descriptors provided by the reporting party could reasonably lead to conclusive identification of the perpetrator(s).
- At least three preventative tips or points of information specifically related to the circumstances of the crime which occurred that could help others from becoming the victim of a similar crime
- The phone number of UPD and a statement encouraging community members to report all information about crimes to UPD
- If appropriate, the phone number of support services

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

Methods of Distribution

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

- All employee and student email distribution
- SMS-Text Message for SDSU Safe app users
- 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 method of distribution. Campuses are required to maintain a list of the methods of distribution for timely warnings and include said list in the campus's Annual Security Report.

Emergency Notification Policy

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

Any member of the campus community with information believed to constitute a significant emergency or a dangerous situation that poses an imminent or immediate threat shall report the information to 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, tsunami, hurricane, etc.)
- Environmental emergency within an on-campus facility (e.g., hazardous chemical spill, fire, earthquake, building collapse)
- Criminal activity with an imminent threat to 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 taking into account the safety of the community, confer with any appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency, if available, to confirm both: 1) a legitimate emergency or dangerous situation exists impacting on-campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community. This confirmation process may include, but is not limited to, visual observation, officer investigation, the assistance of key campus administrators, local or campus first responders, and/or official government reporting through agencies such as the National Weather Service.

If both of the above factors are not met, no emergency notification is required. If it is determined that both of the above factors are met, then an emergency notification as described below shall be issued. The Chief of Police and/or the Clery Director (or management designee) will 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 is not required for the same incident.

Contents of the Emergency Notification

The emergency notification shall contain the following information:

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

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

Methods of Distribution

Emergency Notifications will be distributed as quickly as possible in a manner that will likely reach the segment(s) of the on-campus community threatened by the emergency. Segmentation will be considered by the Chief of Police (or management designee) by evaluating which persons are likely to be at risk based on the circumstances at the time. 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[2].
- SDSU mobile app, called SDSU Safe
- Audio/visual message boards
- Audible alarms/sirens
- University web pages
- 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 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.

[2] SDSU Alert is San Diego State University's official emergency notification system. During a campus emergency in which the university sends emergency notifications, information may be sent by phone call, text message, email, or a combination of these methods to students, faculty, and staff. When an incident meets the criteria for emergency notification, authorized campus officials may initiate an SDSU Alert. Additional updates, instructions, and situational information will be posted at Urgent.SDSU.edu as the incident evolves.

Testing the SDSU Alert and Emergency Notification System

San Diego State University conducts comprehensive testing of its emergency notification and communication systems each semester as part of SDSU Ready Day, held at the beginning of the fall and spring semesters. These campuswide exercises are designed to familiarize students, faculty, and staff with emergency procedures while verifying the effectiveness of the university's emergency communication capabilities.

As part of SDSU Ready Day, the university tests the SDSU Alert emergency notification system by distributing test messages through multiple communication channels, including text messages, email, and other authorized notification methods. The exercise also includes testing SDSU's desktop and smart classroom display takeover technology, which temporarily displays emergency messaging on university-managed classroom presentation systems and employee computer desktops to maximize message visibility across campus.

Emergency Operations Planning

The Emergency Manager shall maintain an updated campus Emergency Operations Plan. The Emergency Operations Plan is typically made up of a basic plan, and other supporting material such as annexes, appendices, attachments, and addenda. On an annual basis, or more frequently as needed, the basic plan should be reviewed by the Emergency Manager and updated as necessary to address changes within the campus, changes in process and/or changes to the EOC. Changes to the plan should be noted in the Record of Revisions. The Campus Emergency Operations Plan should be distributed and made available to key emergency management stakeholders as identified by the campus.

San Diego State University maintains a comprehensive emergency management framework to support a coordinated, scalable, and flexible response to emergencies, disasters, and other significant incidents affecting the university. The framework establishes the university's approach to incident management, emergency coordination, decision-making, and recovery while providing guidance for a wide range of hazards and operational scenarios.

The Emergency Management program continuously evaluates and refines emergency plans, procedures, and supporting resources to reflect changes in campus operations, organizational structure, regulatory requirements, identified risks, and lessons learned from exercises and real-world incidents. Rather than remaining static, emergency plans are living documents that evolve to meet the changing needs of the university.

The university regularly validates its emergency management framework through Emergency Operations Center (EOC) activations, drills, tabletop exercises, functional exercises, full-scale exercises, and actual incident responses. Following exercises and significant incidents, after-action reviews are conducted to identify strengths, opportunities for improvement, and corrective actions. Lessons learned are incorporated into planning, training, and operational procedures to strengthen the university's preparedness and response capabilities.

Emergency planning documents and associated guidance are maintained by the Office of Emergency Management and made available to university officials and campus partners with responsibilities for emergency preparedness, mitigation, response, recovery, and operational and academic continuity. Appropriate revisions are documented as plans are updated to ensure emergency management resources remain current and operationally effective.

SDSU Georgia

Emergency notifications at SDSU Georgia 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 periodically trained/retrained as necessary by a private company, Safety Corporation, LLC, contracted by the University for providing qualified services in the field of labor safety. This ensures compliance with Georgian legislation.
- Safety Corporation, LLC will also provide occasional monitoring of the premises and providing relevant documents and guidelines to be followed by the University office on Kostava.
- 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 Director of Business, Finance and Administration, Lado Kiknadze. Others who are authorized to order an evacuation is Dean Emeritus, 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 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 8,700 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 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[3] 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 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.

[3] Including the authority to make arrests.

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:

Program Description	Frequency	Intended Audience	Contact Information
SDSU Ready Day – Testing of emergency communications, procedures, and training	Beginning of each semester	All students, faculty, and staff	AVP Josh Mays 619-594-3692
Multi-Option Active Shooter Response Training	As requested	All students, faculty, and staff	UPD 619-594-1991
Self-Defense – Basic, Physical Self-Defense Instruction	As requested	All students, faculty, and staff	UPD 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 619-594-1991
Community Events with the Chief – An opportunity to interact with police department personnel to address campus safety concerns	Monthly	Student organizations, including cultural identity-based student organizations	UPD 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 619-594-6404 New Student Programs 619-594-1509 Emergency Preparedness 619-594-0857 UPD 619-594-1991
Social Worker Program - Social workers 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 619-594-1991

Campus Community Commission - Serve as a community relations liaison between A.S. and SDSU and foster positive relationships with local community planning groups, local law enforcement representatives and more.	Biweekly on Tuesdays	All students	Location: 3:30-4:30 p.m. Council Chambers (3rd floor Student Union) Email: ascampuscomm@sdsu.edu

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) is committed to maintaining a safe living, learning, and working environment through systemwide policies and a variety of campus educational programs provided to Students and Employees. The CSU prohibits all forms of Sex-based Harassment, including Sexual Harassment, Dating Violence, Domestic Violence, Sexual Misconduct, Sexual Assault, Sexual Exploitation, Stalking, and Retaliation. The CSU provides programs to prevent, educate, and promote awareness of these topics, in accordance with the Nondiscrimination Policy.

Dating Violence, Domestic Violence, Sexual Assault, Sexual Exploitation, and Stalking are also crimes as defined by 34 C.F.R. § 668.46, and California law.

The CSU provides comprehensive, programming, initiatives, strategies, and campaigns intended to raise awareness and prevent discrimination, harassment, and violence before they occur using a range of strategies with audiences throughout the CSU community. The CSU's prevention programs are ongoing, comprehensive, and include:

- A diverse range of programs, strategies, and delivery modalities.
- Community-wide and audience-specific programs and strategies.
- The promotion of behaviors that foster healthy relationships, encourage safe bystander intervention, and establish social norms that support health and safety.

- Increasing knowledge, awareness and understanding of topics of Discrimination, Harassment, Sexual Harassment, Dating Violence, Domestic Violence, Sexual Misconduct, Sexual Assault, Stalking, and Sexual Exploitation.
- Information and resources to prevent violence, reduce prevalence, and promote safety and a culture of respect.
- Skills-based development.
- Community education and engagement.
- Collaboration with key stakeholders to strengthen programs designed to support individuals and communities and to improve reporting and institutional response systems.

Each university must include primary prevention and awareness training for Students as follows:

1. Within 30-days of the start of the semester for all new Students[4].
2. Refresher programs at least annually for all Students.
3. An additional training, twice a year for all Students who serve as advisors in residence halls. This training shall generally occur once during the Fall semester and once during the Spring semester. The training should be specific to the role of a resident hall advisor.
4. An additional training annually for all Student members of fraternities and sororities. This training should be customized for fraternity and sorority members.
5. An additional training annually for all Student athletes.

Each university must assess which recognized Student organizations participate in activities that may place Students at risk and ensure that they receive at least one additional supplemental training per year, designed to focus on the unique factors associated with the group's programs or activities. Examples of activities that may place Students at risk may include:

- Traveling on overnight trips
- Hosting events where alcohol is served
- Activities where physical touch is involved (sports clubs, dance clubs, theater organizations, etc.)

Ongoing prevention and awareness campaigns for all Students will also be conducted. All prevention education, training, and awareness programs must be consistent with the applicable CSU policy and state and federal regulations.

To ensure that all Students receive the necessary information and training enumerated above on Discrimination, Harassment, and Violence, universities must track and monitor Student training completion rates. Universities should consider appropriate incentives for Students who timely complete the training and impose consequences, such as registration holds, on Students who fail to participate in and complete such mandatory training. Likewise, consequences should be imposed on Student groups that have been selected for customized training and whose members do not complete the training.

[4] This includes incoming transfer, graduate, online, and extended education Students. The programs should occur no later than the first few weeks of the semester.

Student training completion rates will be assessed by the Chancellor's Office during its regular Civil Rights Compliance Program Review process.

Training for Employees

Each university must include primary prevention and awareness training for Employees, as follows:

1. Within three months of their initial hiring for all new Employees.
2. Annually for all Employees consistent with their role in reporting and responding to incidents.
3. An additional training annually for all athletic coaches and staff.
4. An additional training, twice a year for all Employees who supervise advisors in residence halls or who otherwise have responsibilities for responding to incidents that occur in on-campus housing. This training shall generally occur once during the Fall semester and once during the Spring semester.

Each university must assess data involving Employees, programs, and departments for the purpose of identifying any systemic or other patterns of behavior involving Discrimination, Harassment, and Violence. Where such patterns exist, the university must ensure that Employees receive any additional training, education, and/or corrective measures as deemed appropriate by the Title IX Coordinator/DHR Administrator. This should include periodic live trainings (in-person or synchronous) for Employee organizations, groups, and other audiences who have been determined to benefit from such training.

1. What constitutes Discrimination, Harassment, Retaliation, Sexual Misconduct, Sexual Assault, Dating Violence, Domestic Violence, Sexual Exploitation and Stalking under the Nondiscrimination Policy and applicable state and federal laws.
2. The rights and responsibilities of each Employee relating to Discrimination, Harassment, Retaliation, Sexual Misconduct, Sexual Assault, Dating Violence, Domestic Violence, Sexual Exploitation and Stalking including the duty to report and exceptions.
3. The prohibition against Retaliation against individuals who report Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating Violence, Domestic Violence, Sexual Exploitation and Stalking.
4. The procedures provided under the Nondiscrimination Policy for filing, investigating and resolving a complaint.
5. The option and method for filing complaints with external government agencies such as the Office of Civil Rights (OCR), the California Civil Rights Department (CRD) 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.

Ongoing prevention and awareness campaigns for all Employees will also be conducted. All prevention education, training, and awareness programs must be consistent with the applicable CSU policy and state and federal regulations.

To ensure that all Employees receive the necessary information and training enumerated above on Discrimination, Harassment, and Violence, universities must track and monitor Employee training completion rates. Universities should follow the procedures in the applicable collective bargaining agreements for Employees who fail to participate in and complete such mandatory training. Employee training completion rates will be assessed by the Chancellor's Office during its regular Civil Rights Compliance Program Review process.

Prevention and Awareness Programming

The CSU provides primary prevention programs to all incoming students and new employees. The CSU also provides 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., university-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

University training programs will reference the procedures outlined in the Nondiscrimination Policy that govern if an incident of Discrimination, Harassment, or Violence occurred. Training programs will also reference information about preserving evidence, reporting to the appropriate authorities, confidentiality options, available protective and supportive measures.

Each University must apply the applicable CSU policy and procedures when responding to all reports of Discrimination, Harassment or Violence and provide clear, consistent and equitable procedures, prompt and equitable resolution of complaints, and prohibit retaliation. Each University shall establish processes to provide a print and/or digital copy of the "Rights and Options for Victims" as outlined in the

Nondiscrimination Policy to any community member who reports experiencing such harm, regardless of whether the incident occurred on or off campus.

University training programs regarding the procedures for reporting and addressing reports of Discrimination, Harassment, or Violence 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 Discrimination, Harassment, or Violence.
- Students who experience or witness Discrimination, Harassment, or Violence 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
- Students who experience or witness Discrimination, Harassment, or Violence 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 the Nondiscrimination policy prohibits retaliation[5]
- What someone should do if they have experienced or witnessed Discrimination, Harassment or Violence.
- 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.
- 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.

[5] Retaliation is defined in Article V of the Nondiscrimination Policy

    - 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 Sex-based Harassment, including sexual Harassment, Sexual misconduct/sexual assault, sexual exploitation, dating violence, domestic violence, or stalking.
- How the campus will protect the confidentiality of Complainants, including how publicly available records (e.g., campus Clery reports) are maintained 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.[6]
- That all students and employees who report being a victim/survivor of sexual misconduct, sexual assault, sexual exploitation, dating violence, domestic violence, or stalking must receive written notification of available assistance in, and how to request changes to 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 victims/survivors are recommended to follow if sexual misconduct/sexual assault, sexual exploitation, dating violence, 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 violence, 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.

[6] California State University San Diego State University complies with this requirement by providing this information to the campus community in writing each year through CSULearn assignment.

Risk Reduction

The CSU provides community members with information and strategies for risk reduction designed to decrease perpetration of Discrimination, Harassment, and Violence, and to 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.

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.

Sexual Misconduct/Sexual Assault

- 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, once given, 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 the minor consents to the 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.

[*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 CSU 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 are prohibited under CSU policy are found in Article V of the CSU Nondiscrimination Policy. These definitions are applicable in relation to the University's administrative process. The Policy definitions for prohibited conduct that may also constitute a crime 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 Interim Nondiscrimination Policy - 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 Interim Nondiscrimination Policy, 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 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, UPD 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.

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
- Phone: 619-594-6464

Confidential Resources on Campus		
Resource Name	**Types of Services**	**Contact Information**
Survivor Advocacy Services	Provides confidential support to the University campus population.	**Phone:** (call or text): 1-619-594-2348 **Email:** survivoradvocates@sdsu.edu **Website:** survivor-advocacy.sdsu.edu
SDSU Counseling & Psychological Services (will not share information with Title IX)	Provides confidential support, including counseling and mental health services for SDSU students.	**Phone:** 1-619-594-5220 (non- emergency, M-F 8:00AM – 4:30PM) **Website:** sacd.sdsu.edu/cps
LifeMatters	SDSU's Employee Assistance Program and work/life resource. Offers 24/7, confidential access to resources and clinically trained counselors.	**Phone:** 1-800-367-7474 **Website:** https://eap.mylifematters.com/login **Login**: SDSU1

Non-Confidential Resources on Campus		
Resource Name	**Types of Services**	**Contact Information**
Gail Mendez, J.D. 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.	**Phone:** 1-619-594-6464 **Email:** gmmendez@sdsu.edu **Website:** https://cphd-titleix.sdsu.edu/

Selene Rios, J.D. Deputy Title IX Coordinator	Supports the Title IX Coordinator in the implementation of Title IX compliance.	**Phone:** 1-619-594-6464 **Email:** srios@sdsu.edu **Website:** https://cphd-titleix.sdsu.edu/
Lee Mintz, Deputy Title IX Coordinator	Supports the Title IX Coordinator in the implementation of Title IX compliance within Student Affairs and Campus Diversity.	**Phone:** 1-619-594-3069 **Email:** lmintz@sdsu.edu
Jenny Bramer, Deputy Title IX Coordinator for Athletics	Responsible for Title IX compliance matters related to gender equity in SDSU athletics programs.	**Phone:** 1-619-594-0394 **Email:** 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.	**Phone:** 1-619-594-6578 **Email:** ombuds@sdsu.edu **Website:** sacd.sdsu.edu/student-ombudsman
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.	**Location:** Student Services West, Room 3615 **Website:** sacd.sdsu.edu/financial-aid
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.	**Location:** Arts & Letters 202 **Phone:** 1-619-594-3634 **Email:** undocatsdsu@sdsu.edu **Website:** https://sacd.sdsu.edu/undocumented-resource

International Student Center	Fosters student success, global perspectives, intercultural awareness, and international cooperation.	**Phone:** 1-619-594-1982 **Email:** iscreception@sdsu.edu **Website:** https://www.sdsu.edu/international-student-center
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.	**Phone:** 1-619-594-2301 **Email:** wrc@sdsu.edu **Website:** sacd.sdsu.edu/womens-resource
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.	**Phone:** 1-619-594-3502 **Email:** brc@sdsu.edu **Website:** sacd.sdsu.edu/black-resource
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.	**Location:** Love Library, Room 182 **Phone:** 1-619-594-4333 **Email:** latinxresourcecenter@sdsu.edu **Website**: sacd.sdsu.edu/latinx-resource

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.	**Phone:** 1-619-594-3520 **Email:** pridecenter@sdsu.edu **Website:** sacd.sdsu.edu/pride
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.	**Location:** Aztec Student Union, 210A-K **Email:** apida@sdsu.edu **Website:** sacd.sdsu.edu/apida-resource
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.	**Phone:** 1-619-594-4325 **Email:** shs@sdsu.edu **Website:** shs.sdsu.edu

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.	**Greg Murphy, Chief** **Non-Emergency:** 1-619-594-1991 **Emergency:** 9-1-1 **Email:** police@sdsu.edu **Website:** police.sdsu.edu
San Diego Police Department	Maintains public safety by providing the police services to San Diego communities.	**Scott Wahl, Chief** **Address:** 1401 Broadway, San Diego, CA 92101 **Non-Emergency:** 1-619-531-2000 **Emergency:** 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.	**Phone:** 1-888-DVLINKS (385-4657) 24-Hour Toll Free Crisis Line **Address:** 4508 Mission Bay Drive, San Diego, CA 92109 **Website:** https://www.ccssd.org/
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 services, mental health counseling, parenting assistance, substance abuse, etc.	**Phone:** 1-619-533-6000 (M-F, 8:00AM – 5:00PM) **Address:** 1122 Broadway, 2nd Floor, San Diego, CA 92101 **Website:** http://www.sandiego.gov/sandiegofamilyjusticecenter/

San Diego District Attorney's Stalking Information Line	Provides information and support to victims of stalking.	**Phone**: 1-619-515-8900 (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.	**Phone:** 1-877-LEGALAID (534-2524) M-F, 9:00AM-5:00PM **Website:** www.lassd.org
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.	**Toll Free, 24/7 Hotline**: 1-888-373-7888 **Text 'Help' or 'Info' to**: BeFree (233733) **Website**: https://humantraffickinghotline.org/en
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.	**OCR Hotline:** 1-800-421-3481 **Online Complaint Form:** https://www2.ed.gov/about/offices/list/ocr/complaintintro.html
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.	**Hotline:** 1-800-656-4673 **Website:** https://www.rainn.org/

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

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 UPD, 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[7]. 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 on the basis of 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, 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.

[7] See page 58, Disciplinary Procedures

Reporting to Law Enforcement and Making a Criminal Report

If your physical safety is at imminent risk, we encourage you to seek immediate assistance from the police.

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 for 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, UPD 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.

Employees of UPD have a duty to report to the Title IX Coordinator / DHR Administrator any time they know or have reason to know of incidents that may violate this Nondiscrimination Policy, so that the Title IX Coordinator or DHR Administrator can carry out their duties under the law and under this Nondiscrimination Policy. At a minimum, the information to be reported includes all the information authorized to be disclosed under the law in response to records requests, but without requiring a formal request[8]. Such information includes but is not limited to the time, substance, and location of all complaints or requests for assistance received by University Police and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the

[8] See Government Code 7923.615

name and age of the victim, the factual circumstances surrounding the crime or incident, the identity of the alleged perpetrator, and a general description of any injuries, property, or weapons involved[9].

For certain sex offenses[10], the victim has the right to affirmatively request from University Police, after being informed of their options, that the victim's identity remain confidential[11]. However, even if the victim requests confidentiality of identity, the University Police should specifically ask the victim if the victim's name can be provided to the Title IX Office so that the Title IX Coordinator can contact the victim to discuss supportive measures that can be offered. And in all cases, even when the victim requests confidentiality, the identity of the alleged perpetrator (if known) must be reported to the Title IX Coordinator.

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.

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[9] See Government Code 7923.615

[10] See Penal Code Sections 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6.

[11] Additionally, 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.

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 UPD 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 Nondiscrimination Policy. [12]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 Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation. The campus Title IX Coordinator at SDSU is Gail Mendez.

- Email: gmmendez@sdsu.edu
- Phone: 619-594-8699
- Website: https://titleix.sdsu.edu

Complaints alleging violations of this Nondiscrimination Policy against a President, Title IX Coordinator / DHR Administrator, the Chancellor, or member of the Board of Trustees will be made to the Office of Civil

[12] Track 1: The Federal Mandated Hearing Process ("Track 1") is applicable instead of the processes under the Interim CSU Nondiscrimination Policy – Student Respondent Procedures and the Interim CSU Nondiscrimination Policy – Employee and Third-Party Respondent Procedures for cases that are defined by the 2020 Title IX Federal Regulations as sexual harassment in an education program or activity against a person (including, but not limited to students and employees) in the United States. Track 1 procedures are attached in Appendix B.

Rights Programming & Services at CO-Complaints@calstate.edu. Any person may report an alleged violation of the Nondiscrimination Policy.

Reports may be made at any time, and individuals are encouraged to report an alleged violation of the Nondiscrimination Policy regardless of how much time has passed. The University's ability to interview witnesses and otherwise investigate or act, however, may be limited by various factors, including the passage of time, fading witness memories, and/or preservation of evidence. In all cases, the Title IX Coordinator/DHR Administrator is available to discuss Supportive Measures with the Complainant at any time, regardless of how much time has passed since the incident described in the report.

The University's primary concern is the safety of the campus community. Any person who reports an alleged violation of the Nondiscrimination Policy should discuss any concerns about safety with the Title IX Coordinator/DHR Administrator.

The Nondiscrimination Policy prohibits Retaliation. If a Student or Employee is reluctant to report because they fear Retaliation, they should discuss their concerns with the Title IX Coordinator/DHR Administrator as soon as possible.

Any Student who participates as a Complainant or witness in a Complaint process (including investigation or hearing) relating to Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking will not be disciplined for related violations of the Standards for Student Conduct at or near the time of the incident, unless the University determines that the violation was egregious. The University may, however, take other appropriate action including having an educational discussion with the Student. Egregious conduct includes, but is not limited to, action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

Applicable Complaint Procedures

The CSU has adopted grievance procedures that provide for the prompt and equitable resolution of Complaints made by Students, Employees, designated officials, or other individuals who are participating or attempting to participate in its education programs, activities, or employment and allege any action that would be prohibited by this Nondiscrimination Policy. The following describes the appropriate procedures for investigating or resolving Complaints that fall under this Nondiscrimination Policy for Complaints that allege conduct that occurred on or after August 1, 2024.

A. Track 1 (Federal Mandated Hearing Process) attached to this document (see Appendix B) sets out the procedures that will apply to Complaints against a Student, Employee, Third Parties, and/or Student-Employees where the alleged conduct:
    i. Meets the definition of Sexual Harassment as defined in Article V.B of the Nondiscrimination Policy (also defined in Track 1, Article II.K); and
    ii. Occurred in the United States; and
    iii. Occurred in an education program or activity at the university, as defined in Track 1, Article II.E.

B. Where Track 1 does not apply: For Complaints against a Student, the CSU Nondiscrimination Policy – Student Respondent Procedures apply.

C. Where Track 1 does not apply: For Complaints against Employees, Third Parties, and/or Student–Employees (where the alleged conduct arose out of their status as an Employee and not their status as a Student), the CSU Nondiscrimination Policy – Employee or Third-Party Respondent Procedures apply.

D. Complaints against a President, Title IX Coordinator/DHR Administrator, the Chancellor, or member of the Board of Trustees.

   i. Where Track 1 does not apply: Complaints against a President, Title IX Coordinator/DHR Administrator, the Chancellor, or member of the Board of Trustees will be processed under the CSU Nondiscrimination Policy – Employee or Third-Party Respondent Procedures.

   ii. Complaints against the Chancellor or member of the Board of Trustees shall be made to the Title IX Coordinator/DHR Administrator at the Chancellor's Office.

      a. If it is alleged that the Chancellor or a member of the Board of Trustees directly engaged in conduct that violates this Nondiscrimination Policy, the Title IX Coordinator/DHR Administrator at the Chancellor's Office shall inform the chair or vice chair of the Board.

      b. Any other Complaints against the Chancellor or a member of the Board of Trustees (for example, that the Chancellor or member of the Board of Trustees had no substantial involvement in other than to rely on or approve a recommendation made by another administrator) will be made to and addressed by the Office of Civil Rights Programming & Services at CO-Complaints@calstate.edu.

   iii. Complaints alleging violations of this Nondiscrimination Policy against a President or Title IX Coordinator/DHR Administrator shall be made to the Office of Civil Rights Programming & Services at CO-Complaints@calstate.edu.

      a. If the President or Title IX Coordinator/DHR Administrator's role in the alleged incident was limited to a decision on a recommendation made by another administrator, and the President or Title IX Coordinator/DHR Administrator had no other substantial involvement in the matter, the Complaint shall be processed by the campus.

   iv. When circumstances warrant, the Chancellor, Vice Chancellor for Human Resources, or Associate Vice Chancellor for Civil Rights Programming & Services may determine in other cases that a Complaint will be addressed by the Office of Civil Rights Programming & Services at the Chancellor's Office rather than the campus.

Simultaneous Written Notification

Communication with the Parties regarding a Complaint, an investigation, or hearing will be sent to their designated CSU campus email address, unless the Party has specifically requested in writing to the Title IX Coordinator/DHR Administrator, Investigator, or Hearing Coordinator that communication be sent to a

different email address. Communication with Parties who are neither Students nor Employees will be sent to an email address that they provide. 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 to the Complainant and the Respondent at the same time.

Outreach to Complainant

After receiving a report, the Title IX Coordinator/DHR Administrator 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 University has received a report of conduct that may be prohibited by the Nondiscrimination Policy (e.g. Discrimination, Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, Prohibited Consensual Relationship, or Retaliation.)
b. A description of the role of the Title IX Coordinator/DHR Administrator.
c. 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.
d. 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.
e. Information regarding counseling, resources, and potential Supportive Measures
f. An explanation of how the University responds to reports of Nondiscrimination Policy violations and a description of potential disciplinary consequences.
g. A summary of the investigation procedures.
h. A statement regarding the importance of preserving evidence.
i. A statement that the Complainant may, but is not required to, report to law enforcement any allegations that could constitute criminal behavior.
j. A statement that retaliation for making a Complaint or participating in a Complaint process is prohibited by the Nondiscrimination Policy.

In addition to the information provided in the outreach communication, the Title IX Coordinator/DHR Administrator 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.

Initial Assessment & Intake Meeting

The Title IX Coordinator/DHR Administrator will offer to conduct an intake meeting with any Complainant who responds to outreach communication, or otherwise makes a report of a potential Nondiscrimination Policy violation to discuss the Complainant's options, explain the available processes (including informal resolution and the formal complaint resolution process), and provide information about Supportive Measures. The Title IX Coordinator/DHR Administrator will consider the need for a follow-up meeting with the Complainant, as appropriate. Any subsequent investigation will include an interview with the Complainant conducted by the assigned investigator. The investigatory interview will be intended to build upon and clarify the information provided during intake.

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 the 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, who may be, but is not required to be, an attorney or a union representative during meetings or any stage of the Complaint process.

The University will not limit the choice or presence of the Advisor for the Complainant or Respondent in any meeting or proceeding. However, the unavailability of a specific Advisor will not unduly interfere with prompt scheduling.

A Party's Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent. However, the Advisor may observe and consult with the Complainant or Respondent.

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.

Confidentiality Requests and Requests Not to Investigate

Confidentiality Requests

The University will maintain confidentiality of reports, Complaints, and associated processes whenever possible. When necessary, to protect the campus community and to facilitate investigations and/or Supportive Measures, certain information may be shared on a "need-to-know" basis. Therefore, the University cannot guarantee confidentiality.

Requests not to Investigate

When a Complainant requests that no investigation occur, the Title IX Coordinator/DHR Administrator will balance the request against the University's duty to provide a safe and non-discriminatory environment for all members of the campus community. In cases where the Complainant does not want to pursue an investigation, the Title IX Coordinator/DHR Administrator should inform the Complainant that the ability to take corrective action may be limited.

The Title IX Coordinator/DHR Administrator will consider, at a minimum:

a. The Complainant's request not to proceed with initiation of a Complaint;
b. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
c. The risk that additional acts of prohibited conduct would occur if a Complaint is not initiated;
d. The severity of the alleged prohibited conduct including whether the conduct, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the alleged prohibited conduct and prevent its recurrence;
e. Whether the Respondent poses an imminent threat to the campus community, which may include violence, threats of violence, use of a weapon, physical restraints, or unwanted physical contact;
f. The age and relationship of the Parties, including power imbalance;
g. The scope of the alleged conduct, including information suggesting a pattern (such as multiple or prior reports of misconduct against the Respondent), ongoing conduct, or conduct alleged to have impacted multiple individuals;
h. Whether the University is able to conduct a thorough investigation and obtain relevant evidence without the Complainant's cooperation;
i. The availability of evidence to assist a decisionmaker (Investigator or Hearing Officer) in determining whether the alleged prohibited conduct occurred;
j. Whether the University could end the alleged prohibited conduct and prevent its recurrence without initiating the formal complaint resolution process; and
k. For Employee Complainants, the University will also consider its obligation to maintain a safe work environment in determining whether an investigation is necessary.
    - The Title IX Coordinator/DHR Administrator will document the basis for the decision to initiate or to not initiate the investigation based on this assessment criteria.

Decision to Proceed with Complaint

Based on the assessment criteria above, the Title IX Coordinator/DHR Administrator has discretion to initiate an investigation without the Complainant's participation.

When the Title IX Coordinator/DHR Administrator decides to proceed with an investigation without a Complainant's participation, the Title IX Coordinator/DHR Administrator will make the Complaint on behalf of the University. The Title IX Coordinator/DHR Administrator will remain neutral in applying the Nondiscrimination Policy and these Procedures. In these cases, the Title IX Coordinator/DHR Administrator will provide the impacted party with the same notices, updates, and opportunities to participate as the Respondent throughout the investigation and, where applicable, hearing process, unless the impacted party confirms in writing that they do not want to receive these communications and do not wish to participate in the process. The impacted party may rescind this notice at any time in writing to the Title IX Coordinator/DHR Administrator.

When the Title IX Coordinator/DHR Administrator initiates an investigation without the Complainant's participation, the Complainant will be informed in advance of the Title IX Coordinator/DHR Administrator disclosing the Complainant's identity and details of the Complaint or report to the Respondent or initiating an investigation. The Title IX Coordinator/DHR Administrator will work with campus partners to take steps to arrange reasonable safety measures for the Complainant if appropriate. At the Complainant's request,

the Title IX Coordinator/DHR Administrator will inform the Respondent that the Complainant asked the University not to investigate or seek discipline.

A Student Complainant will not be required to participate in an investigation if they do not wish to do so.

Decision not to Proceed with Investigation

If a request for confidentiality or no investigation is granted, the Title IX Coordinator/DHR Administrator will nevertheless take reasonable steps to limit the effects of the alleged prohibited conduct and prevent its recurrence without initiating formal action against the Respondent or revealing the identity of the Complainant. Examples include increased temporary monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys. Reasonable steps will be taken to provide for the safety of a Complainant while keeping the Complainant's identity confidential as appropriate and if possible. These steps may include changing living arrangements or course schedules, assignments, or tests. The Complainant will be notified that the steps the campus will take may be limited by the request for confidentiality.

Supportive Measures

The University will offer and coordinate Supportive Measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to the University's education programs, activities, employment, or to provide support during the University's formal complaint resolution process or during the informal resolution process. Supportive Measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; changes to employee reporting line; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to prohibited conduct.

The Title IX Coordinator/DHR Administrator will describe and offer Supportive Measures to Complainants during the initial assessment (even if no Complaint is made or the Complaint is ultimately not investigated), and to Respondents during an initial meeting.

The Title IX Coordinator/DHR Administrator is responsible for coordinating the effective implementation of Supportive Measures if requested and reasonably available.

Review of Supportive Measures (Applies only to Reports or Complaints of Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking)

A Complainant or Respondent may request modification or reversal of a decision to provide, deny, modify, or terminate Supportive Measures applicable to them.

This request will be reviewed by an appropriate and impartial Employee:

a. If the original decision about Supportive Measures was made by a person with authority delegated by the Title IX Coordinator/DHR Administrator, the review will be conducted by the Title IX Coordinator/DHR Administrator.
b. If the original decision about Supportive Measures was made by the Title IX Coordinator/DHR Administrator, the review will be conducted by a Systemwide Director for Civil Rights.

If the reviewer determines that the decision to provide, deny, modify, or terminate the Supportive Measure was inconsistent with the Nondiscrimination Policy's requirements, expectations, or standards for Supportive Measures, they may modify or reverse the decision. In making this determination, the reviewer should consider:

a. Do the Supportive Measures unreasonably burden a Complainant or Respondent?
b. Are the Supportive Measures punitive?
c. Are the Supportive Measures reasonably available and restore access to the CSU's programs, activities, or employment?
d. Are the Supportive Measures being offered or provided during the informal resolution process or formal complaint resolution process?

A Complainant or Respondent may also seek additional modification or termination of a Supportive Measure applicable to them if circumstances change materially by contacting the Title IX Coordinator/DHR Administrator.

The University will not share information about any Supportive Measures with anyone other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to provide the Supportive Measure or restore or preserve a Party's access to the CSU's education programs, activities, or employment, or when otherwise required by state or federal law.

No-Contact Directives

No-contact directives may be issued as a Supportive Measure, Remedy, or in connection with an Informal Resolution Agreement, with or without an investigation. When reasonably requested by a Complainant or otherwise needed to protect health and safety or to preserve the integrity of the investigation, the University will issue an interim no-contact directive, which may be unilateral (prohibiting the Respondent from contacting the Complainant) or mutual (prohibiting the Parties from contacting each other) while the investigation is pending.

No-contact directives that are not part of an Informal Resolution Agreement must meet the following requirements:

1. No-contact directives that limit an individual's movement on a university campus may only be issued where the conduct alleged is egregious or where an objective threat of physical harm exists.
2. A mutual no-contact directive (applicable to both Parties) may only be issued prior to an investigation outcome. Mutual no-contact directives will not be issued automatically. The Title IX Coordinator/DHR Administrator must consider, based on the circumstances of each case, whether

a mutual no-contact directive is necessary or justifiable to protect the Respondent's safety or well-being, or to address concerns about interference with an investigation.

3. If there is a finding that the Nondiscrimination Policy has been violated and a mutual no-contact directive is already in effect, unless there are extenuating circumstances, the no-contact directive will promptly be converted to a unilateral no-contact directive (applicable only to the Respondent).
4. Any no-contact directive (whether mutual or unilateral) will be delivered to both Parties in writing and will be accompanied by a written explanation of the terms of the directive and the consequences for violating the no-contact directive. A no-contact directive is intended to be temporary and should be periodically assessed to confirm the continued need for, and appropriateness of, its specific terms (conditions), including whether it should be mutual (applicable to both Parties), or unilateral (only applicable to the Respondent).
5. Violations of no-contact directives will be addressed by the campus Student Conduct Administrator in the same manner as any violation of the Student Conduct Code. If the alleged violation of the no-contact directive is itself a violation of the Nondiscrimination Policy, the matter will be referred to the Title IX Coordinator/DHR Administrator.

In considering the reasonableness and terms of a requested no-contact directive, the Title IX Coordinator/DHR Administrator may consider various factors, including the need expressed by the Complainant or Respondent; the ages of the Parties involved; the nature of the allegations and their continued effects on the Complainant or Respondent; whether the Parties continue to interact directly in the University's education program or activity, including through student employment, shared residence or dining facilities, class, or campus transportation; and whether steps have already been taken to mitigate the harm from the Parties' interactions, such as implementation of a civil protective order.

Criminal Complaints and Concurrent Investigations

Complainants will be informed during the intake meeting of their right to make a criminal complaint with UPD or other appropriate law enforcement agencies. The Title IX Coordinator/DHR Administrator will offer to assist the Complainant and will assure them that filing a criminal complaint will not unreasonably delay the University's investigation. The University will typically not wait until the conclusion of a criminal investigation to begin its own investigation. Although it may be necessary to temporarily delay the investigation while law enforcement is gathering evidence, once notified that law enforcement has completed the fact gathering portion of their investigation, the University will promptly resume and complete its own investigation. Individuals who first report to University police will be encouraged to also make a Complaint with the Title IX Coordinator/DHR Administrator.

Interim Suspension

An interim suspension may be considered for a Student Respondent, where there is reasonable cause to believe that interim suspension of that Student is necessary to protect the personal safety of persons within the campus community or campus property, and to ensure the maintenance of order during an investigation. Such interim suspensions will be implemented in accordance with the procedures under the Student Conduct Process and will only remain in effect during the Complaint process until determined to

be no longer necessary. In determining whether an interim suspension is necessary, the Title IX Coordinator/DHR Administrator will coordinate with the Student Conduct Administrator to ensure appropriate on-going assessment and implementation occurs.

Transcript Notations

If a Respondent withdraws, transfers, or disenrolls from the University pending an investigation or disciplinary proceeding concerning a violation of the Nondiscrimination Policy, transcript notations may be appropriate and will be addressed under the Student Conduct Process. As appropriate to the situation, the University may place an administrative hold on registration transactions, release of records, and transcripts of a Student who has been sent written notice of a pending investigation or disciplinary matter concerning that Student and may withhold awarding a degree otherwise earned until the completion of the investigation or disciplinary process, including the completion of all sanctions imposed.

Complaints

When the Title IX Coordinator/DHR Administrator receives a Complaint, they will determine whether to open an investigation after making a preliminary inquiry into the allegations. An investigation may not be warranted where the reported information does not allege facts with enough specificity or include conduct that would, even if true, constitute a violation of the Nondiscrimination Policy. These determinations will be documented in writing by the Title IX Coordinator/DHR Administrator and maintained in accordance with systemwide records retention policies.

When more than one Complainant or more than one Respondent is involved, references in these Procedures to a Party, Complainant, or Respondent include the plural, as applicable.

Complaints Accepted for Investigation

Within 10 Working Days of the date of an intake meeting or receipt of a request for investigation from the Complainant (whichever is later) or making a determination that an investigation is necessary without a request from or participation by the Complainant, the Title IX Coordinator/DHR Administrator will send a Notice of Investigation to the Complainant and Respondent.

Complaint Not Accepted for Investigation

If the Title IX Coordinator/DHR Administrator determines that the Complaint does not allege a violation of the Nondiscrimination Policy, the Title IX Coordinator/DHR Administrator will, within 10 Working Days of the date of the intake or receipt of a written request for investigation (whichever is later), notify the Complainant in writing that the Complaint will not be investigated without further information. The Title IX Coordinator/DHR Administrator may refer the Complaint to another campus office if appropriate and will notify the Complainant of any referral. The Title IX Coordinator/DHR Administrator will retain a record of the Complaint, the written determination and any referrals made to another campus office.

Discretionary Dismissal

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:

1. 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
2. If the specific circumstances prevent the University from reasonably gathering evidence necessary to reach a determination as to the Complaint or part of the Complaint.
3. The University will notify the Parties in writing of the dismissal, that a dismissal may be appealed, and will provide the Parties with an opportunity to appeal the dismissal of a Complaint.

The appeal must be submitted within 10 working days from the date of the notice of dismissal. Dismissals may be appealed on the following bases:

a. Procedural irregularity occurred that would have likely changed the outcome of the decision to dismiss;
b. New evidence that was not reasonably available at the time of the dismissal and would have likely changed the outcome of the decision to dismiss; or
c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.

Appeals will be submitted to the Civil Rights Appeals Unit at the Chancellor's Office and will be addressed to:

Civil Rights Appeals Unit
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802
CO-Appeals@calstate.edu

1. If a Party is unable to submit an appeal or a response to an appeal electronically, they should contact the campus Title IX Coordinator/DHR Administrator for assistance.
2. When an appeal is submitted, the Civil Rights Appeals Unit will notify the other Party and the campus Title IX Coordinator/DHR Administrator in writing. The non-appealing Party may submit a written statement in support of or challenging the dismissal no later than 5 Working Days after the notice of appeal. Within 10 Working Days of the Civil Rights Appeals Unit's receipt of the appeal, the Civil Rights Appeals Unit will notify the Parties (via email and at the same time) of its decision.
3. The Civil Rights Appeals Unit will not consider evidence that was not introduced to the campus during the Complaint review process unless the new evidence was not reasonably available at the time of the Complaint review.
4. The Civil Rights Appeals Unit has discretion to extend the timelines for the dismissal appeal process for good cause or for any reasons deemed to be legitimate by the Civil Rights Appeals

Unit. This includes the time for filing an appeal and the time for the Civil Rights Appeals Unit to respond to the appeal. The Civil Rights Appeals Unit will notify the Parties and the Title IX Coordinator/DHR Administrator of any extensions of time granted pertaining to any portion of the appeal process.

5. The Civil Rights Appeals Unit appeal response is final and concludes the discretionary dismissal process under these Procedures.

Consolidation

The University may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations arise out of the same or substantially similar facts or circumstances. The Title IX Coordinator/DHR Administrator will determine whether a Complaint should be consolidated (subject to FERPA and other applicable privacy laws). In addition, during the course of the investigation, the investigation may reveal the existence of additional or different violations of the Nondiscrimination Policy, which may also be consolidated following notification to the Parties. Depending on the timing and circumstances, the Title IX Coordinator/DHR Administrator retains discretion to resolve Complaints using the same investigator or following the resolution of the initial Complaint, such as through appropriate Disciplinary Sanctions.

Student Grade Appeals

Grade appeals that allege a violation of the Nondiscrimination Policy proceed under the campus procedures per CSU Grading, Repetition of Courses, Academic Renewal, and Appeals Policy (or any superseding policy) and under these Procedures as follows:

1. The student will promptly request a grade appeal and note that the grade appeal procedure should be paused until such time as the campus investigation and any appeal process under these Procedures have concluded.
2. The determination whether a violation occurred under the Nondiscrimination Policy will be provided to the campus grade appeal committee, and the committee will be bound by the determination when the grade appeal process resumes.

Alternative Resolution Process

Informal Resolution

The Parties may voluntarily choose to participate in an informal resolution process to resolve an alleged violation of the Nondiscrimination Policy. The filing of a formal Complaint is not required to initiate the informal resolution process.

General Principles

The Title IX Coordinator / DHR Administrator has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to allow informal resolution despite the request of one or more of the Parties. Circumstances when the Title IX Coordinator/DHR Administrator may decline to allow

informal resolution include but are not limited to a determination that the alleged conduct would present a future risk of harm to others.

The Title IX Coordinator/DHR Administrator will conduct or oversee the informal resolution process and conduct an initial and on-going assessment as to whether the process should continue.

Prior to approving an informal resolution, the Title IX Coordinator/DHR Administrator will consult with the appropriate administrator responsible for discipline.

The Title IX Coordinator/DHR Administrator will make the final determination on all informal resolution processes regarding whether the terms agreed to by the Parties are appropriate considering all the circumstances of the Complaint.

When the informal resolution process is offered, and to the extent necessary, the Title IX Coordinator/DHR Administrator will also take other appropriate prompt and effective steps to ensure that the alleged violations of the Nondiscrimination Policy do not continue or recur within the University's education programs, activities, or employment.

Neither Party will be required or pressured to participate in an informal resolution process. The Title IX Coordinator/DHR Administrator must obtain the Parties' voluntary written consent to participate in the informal resolution process and must not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, employment or continuing employment, or exercise of any other right.

The person facilitating the informal resolution process must not be the same person as the Investigator or the Hearing Officer in the formal complaint resolution process. A Title IX Coordinator/DHR Administrator may facilitate the informal resolution process. When the Title IX Coordinator/DHR Administrator facilitates the informal resolution process, they cannot serve as the Investigator. In addition, any informal resolution agreements facilitated by the Title IX Coordinator/DHR Administrator must be signed by the assigned Systemwide Director for Civil Rights.

Any person facilitating an informal resolution process will receive appropriate training and must be free from a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

Notice of informal Resolution Process

Before beginning the informal resolution process, the Title IX Coordinator/DHR Administrator will explain in writing to the Parties:

a. The allegations;
b. The requirements of the informal resolution process;
c. That any Party has the right to withdraw from the informal resolution process and begin or continue with the formal complaint resolution process at any time before agreeing to a resolution;
d. The Parties' right to consult with an Advisor;

e. Any resolution must be in writing and signed by both Parties and the Title IX Coordinator/DHR Administrator;
f. That if the Parties agree to a resolution at the end of the informal resolution process, they cannot begin or continue with the formal complaint process in relation to the same allegations;
g. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
h. What information the University will maintain and whether and how the University could disclose such information for use in the formal complaint resolution process if such procedures begin or resume.

Potential Terms

Potential terms that may be included in an informal resolution agreement include, but are not limited to:

a. Apology, written or verbal;
b. Relocation or removal from University provided housing, subject to availability;
c. Changes in academic arrangements, such as changing class sections or locations;
d. Changes in work schedules or locations;
e. Limitations on or agreements related to participation in and/or presence in/at events, extracurricular activities, student organizations, recreational facilities, athletics, etc.
f. Participation in and/or successful completion of alcohol or drug education or counseling;
g. Participation in counseling services for mental or behavioral health;
h. Participation in specific educational opportunity or training;
i. Voluntary educational, mentoring, coaching, or counseling sessions, which may or may not include stipulations, such as proof of successful completion or statement of active participation from the mentor / coach / counselor;
j. Verbal counseling or warnings;
k. Collaborative agreements on behavioral or institutional changes;
l. No-contact directives, or other restrictions on contact, communication, and/or interactions between the Parties;
m. Restrictions on Respondent's movement or access to specific locations at the University;
n. Alternative seating arrangements for graduation;
o. Complainant sharing of an impact statement with the Respondent;
p. Admission or acceptance of responsibility for causing harm and/or the alleged conduct;
q. Community service;
r. Voluntary participation in formal disciplinary action for Respondent;
s. Restrictions on the Respondent's participation in one or more University programs or activities or attendance at specific events, including restrictions the University could have imposed as Remedies or Disciplinary Sanctions had it determined at the conclusion of the formal complaint resolution process that a violation of the Nondiscrimination Policy occurred; or
t. Other mutually agreed upon outcomes or resolutions.

- Any agreed-upon Remedies and Disciplinary Sanctions agreed to in an informal resolution have the same effect as Remedies given and Disciplinary Sanctions imposed following an investigation or hearing.

Timeframe

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. The Parties and the Title IX Coordinator / DHR Administrator may agree to one or more extensions of the 60 Working Day deadline, which will be confirmed in writing. The timeline of the formal complaint resolution process will be paused during the pendency of any informal resolution process.

Written Agreement - Not Subject to Appeal

The terms of any informal resolution must be in writing and signed by the Parties and the Title IX Coordinator/DHR Administrator. Use of electronic signatures is permitted. A signed agreement to an Informal Resolution is final and is not appealable by either Party.

Restrictions on Mediation Between the Parties

Mediation between the Parties cannot be used, even on a voluntary basis, to resolve Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking Complaints.

Acceptance of Responsibility

The Respondent may, at any time during the investigation or hearing process, prior to an Investigator or Hearing Officer issuing their determination, choose to accept responsibility for the alleged conduct prohibited under the Nondiscrimination Policy.

Before a Respondent accepts responsibility for the alleged misconduct, the Title IX Coordinator / DHR Administrator or designee will discuss with the Respondent that the matter will be referred to the University president or designee for a decision regarding an appropriate Disciplinary Sanction, and that the acceptance of responsibility could – but will not necessarily – be regarded as a mitigating factor that results in less severe sanctions.

Acceptance of responsibility will only be recognized if the Respondent accepts responsibility by signing a written document prepared by the Title IX Coordinator / DHR Administrator that describes the range of Disciplinary Sanctions that the president or designee will consider in reaching a decision about Disciplinary Sanctions.

If the Respondent has accepted responsibility in writing, the Title IX/DHR office will issue a brief written summary of the allegations and a statement that the Respondent has accepted responsibility. The written summary will be sent to both the Complainant and the Respondent.

Within 5 Working Days of receiving the written summary from the Title IX/DHR Office, each Party may submit to the Title IX Coordinator / DHR Administrator an impact statement or other statement regarding

discipline that is no more than 2000 words in length. The document is an opportunity for each Party to suggest disciplinary outcomes and to provide information that they believe is important for the president or designee to consider when reaching a sanction decision. The Student Conduct Administrator and/or Title IX Coordinator / DHR Administrator will also submit a written statement regarding aggravating and mitigating factors (that is, factors that would warrant a more severe or less severe sanction), including whether the Respondent was previously found to have violated the Standards for Student Conduct or the Nondiscrimination Policy. These written statements will be provided to the president or designee who will decide an appropriate sanction.

The Parties may appeal the sanction only on the grounds that the sanction(s) imposed was objectively unreasonable, or arbitrary based on the conduct for which the Respondent accepted responsibility. The appeal process will otherwise be in accordance with Appeals Procedures below.

Where there is an acceptance of responsibility regarding some but not all of the alleged conduct, the investigation and hearing process will continue to conclusion, unless otherwise resolved through Informal Resolution.

Investigations - The Formal Complaint Resolution Process

Purpose of the Investigation and Resolution Process

The investigation and resolution of Complaints under these Procedures is not intended to be an adversarial process between the Complainant, the Respondent, and witnesses. Rather, it is a process and opportunity for the University to educate students, provide an environment free from prohibited conduct under the Nondiscrimination Policy, and comply with its obligations under law. The University will provide for adequate, reliable, and impartial investigation of Complaints. The University will treat Complainants and Respondents equitably.

Cooperation in the Investigation Process

All Employees, and Students who are not Parties to the Complaint, are required to cooperate with the investigation and other processes set forth in these Procedures, including but not limited to, attending meetings and interviews, and being forthright and honest during the process.

Written Notice

The University will provide a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate.

Prohibition on Retaliation

The University strictly prohibits Parties or witnesses from engaging in Retaliation against anyone for reporting or filing a Complaint, assisting, or participating in an investigation or hearing, interfering with a Party's or witness's rights or privileges under the Nondiscrimination Policy, or for assisting someone else

in reporting or opposing conduct prohibited by the Nondiscrimination Policy. Any acts of Retaliation are subject to disciplinary action.

Privacy

The University will take reasonable steps to protect the privacy of the Parties and witnesses, including ensuring compliance with the Family Educational Rights and Privacy Act (FERPA) and other applicable privacy laws. During the formal complaint resolution process, beginning with the Notice of Investigation and concluding when the deadline for an appeal has passed or the Civil Rights Appeals Unit has issued its final response, the Parties and witnesses are prohibited from using or disclosing the information or records obtained through the formal complaint resolution process. This prohibition shall not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses, consulting with family members, confidential resources, or Advisors, or otherwise preparing for or participating in the formal complaint resolution process. These restrictions also do not apply to information learned through other means, such as personal experience, or to disclosures made during another administrative proceeding or through litigation. For especially sensitive materials, including but not limited to recordings and medical records, the University will provide such records for viewing or inspection only -- and not for copying or possessing. The Parties and their Advisors may be asked to sign written acknowledgements agreeing to these restrictions on disclosure and re-disclosure. Whether or not such acknowledgements are signed, violations of these prohibitions, including disregarding any restrictions on the use of records (such as re-disclosing records to unauthorized individuals or copying records that are provided for viewing only), may subject a Student or Employee to discipline.

Standard and Burden of Proof

The standard of proof for hearings and investigations under these Procedures is the Preponderance of the Evidence. Preponderance of the Evidence is a standard of proof that determines whether alleged conduct more likely than not occurred based on the evidence presented or facts available at the time of the decision. The responsibility is not on the Parties – but on the University — to conduct an investigation that gathers sufficient evidence to determine whether alleged prohibited conduct occurred. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct. The University presumes that the Respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the formal complaint resolution process.

Role of the Title IX Coordinator/DHR Administrator in the Investigation Process

The Title IX Coordinator/DHR Administrator will either investigate the Complaint or assign this task to an Investigator. If assigned to an Investigator, the Title IX Coordinator/DHR Administrator will supervise and oversee the investigation, including reviewing all draft investigation reports before they are final to ensure that the investigation complies with these Procedures. If the Title IX Coordinator/DHR Administrator investigates the Complaint, a Systemwide Director or other appropriately trained administrator will review all draft investigation reports in the place of the Title IX Coordinator/DHR Administrator.

Neutrality of Process

The University requires that any Title IX Coordinator/DHR Administrator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A decisionmaker may be the same person as the Title IX Coordinator/DHR Administrator or investigator. The Title IX Coordinator/DHR Administrator will take affirmative steps 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. A conflict of interest exists if a person has a personal relationship with one of the Parties or witnesses, has a reporting employment relationship with a Party, or has demonstrated actual bias towards a Party or witness or towards Complainants or Respondents in general. Mere belief or opinion does not constitute evidence of bias or conflict of interest.

Investigation Where a Respondent Does Not Participate

The Respondent will not be found to have violated the Nondiscrimination Policy solely because the Respondent did not participate in the investigation or hearing process. Nor will the Respondent be found not to have violated the Nondiscrimination Policy solely because a Complainant or other witness did not participate in the investigation or hearing process.

Timeframe, Extensions, and Status Updates

The University has established the following timeframes for the major stages of the formal complaint resolution process:

Stage	Timeframe
Complaint accepted or not accepted for investigation	Within 10 Working Days of the date of the intake or receipt of a written request for investigation (whichever is later)
Investigation – Review of Evidence Response Submission	10 Working Days from date Preliminary Investigation Report sent to Parties
Investigation – Final Investigation Report	100 Working Days from the date the Notice of Investigation is sent to Parties
Notice of Hearing	At least 20 Working Days prior to date of hearing
Hearing Officer's Decision Report	15 Working Days from end of hearing
Final Decision from President or Designee	10 Working Days from receipt of Hearing Officer's sanction recommendation

Appeal Submission	10 Working Days from date Notice of Investigation Outcome (non-hearing) or Final Decision (hearing) is sent to the Parties
Appeal Determination	30 Working Days after receipt of the written appeal

The University has also established the following process that allows for the reasonable extension of timeframes in these Procedures on a case-by-case basis for good cause. A Party, Investigator, and/or Hearing Officer may request a reasonable extension of the timeframes in these Procedures at any time from the Title IX Coordinator/DHR Administrator. The Title IX Coordinator/DHR Administrator may also initiate a reasonable extension of the timeframes in these Procedures at any time. For an extension to be granted, the following process must be followed:

1. Good cause for the extension must exist. Good cause may include:
    a. To ensure the integrity and thoroughness of the investigation;
    b. The reasonable absence of a Party, Party's advisor, or witness;
    c) To comply with a request by law enforcement, including a concurrent law enforcement investigation;
    d) Based on the need to provide language assistance, disability accommodations, or other modifications to allow the full participation of a Party or witness;
    e) Academic breaks or exam periods;
    f) A particularly complex investigation or hearing process, such as one involving multiple Complainants, multiple Respondents, a large number of witnesses, voluminous evidence, or length of the written record;
    g) The severity and extent of the alleged misconduct; or
    h) Other extenuating or unforeseen circumstances that are not within the control of the University, Party, witnesses, Investigator, or Hearing Officer.
2. The Title IX Coordinator/DHR Administrator is the final decision-maker with respect to all extensions
3. The Parties receive written notice from the Title IX Coordinator/DHR Administrator or designee that an extension is necessary and an explanation for the delay. The notice will indicate if the extension alters the timeframes for the major stages of the Complaint process and provide a new estimated timeline.

<u>Requests for Extensions</u>

While requests for delays by the Parties and witnesses may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a Complaint under the Nondiscrimination Policy.

a. Students – As required by California law, the Title IX Coordinator/DHR Administrator will not unreasonably deny a Student Party's request for an extension during periods of examinations or academic breaks.

b. Employees – The fact that an Employee is off contract or between semesters, without more, does not excuse an Employee from their expected participation in the Complaint resolution process.

Status Updates

In addition to the communications at each major stage of the process, the University will provide a status update to the Complainant and Respondent every 30-days, beginning from the date that the Notice of Investigation is issued until the Notice of Investigation Outcome or Final Decision is issued to the Parties, unless a Party requests in writing not to receive these updates.

a. For cases of a hearing under Addendum A-Track 2 Hearing Process, the Title IX Coordinator/DHR Administrator shall notify the Complainant of any Disciplinary Sanctions imposed against a Respondent.
b. The Civil Rights Appeals Unit will provide status updates to the Parties and Title IX Coordinator/DHR Administrator as required by the timelines in these Procedures.
c. In addition, either Party may, at any time, request from the Title IX Coordinator/DHR Administrator a status update regarding investigation, hearing, and appeal timeframes.

Reasonable Accommodations

Any person with a Disability who seeks reasonable accommodations to participate in the Complaint submission or investigation process will be referred to the appropriate campus administrator (for Students, the services for students with disabilities administrator, and for Employees the appropriate human resources administrator) who may consult with the Title IX Coordinator/DHR Administrator to determine the reasonableness of a requested accommodation.

Notices of Investigation

The University will prepare Notices of Investigation for the Parties upon initiation of the formal complaint resolution process. The Notices of Investigation must be issued to the Parties in writing, at the same time, and with sufficient time and information for the Parties to prepare a response before any initial interview. A Notice of Investigation must include the following information:

1. An overview summary of the Complaint allegations (e.g., "who," "what," "when," and "where"), including the identities of the Parties, the conduct alleged to constitute violation of the Nondiscrimination policy, and the date(s) and location(s) of the alleged incident(s);
2. A copy of, or internet link to, these Procedures and the Nondiscrimination Policy, as well as a summary of the alleged Nondiscrimination Policy violations;
3. A summary of the Nondiscrimination Policy formal complaint resolution process, including the right to appeal and the informal resolution process;
4. That Retaliation is prohibited;
5. The Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the formal complaint resolution process. Prior to such a determination, the Parties will have an opportunity to provide Relevant evidence to a trained, impartial decisionmaker (Investigator or Hearing Officer);

6. The estimated timeline for completion of the investigation;
7. Information regarding counseling and other Supportive Measures;
8. The Parties may have one Advisor of their choice who may be, but is not required to be, an attorney or union representative;
9. The Parties will have an equal opportunity to access the Relevant and not otherwise impermissible evidence used in the investigation;
10. A statement that the Complainant and Respondent will have equal opportunities to identify Relevant witnesses and evidence in connection with the investigation and at any hearing, including the ability to:
    a. Submit documentary information to the Investigator;
    b. Submit a list of potential witnesses to the Investigator; or
    c. Request that the Investigator attempt to collect additional relevant evidence;
11. A statement that any evidence available, but not disclosed during the investigation might not be considered in any findings made, including at any hearing, and likely will not be considered for purposes of appeal;
12. A statement that the Standards for Student Conduct prohibits furnishing false information to a University official, faculty member, or campus office;
13. A statement that the Complainant and Respondent will be provided with periodic status updates in accordance with the timelines established in these Procedures; and
14. A statement regarding the possible range of Disciplinary Sanctions. If new but related allegations are raised during the investigation that are materially different from those described in the Notice of Investigation, the Title IX Coordinator / DHR Administrator will issue a revised Notice of Investigation to the Parties, along with a corresponding revised timeline for completion, if appropriate.

Respondent Initial Meeting

In the Notice of Investigation, the Title IX Coordinator/DHR Administrator will offer to have an initial meeting with the Respondent. This meeting is not intended to be investigatory in nature. 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 process the Respondent and the Complainant will have the opportunity to present evidence, identify witnesses, and review evidence.

Gathering Evidence

During the investigation, the Investigator will take reasonable steps to gather all Relevant evidence from the Parties, witnesses, or other sources, including interviews with the Complainant, the Respondent, and Relevant witnesses. The University will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory (meaning that it shows or tends to show a person's involvement in the alleged conduct) and exculpatory (meaning that it shows or tends to show that a person was not involved in the alleged conduct) evidence that is Relevant. The Investigator will interview the Parties and Relevant

witnesses and review documents and physical evidence. As appropriate to the investigation, the Investigator may conduct follow-up interviews or request responses to questions in writing.

Opportunity to Submit Evidence and Identify Witnesses

The Complainant and Respondent will be asked to identify witnesses and provide other Relevant information, such as documents, communications, and other available evidence. The Parties are encouraged to provide all Relevant information as soon as possible to facilitate a prompt resolution to the Complaint. The Investigator may receive any information presented by the Parties, but the Investigator, not the Parties, is responsible for gathering Relevant evidence. If a Party or witness declines to voluntarily provide material information or delays in doing so, the University's ability to conduct a prompt, thorough, and equitable investigation may be impacted. The University will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present Relevant evidence. Parties and witnesses must not engage in actions that could be considered Retaliation, including confronting, threatening, intimidating, attempting to influence, or otherwise taking inappropriate actions against any Party, witness, or anyone else participating in the investigation or hearing process. The Investigator will document the steps taken to gather evidence, even when those efforts are not successful.

Bases for Declining a Request to Gather Evidence

The Investigator will gather evidence and ask questions proposed by the Parties, except as follows:

a. The Investigator determines that the questions are repetitive, irrelevant, or harassing.
b. The request seeks information that can be reasonably and adequately obtained by the requesting Party from other independent or publicly available sources.
c. The burden of obtaining the information is likely to substantially outweigh the benefit that the evidence bears on a disputed issue.
d. The requested information can be reasonably obtained through other means less likely to intrude on a person's privacy.

Investigations Involving Allegations of Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking

The University will review all evidence gathered through the investigation and determine what Relevant evidence may be considered. Questions are Relevant when they seek evidence that may aid in showing whether or not the alleged conduct occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether or not the alleged conduct occurred.

1. Impermissible evidence is evidence that is not allowed to be accessed, considered, or otherwise used by the University, except to determine if one of the exceptions listed below applies. The following types of evidence, and questions seeking that evidence, are impermissible, regardless of whether they are Relevant:
    a. Evidence protected by a privilege recognized by state or federal law (unless waived by the Party or witness holding the privilege);

b. A Party's or witness's private medical records maintained by a physician, psychologist, or other recognized professional or paraprofessional (unless the Party or witness voluntarily consents to its use in writing); or
c. Evidence that relates to the Complainant's or Respondent's sexual interests or prior or subsequent sexual conduct (unless offered to prove someone other than the Respondent committed the alleged conduct or offered to prove how the Parties communicated consent in prior or subsequent consensual, sexual relations).
    i. Where the Investigator allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent, the fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.
    ii. Prior consensual, sexual conduct between the Complainant and the Respondent does not prevent the University from finding that the conduct alleged in the Complaint constitutes a violation of the Nondiscrimination Policy.

Expert Witnesses

In rare cases, an Investigator may need to consult medical, forensic, technological, or other experts when expertise on a topic is needed to achieve a fuller understanding of the issues under investigation. In such cases, the Investigator must consult with the Title IX Coordinator/DHR Administrator prior to engaging an expert witness.

Preliminary Investigation Report

The University will provide each Party and the Party's Advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of prohibited conduct and not otherwise impermissible evidence.

Before finalizing the investigation, the Investigator will share with the Complainant and Respondent a preliminary investigation report, along with all Relevant evidence gathered. The preliminary investigation report will list any evidence offered by the Parties or any other witnesses that the Investigator concluded are not Relevant. This evidence will be available for review upon request. The preliminary investigation report will:

a. Describe the allegations.
b. Describe the investigative process to date.
c. Set forth the relevant policy language and the Preponderance of Evidence Standard.
d. Describe the evidence presented and considered.
e. Identify the material facts – disputed and undisputed – with explanations as to why any material fact is disputed.

Access to Preliminary Investigation Report

The Investigator, in consultation with the Title IX Coordinator/DHR Administrator, will use discretion in determining how to provide the Parties with secure access to the preliminary investigation report. The University will take reasonable steps to prevent and address the Parties' and their Advisors' unauthorized disclosure of information and evidence obtained solely through the formal complaint resolution process.

Review of Evidence

Each Party will be given a reasonable opportunity to respond to the preliminary investigation report and any attached evidence and ask questions. The opportunity to review and respond to the preliminary investigation report is known as the "review of evidence" process. The Parties will have 10 Working Days to review the evidence. Each Party may:

a. Respond to the evidence in writing.
b. Request that the Investigator gather additional evidence or ask specific questions to the other Party and other witnesses.
c. Identify additional witnesses.

Conclusion of Review of Evidence

The Investigator will share with the Parties the answers to questions posed during the review of evidence and additional Relevant evidence gathered. This will be shared with all Parties, who may then respond to any new evidence and ask questions. The Investigator determines when it is appropriate to conclude the review of evidence process.

Final Investigation Report

Final Investigation Report (Track 3 - Hearing Not Required)

For Complaints of Discrimination, Harassment, and Retaliation under these Procedures (not including Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Sexual Exploitation, and Stalking, as each of these forms of prohibited conduct are defined in Article V.A of the Nondiscrimination Policy), a hearing is not required, and the investigator will make the final determination in the case. A final investigation report will be provided to the Parties along with a Notice of Investigation Outcome.

a. The final investigation report will include:

    i. A summary of the allegations,
    ii. The investigation process,
    iii. The Preponderance of the Evidence standard,
    iv. A detailed description of the evidence considered,
    v. Analysis of the evidence including relevant credibility evaluations,
    vi. Appropriate findings, and
    vii. Relevant exhibits and documents attached to the written report.

b. The Notice of Investigation Outcome will attach the final investigation report and include the following:

   i. A summary of the allegations and the investigative process.
   ii. That the Preponderance of the Evidence standard was employed.
   iii. A summary of the findings of fact.
   iv. A determination as to whether the Nondiscrimination Policy was violated, and if so, any Remedies to be afforded to the Complainant.
   v. Notice of Parties' right to appeal under these procedures.

c. The notice will usually be delivered to the Parties electronically. If the notice includes a determination that there was a violation of the Nondiscrimination Policy, the Title IX Coordinator/DHR Administrator will notify the appropriate University administrator responsible for discipline of the investigation outcome and provide a copy of the final investigation report. This notice will include the appeal rights available to the Respondent prior to the initiation of any Disciplinary Sanctions.

Final Investigation Report (Track 2 - Hearing Required)

For Complaints under these Procedures involving allegations of Sexual Harassment, Sexual Misconduct, Dating Violence, Domestic Violence, Sexual Exploitation, and Stalking, as each of these forms of prohibited conduct are defined in Article V.A of the Nondiscrimination Policy, a hearing is required.

The final investigation report will include all of the information included in the preliminary investigation report as well as additional Relevant evidence received during the review of evidence. Any relevant evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator, will be attached to the final investigation report, or made available for review by the Parties. Evidence offered by the Parties or any other witnesses that the Investigator concluded is not Relevant will be noted but not included in the final investigation report and should be available at the time of the hearing such that it can be provided to the Hearing Officer if requested.

Hearings

As part of the formal complaint resolution process for Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking cases, the CSU will provide a live hearing that enables the decisionmaker – “the Hearing Officer” – to question the Parties and witnesses to assess a Party’s or witness’s credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations.

A hearing will be provided when:

1. The respondent is a Student; AND
2. The Complaint includes allegations of Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking. The Complainant and Respondent will be treated equitably throughout the pre-hearing and hearing processes.

Privacy

The University will take reasonable steps to protect the privacy of the Parties and witnesses during the hearing process, provided that the steps do not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses (subject to the University's prohibition on Retaliation), consulting with their family members, confidential resources, or Advisors, or otherwise preparing for or participating in the process.

Pre-Hearing Schedule and Response Deadlines:

Role of the Hearing Coordinator

The Hearing Coordinator (either the student conduct administrator, Title IX Coordinator, or other appropriate administrator) is the person responsible for coordinating the hearing process. The Hearing Coordinator will act as liaison between the Parties and the Hearing Officer on procedural matters and therefore may not be the Investigator assigned to the matter. The Hearing Coordinator may appropriately delegate administrative tasks but should have overall supervision of the hearing coordination process.

Notice of Hearing-20 Working Days Prior to Hearing

The Parties will be sent a written notice of the hearing at least 20 Working Days before the hearing. The notice will include the date, time, location, and purpose of the hearing as well as the name of the Hearing Officer. The notice is considered received on the date it is sent.

Submission of Proposed Witness List

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.

Information Regarding Advisors and Support Persons

A Party may be accompanied at the hearing by one Advisor (for consultation) and one Support Person (for emotional support) of their choice. No later than 15 Working Days before the hearing, the Parties will provide to the Hearing Coordinator the name of, and contact information for, the Party's Advisor and Support Person (if any).

Objections to the Hearing Officer

A Hearing Officer will not have a conflict of interest or bias for or against complainants or respondents generally or an individual Complainant or Respondent. Objections to the assigned Hearing Officer will be made in writing to the Hearing Coordinator no later than 15 Working Days before the hearing.

a) The objection may only be based on an actual conflict of interest. An actual conflict of interest exists if the Hearing Officer has a personal relationship with one of the Parties or witnesses or has demonstrated actual bias towards a Party or witness, or complainants or respondents generally.

b) The fact that the Hearing Officer has previously served as a hearing officer in a University proceeding is not a conflict of interest. Mere belief or opinion does not constitute evidence of actual bias or conflict of interest.
c) The Hearing Coordinator will determine if there is a conflict of interest. In that event, the Parties will be notified in writing of the name of the new Hearing Officer. The date for the hearing may need to be rescheduled. Any objection to the new Hearing Officer will be made following the same process described above.

Location of Hearing - 15 Working Days Prior to Hearing

Generally, the University will conduct hearings with the Parties physically present in separate locations using videoconferencing technology that allows the Hearing Officer and the Parties to simultaneously see and hear the Party or witness while that person is speaking. Any objections from a Party about being out of the physical presence of the Hearing Officer will be made in writing no later than 15 Working Days before the hearing.

Space and Technology Needs

Any Party who anticipates that they will not have a private space from which to participate in the hearing and/or technology access, including a reliable internet connection, should notify the Hearing Coordinator no later than 15 Working Days before the hearing so that the Hearing Coordinator can assist with appropriate arrangements for a private on-campus space and technology access.

Disability Accommodations

Any Party who requires a disability accommodation to facilitate their full participation in the hearing should notify the Hearing Coordinator no later than 15 Working Days before the hearing. The Hearing Coordinator will refer such requests to the appropriate campus administrator (for Students, the services for students with disabilities administrator, and for Employees the appropriate human resources administrator), who may consult with the Hearing Coordinator to determine the reasonableness of a requested accommodation.

Notification to Witnesses and Facilitation of Witness Participation

No later than 10 Working Days before the hearing, the Hearing Coordinator will share the witness list with the Parties and notify each witness of the date, time, and location of or how to access the hearing.

a. The campus will direct Employee and Student witnesses to attend the hearing where the witnesses are timely identified to the Hearing Coordinator.
b. The University will accommodate Student and Employee witnesses, including arranging for them to be excused from class attendance or work duties where necessary. Witnesses will be instructed to promptly direct any questions or concerns about their attendance at the hearing to the Hearing Coordinator.
c. Any Employees, including those in bargaining units, who fail to comply with the directive may be subject to discipline under the applicable provisions of their collective bargaining agreement or other University policy.

d. Students who fail to comply may be subject to discipline depending on the circumstances.

Submission of Proposed Questions

No later than 5 Working Days prior to the hearing, the Parties will submit a list of proposed questions to the Hearing Coordinator, who will share these with the Hearing Officer. Proposed questions will not be shared with the other Party or witnesses in advance of the hearing.

Questions/Concerns About the Witness List

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.

Pending Requests

No later than 1 Working Day before the hearing, the Hearing Officer will resolve all pending requests regarding participation at the hearing. The Hearing Coordinator will give prompt notice to the Parties (and witnesses) as appropriate.

Role of Hearing Officer in Pre-Hearing Matters

The Hearing Officer will make all determinations regarding pre-hearing matters, including which witnesses will participate and which questions, if submitted, are Relevant and will promptly notify the hearing coordinator who, in turn, will promptly notify the Parties. The Hearing Officer may also identify and request witnesses from the final investigation report not previously listed by the Parties attend the hearing.

Audio Recording of Hearing

The University will make an official audio recording of the hearing. No other recording of the hearing is permitted. The recording is University property. The audio recording will be retained by the University in accordance with the records retention policy. Parties may request to review the recording.

Hearing Attendees and Participants

The following individuals are permitted to attend the hearing:

1. The Parties
2. The Hearing Office
3. Witnesses while they are answering questions
4. The Title IX Coordinator/DHR Administrator
5. The Hearing Coordinator 6. The Student Conduct Administrator
6. One Advisor per Party
7. One Support Person per Party
8. An appropriate Chancellor's Office administrator University police or security officer, or other individuals may be present as necessary for security, technological support, language assistance or other approved reasonable accommodation but will not participate in the hearing.

Role of Advisors and Support Persons

The Parties may each be accompanied at the hearing by one Advisor and one Support Person. An Advisor and Support Person may observe and consult with the Parties. However, during the hearing, the Advisor and Support Person will not make the opening statement or speak regarding the substance or the process of the hearing. Parties may make a request to the Hearing Officer for a break to speak with their Advisor or Support Person.

Party Failure to Appear

If a Party does not appear at the hearing without good cause, the hearing will proceed as scheduled. Whether good cause exists is determined by the Hearing Officer.

The Respondent will not be found to have violated the Nondiscrimination Policy solely because the Respondent or other witness failed to appear at the hearing. Nor will the Respondent be found not to have violated the Nondiscrimination Policy solely because a Complainant or other witness failed to appear at the hearing.

Participant Conduct

Abusive or otherwise disorderly behavior that causes a material disruption will not be tolerated. The Hearing Officer may excuse anyone from the hearing (including either Party or their Advisor or Support Person) whose behavior causes a material disruption. The Hearing Officer, at their discretion, may postpone the hearing when a participant has been excused. In making this decision, the Hearing Officer will consider the equity of postponement for both Parties.

New Evidence

Generally, the Parties may not introduce evidence, including witnesses and their statements, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. The Hearing Officer has discretion to accept for good cause, or exclude, new evidence offered during the pre-hearing stage or at the hearing.

Opening Statements

Each Party will be given an opportunity to make an opening statement of no longer than 10 minutes. 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. The Parties will not make closing statements.

Questioning

All questions will be asked by the Hearing Officer. The Hearing Officer may ask questions of the Complainant, Respondent, Investigator, any campus official (e.g., Title IX Coordinator / DHR Administrator or Student Conduct Administrator), and any witness.

1. The process for proposing and asking Relevant and not otherwise impermissible questions and follow-up questions of Parties and witnesses, including questions challenging credibility, will:

a. Allow the Hearing Officer to ask such questions, and
b. Allow each Party to propose such questions that the Party wants asked of any Party or witness and have those questions asked by the Hearing Officer, subject to the procedures for evaluating and limiting questions described below.

2. Procedures for the Hearing Officer to evaluate the questions and limitations on questions:
    a. The Hearing Officer will determine whether a proposed question is Relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible.
    b. Questions that are unclear or harassing of the Party or witness being questioned will not be permitted.
    c. The Hearing Officer will give a Party an opportunity to clarify or revise a question that the Hearing Officer determines is unclear or harassing. If the Party sufficiently clarifies or revises the question, the question will be asked.
    d. The Parties may also submit written follow-up questions to the Hearing Officer during the hearing, at appropriate times designated by the Hearing Officer.
    e. The Hearing Officer will ask the questions proposed by the Parties except for questions that:
        i. Seek information that is unreasonably duplicative of evidence in the Hearing Officer's possession;
        ii. Are not relevant to material disputed issues, are repetitive, argumentative or harassing or unduly intrude on a witness' privacy;
        iii. Relate to the Complainant's or Respondent's sexual interests or prior or subsequent sexual conduct, unless offered to prove someone other than the Respondent committed the alleged conduct;
        iv. Relate to the existence of a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent unless the evidence is relevant to how the Parties communicated consent in prior or subsequent consensual sexual relations.
            - Note: If the Hearing Officer allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent the mere fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.
            - The Hearing Officer shall provide a written explanation to the Parties as to why consideration of the evidence is consistent with this section in the Hearing Officer's Report.

<u>Party or Witness Failure to Participate</u>

The Hearing Officer may choose to place less or no weight upon statements by a Party or witness who refuses to respond to questions deemed Relevant and not impermissible. The Hearing Officer will not

draw an inference about whether alleged conduct occurred based solely on a Party's or witness's refusal to respond to such questions.

Questions, Concerns, and Objections to Questions Posed

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.

Hearing Officer Discretion to Rephrase or Decline Questions

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.

The Hearing Officer's Report

The Hearing Officer will prepare a written report that includes findings of facts and conclusions about whether the Respondent violated the Nondiscrimination Policy.

1. The report will include:
    a. A description of the alleged conduct and potential Nondiscrimination Policy violations, which should correspond with those detailed in the Notice of Investigation and any amended notices.
    b. Information about the policy and procedures that the University used to evaluate the allegations.
    c. A summary of any procedural issues raised by the Parties before or during the hearing.
    d. The definition of the Preponderance of the Evidence standard and a statement that this was the standard applied by the Hearing Officer in reaching their determinations
    e. Any material evidence identified by the Parties or witnesses that the Hearing Officer determined was not Relevant (or duplicative) and the reason why the evidence was not considered to be Relevant.
    f. A list of all questions submitted by the Parties at the hearing, and if any questions were not asked, why.
    g. The Hearing Officer's evaluation of the Relevant and not otherwise impermissible evidence including an analysis of the credibility of the Parties and witnesses when credibility assessments are required to resolve factual disputes. Credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.
    h. A determination whether the alleged conduct occurred and if the conduct violated the Nondiscrimination Policy.
    i. When the Hearing Officer finds that a violation of the Nondiscrimination Policy occurred, any Disciplinary Sanctions the University will impose on the Respondent, whether

Remedies other than the imposition of Disciplinary Sanctions will be provided by the University to the Complainant, and, to the extent appropriate, other students identified by the University to be experiencing the effects of the violation of the Nondiscrimination Policy.

j. The procedures and permissible bases for the Complainant and Respondent to appeal.

2. The Title IX Coordinator will review the Hearing Officer's report to ensure compliance with the Nondiscrimination Policy.
3. The Hearing Coordinator will notify the Parties at the same time and in writing of the determination as to whether the alleged conduct and violation of the Nondiscrimination Policy occurred and will include a copy of the Hearing Officer's report. This notification will be issued within 15 Working Days of the end of the hearing unless an extension is granted by the Title IX Coordinator/DHR Administrator. The notification will also include information regarding the Parties' appeal rights. The Student Conduct Administrator or other appropriate administrator will also be notified of the Hearing Officer's determination.

Hearing Outcome – No Violation Found

If no violation is found, the Hearing Coordinator will notify the Parties of the outcome and their appeal rights, as described above. The University president or designee will also be notified.

Hearing Outcome – Violation Found

If there is a determination that a violation of the Nondiscrimination Policy occurred, as appropriate, the Title IX Coordinator will:

a. Coordinate the provision and implementation of Remedies to a Complainant and other people the University identifies as having had equal access to its education programs or activities limited or denied by the Nondiscrimination Policy violation.
b. Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions;
c. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the University's education programs or activities; and
d. Comply with the Nondiscrimination Policy procedures before the imposition of any Disciplinary Sanctions against a Respondent.

Statements from Parties, Title IX Coordinator, and Appropriate Administrator

If the Hearing Officer finds a violation of the Nondiscrimination Policy, the Parties may submit to the Hearing Coordinator an impact statement or other statement regarding discipline. 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 statement may not be more than 2000 words in length and will be submitted to the Hearing Coordinator no later than 5 Working Days after the Hearing Officer's report is sent to the Parties.

The appropriate administrator and/or the Title IX Coordinator/DHR Administrator will also submit to the Hearing Coordinator a written statement regarding aggravating and mitigating factors no later than 5

Working Days after the Hearing Officer's report is sent to the Parties. The Hearing Coordinator will provide these statements to the Hearing Officer. Any information in the impact statement relied upon by the Hearing Officer in making their Disciplinary Sanction recommendation will be shared with the other Party with the president (or designee's) final decision and notification.

Recommendation as to Disciplinary Sanctions

Within 5 Working Days after receiving and considering the statements described above, the Hearing Officer will update their Hearing Officer's report to include the recommended Disciplinary Sanctions and submit it to the president (or designee).

Final Decision and Notification

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 Disciplinary Sanction.

1. **Adoption of Sanctions** – The president (or designee) 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 or rejects sanctions altogether, the president must set forth the reasons in the Decision Letter.
2. **Remedies** – The University may also provide Remedies, which may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, campus escorts, 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 Administrator is responsible for determining the reasonableness of the requested Remedy and coordinating the effective implementation of Remedies.
3. **Decision Letter** – The Decision Letter will include:
    a. The outcome of the hearing, including any sanction imposed, and the name of the Respondent.
    b. A copy of the Hearing Officer's Report, including the Hearing Officer's recommended Disciplinary Sanctions.
    c. Notice of the Complainant's and Respondent's right to appeal.
4. **Notification of Final Decision** – The president will send the Decision Letter electronically to the Respondent and Complainant at the same time.
    a. The decision will also be sent to the appropriate administrator and the Hearing Officer.
    b. The president will also send the Decision Letter to the Title IX Coordinator/DHR Administrator so that they may determine whether any additional Remedies or other Supportive Measures will be afforded or undertaken to maintain a safe and nondiscriminatory University environment.
    c. A copy of the Decision Letter issued to the Complainant will be redacted as to findings regarding conduct that does not constitute a "crime of violence," Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking (34 C.F.R. § 99.31 et seq.).

d. Unless the University 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.

Appeal Procedures

For Complaints alleging Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking, either Party may file an appeal. For Complaints involving allegations of Discrimination, Harassment, Prohibited Consensual Relationships, or Retaliation only the non-prevailing Party may appeal.

Filing an Appeal to the Chancellor's Office

A written appeal may be submitted to the Chancellor's Office Civil Rights Programming & Services Appeals Unit ("Civil Rights Appeals Unit") no later than 10 Working Days after the date of the Notice of Investigation Outcome (non-hearing cases) or Final Decision (hearing cases). All arguments and/or evidence supporting the appeal must be submitted by the deadline to file the appeal. Arguments or evidence submitted after the appeal submission deadline will not be considered by the Civil Rights Appeals Unit. A written appeal may not exceed 3,500 words, excluding exhibits.

Appeals will be submitted to:

Civil Rights Appeals Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore Long Beach, California 90802
CO-Appeals@calstate.edu

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

Bases for Appeal

An appeal will be based only on one or more of the appeal issues listed below:

1. There was no reasonable basis for the findings or conclusions that resulted in the investigation or hearing outcome.
2. Procedural errors occurred that would have likely changed the outcome of the investigation or hearing.
3. New evidence is available that would change the outcome and that was not reasonably available when the Investigator's or Hearing Officer's determination was made.
4. The Title IX Coordinator/DHR Administrator, Investigator, or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that would change the outcome.
5. The sanctions imposed were objectively unreasonable, or arbitrary based on substantiated conduct. (For Acceptance of Responsibility cases or Appeal reversals).

Issues and Evidence on Appeal

The issues and evidence raised on appeal will be limited to those raised and identified during the investigation or hearing unless new evidence that was not reasonably available at the time of the investigation or hearing and that could change the investigation or hearing outcome becomes available after the University investigation or hearing was completed and is submitted by the appealing Party. The Civil Rights Appeals Unit may conduct an interview, at their discretion, with the appealing Party to clarify the written appeal.

Acknowledgement of Appeal

The Civil Rights Appeals Unit 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 University 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 Civil Rights Appeals Unit will be provided to the appealing Party for informational purposes only.

Reasonable Accommodation

The Civil Rights Appeals Unit will provide reasonable accommodations to any Party or witness in the appeal process with a qualified Disability upon request by the person needing the accommodation. A reasonable accommodation may include an extension of time under these Procedures. The timeframe for the Civil Rights Appeals Unit Response will automatically be adjusted for the time needed, if any, to provide reasonable accommodations. The Civil Rights Appeals Unit will consult with the appropriate university administrator (for Students, the services for students with disabilities administrator, and for Employees the appropriate human resources administrator) to determine the reasonableness of a requested accommodation.

Scope of Review

The Civil Rights Appeals Unit will not conduct a new investigation; however, the Civil Rights Appeals Unit may make reasonable inquiries to determine if the new evidence could have affected the investigation or hearing determination. On appeal, the Civil Rights Appeals Unit 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.

Civil Rights Appeals Unit Response

The Civil Rights Appeals Unit 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 determinations reached regarding the issues identified within the written appeal. A copy of the final Civil Rights Appeals Unit response will be forwarded to the Complainant, the Respondent, and the Title IX Coordinator/DHR Administrator. The appeal response determination is final and is not subject to further appeal.

Reopening a University Investigation or Hearing

If the Civil Rights Appeals Unit 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 University and the investigation or hearing reopened at the campus level. The Civil Rights Appeals Unit will return the matter to the University and will specify in writing the timeline by which a reopened investigation or hearing must be completed. The Civil Rights Appeals Unit will notify the Parties of the reopening of the investigation or hearing and the timeline for completion of the reopened investigation or hearing. The University will complete the reopened investigation or hearing and provide the Civil Rights Appeals Unit with an amended final investigation report or Hearing Officer report. The University will also provide the Parties with amended notices of investigation outcome or 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 University, the non-prevailing Party will be given an opportunity to appeal.

Reversal by Civil Rights Appeals Unit

If the Civil Rights Appeals Unit determines that no reasonable fact finder (Investigator or Hearing Officer) could have made the findings as determined by the Investigator or Hearing Officer, the Civil Rights Appeals Unit may vacate and reverse the investigation or hearing outcome, but only with respect to whether the Nondiscrimination Policy was violated (and not with respect to factual findings). If the Civil Rights Appeals Unit vacates and reverses the investigation or hearing outcome, it will notify the Parties at the same time and in writing, as well as the Title IX Coordinator/DHR Administrator. Following a reversal of an investigation or hearing outcome by the Civil Rights Appeals Unit, the decision is final and is not subject to further appeal. In the event that the final outcome has been reversed by the Civil Rights Appeals Unit and a sanction will be imposed by the University, 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 University for reconsideration of the sanction.

Timeline for Response to Appeal

The Civil Rights Appeals Unit will respond to the appealing Party no later than 30 Working Days after receipt of the written appeal unless the timeline has been extended pursuant to Section L below.

Timelines and Extensions

The Civil Rights Appeals Unit has discretion to extend the timelines for the appeal process for good cause or for any reasons deemed to be legitimate by the Civil Rights Appeals Unit. This includes the time for filing an appeal, the time for a reopened investigation or hearing to be completed, and the time for the Civil Rights Appeals Unit to respond to the appeal. The Civil Rights Appeals Unit will notify the Parties and the Title IX Coordinator/DHR Administrator of any extensions of time granted pertaining to any portion of the appeal process.

Disciplinary Sanctions and Remedies

The University will not impose discipline on a Respondent for violations of the Nondiscrimination Policy unless:

1) There is a determination at the conclusion of the formal complaint resolution process (including appeals) that the Respondent violated the Nondiscrimination Policy; or
2) Where discipline is agreed to as part of an informal resolution process.

If there is a determination that a violation of the Nondiscrimination Policy occurred, the Title IX Coordinator/DHR Administrator will, as appropriate:

1. Coordinate the provision and implementation of Remedies to a Complainant and any other individuals who the University identifies as also having been deprived of equal access to the University's education programs, activities, or employment due to a violation of the Nondiscrimination Policy;
2. Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions;
3. Take other appropriate prompt and effective steps to ensure that prohibited conduct under the Nondiscrimination Policy does not continue or recur within the University's education programs, activities, or employment; and
4. Comply with these Procedures before the imposition of any Disciplinary Sanctions against a Respondent.

Students who are found to have violated the Nondiscrimination Policy will be subject to discipline in accordance with state and federal requirements, student conduct rules, and other CSU policies. Sanctions for Students determined to have violated the Nondiscrimination Policy are identified in the Student Conduct Process: restitution, loss of financial aid, educational and remedial sanctions, denial of access to campus or persons, disciplinary probation, suspension, and expulsion. The University may also temporarily or permanently withhold a degree. Other sanctions and remedies may be agreed upon through the Informal Resolution process.

Employees who are found to have violated the Nondiscrimination Policy will be subject to discipline that is appropriate for the violation and in accordance with state and federal requirements and other CSU policies and applicable collective bargaining agreements. The possible sanctions for Employees determined to have violated the Nondiscrimination Policy are education, training, counseling, reprimand, unpaid suspension of varying lengths, demotion, and/or termination.

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 website at https://www.meganslaw.ca.gov/.

California law allows the following additional information regarding a registered sex offender on campus, whose information is not available to the public via the internet website, to be released to a campus community (Penal Code §290.01(d)):

1. The offender's full name
2. The offender's known aliases
3. The offender's sex
4. The offender's race
5. The offender's physical description
6. The offender's photograph
7. The offender's date of birth
8. Crimes resulting in the registration of the offender under Penal Code §290
9. The date of last registration

For purposes of this section, campus community shall be defined as those persons present at or regularly frequenting any place constituting campus property, satellite facilities, laboratories, public areas contiguous to the campus and other areas set forth in Penal Code §290.01(d).

Registrant information that is released should include notification that:

1. The offender registry includes only those persons who have been required by law to register and who are in compliance with the offender registration laws.
2. The information is provided as a public service and may not be current or accurate.
3. Persons should not rely solely on the offender registry as a safeguard against offenses in their communities.
4. The crime for which a person is convicted may not accurately reflect the level of risk.
5. Anyone who uses information contained in the registry to harass registrants or commit any crime may be subject to criminal prosecution.
6. The purpose of the release of information is to allow members of the public to protect themselves and their children from sex offenders (Penal Code §290.45).

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.

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 at 619-594-1991.

Anyone who has knowledge that a CSU student is missing should report the information to Student Affairs or UPD. This report must be made when a student has been missing for 24 hours, but the University encourages you to report immediately. Reports made to Student Affairs will immediately be referred to UPD. Notifications can also be made to 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.

UPD does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The University Police Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code §14211).

Any member encountering a person who wishes to report a missing person or runaway shall render assistance without delay (Penal Code §14211). This can be accomplished by accepting the report via telephone or in-person and initiating the investigation. Those members who do not take such reports or who are unable to render immediate assistance shall promptly dispatch or alert a member who can take the report.

A report shall be accepted in all cases and regardless of where the person was last seen, where the person resides or any other question of jurisdiction (Penal Code §14211).

Officers or other members conducting the initial investigation of a missing person should take the following investigative actions, as applicable:

- Respond to a dispatched call as soon as practicable.
- Interview the reporting party and any witnesses to determine whether the person qualifies as a missing person and, if so, whether the person may be at risk.
- Notify a supervisor immediately if there is evidence that a missing person is either at risk or may qualify for a public alert, or both (see the Public Alerts Policy).
- Broadcast a "Be on the Look-Out" (BOLO) bulletin" if the person is under 21 years of age or there is evidence that the missing person is at risk. The BOLO should be broadcasted as soon as practicable but in no event more than one hour after determining the missing person is under 21 years of age or may be at risk (Penal Code §14211).
- Ensure that entries are made into the appropriate missing person networks as follows:
    - Immediately, when the missing person is at risk.
    - In all other cases, as soon as practicable, but not later than two hours from the time of the initial report (34 USC §41308).
- Complete the appropriate report forms accurately and completely and initiate a search as applicable according to the facts.
- Collect and/or review:
    - A photograph and a fingerprint card of the missing person, if available.

    - A voluntarily provided biological sample of the missing person, if available (e.g., toothbrush, hairbrush).
    - Any documents that may assist in the investigation, such as court orders regarding custody.
    - Any other evidence that may assist in the investigation, including personal electronic devices (e.g., cell phones, computers).
- When circumstances permit and if appropriate, attempt to determine the missing person's location through their telecommunications carrier.
- Contact the appropriate agency if the report relates to a missing person report previously made to another agency and that agency is actively investigating the report. When this is not practicable, the information should be documented in an appropriate report for transmission to the appropriate agency. If the information relates to an at-risk missing person, the member should notify a supervisor and proceed with reasonable steps to locate the missing person.
- Any student residing in campus housing has the option to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing. This contact information will be registered confidentially, accessible only to authorized campus officials, and may not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. Notification of the confidential contact person or persons shall be documented within the appropriate report.

Employees should complete all missing person reports and forms promptly and advise the appropriate supervisor as soon as a missing person report is ready for review. The responsibilities of the supervisor shall include, but are not limited to:

- Reviewing and approving missing person reports upon receipt. The reports should be promptly sent to the Records Bureau.
- Ensuring resources are deployed as appropriate.
- Initiating a command post as needed.
- Ensuring applicable notifications and public alerts are made and documented.
- Ensuring that records have been entered into the appropriate missing persons networks.
- Taking reasonable steps to identify and address any jurisdictional issues to ensure cooperation among agencies.

If the case falls within the jurisdiction of another agency, the supervisor should facilitate transfer of the case to the agency of jurisdiction.

CSU Hazing Policy

Statement of Values

The California State University (CSU) is committed to maintaining an inclusive and equitable community that values diversity, mutual respect, and fosters healthier and safer environments for living and learning. Hazing is contrary to our institution's values and will not be tolerated.

Policy

This policy establishes a systemwide policy on hazing prohibition in conjunction with hazing prevention efforts and activities. The provisions of this policy are pursuant to the Stop Campus Hazing Act in California Education Code 66305 – 66309 and the federal Stop Campus Hazing Act, 20 U.S.C. Section 1092(f)(9).

Definition of Hazing

The federal definition of hazing: The term 'hazing' means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including— whipping, beating, striking, electronic shocking, placing of a harmful substance on someone's body, or similar activity; causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity; causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances; causing, coercing, or otherwise inducing another person to perform sexual acts; any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct; any activity against another person that includes a criminal violation of local, state, tribal or federal law; and any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, state, tribal, or federal law.

The California Definition of Hazing: The term "hazing" is defined broadly. The CSU Student Code of Conduct, found at Title 5, California Code of Regulations, Section 41301 (b)(8) and California Penal Code section 245.6 defines "hazing" as "any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause physical harm, personal degradation or disgrace resulting in physical or mental harm, to any former, current, or prospective student of any school, community college, college, university or other educational institution" as well as "any act likely to cause physical harm, personal degradation or disgrace resulting in physical or mental harm, to any former, current, or prospective student of any school, community college, college, university or other educational institution. "Hazing" does not include customary and ordinary athletic events or school sanctioned events."

Any method or act of initiation or preinitiation into (or the maintenance of status within) a student organization or student body, whether or not the organization or body is officially recognized by the CSU, which is likely to cause serious bodily injury or mental harm to any former, current, or prospective student of the CSU is prohibited and constitutes a violation of this policy. Hazing includes not just conduct or actions likely to cause physical harm or pose a risk to the health and safety of an individual(s) but also conduct likely to cause personal degradation that could result in physical or mental harm. Hazing includes any action taken or situation created, whether on or off a campus, to produce mental or physical discomfort, embarrassment, harassment, or ridicule.

Section 41301(b)(8) makes clear that "neither the express or implied consent of a victim of hazing, nor the lack of active participation in a particular hazing incident is a defense. The express or implied consent of a victim of hazing does not excuse or constitute a defense. Hazing violates this policy regardless of a person's consent or willingness to participate and even if the person voluntarily submits to being hazed.

Section 41301(b)(8) also makes clear that apathy or acquiescence in the presence of hazing is not a neutral act and is also a violation of this section." Passive participation in hazing (such as attending a hazing incident or being a spectator) violates this policy. The tacit or explicit endorsement, approval or validation of hazing violates this policy. In addition, an individual who is in a position to be able to take reasonable action to stop or prevent hazing but fails to do so violates this policy.

Participation in hazing, actively or passively, will result in both individual student and student organizational disciplinary action, including possible expulsion from the California State University system and a permanent loss of recognition for the student organization. Disciplinary action will also be initiated against organizational officers who permit hazing to occur. Organizational officers are expected and required to be aware of any potential hazing and to prevent any such conduct from occurring.

Student organizations and their organizational officers are responsible for controlling the actions of their alumni, inactive members, and any other individuals participating in their member activities.

Examples of prohibited activities include but are not limited to:

1. Any form of physically demanding or dangerous activity (calisthenics, runs, etc.) not part of a sanctioned university or auxiliary activity.
2. Paddling, shoving, hitting, slapping, punching, dragging, kicking, or shocking an individual regardless of degree or nature.
3. Compelling, pressuring or forcing an individual to consume, use or be exposed to alcohol, tobacco, or drugs or engage in drinking games.
4. Compelling, pressuring or forcing an individual to consume unusual, undue amounts, or odd preparations of food, liquids, substances or other items.
5. Throwing, pouring, submerging, or otherwise applying substances to the bodies, clothing, or belongings of individuals.
6. Morally degrading or humiliating games, performances, or other activities that make an individual the object of ridicule, amusement or intimidation.
7. Abducting or transporting an individual to undisclosed locations, abandoning individuals, or conducting any "kidnap," "road trip," or "ditch" that may in any way endanger or compromise the physical or mental health, safety, or comfort of any individual.
8. Confining an individual to unreasonably small, poorly ventilated, unsanitary, uncomfortable or unlit areas.
9. Restraining an individual in any manner.
10. Intentionally exposing an individual to unsafe, hazardous, or uncomfortable temperatures, conditions, or environments.

11. Compelling, pressuring or forcing an individual to engage in, encourage, or witness nonconsensual sexual behavior, including kissing, touching private parts, fondling, or intercourse, or in sexual simulations.
12. Activities that require an individual to remain in a fixed position for an extended period of time.
13. "Line-ups" involving intense or demeaning intimidation or interrogation, such as shouting obscenities, insults, or quizzing an individual.
14. Using demeaning, degrading or humiliating language, or derogatory names, or otherwise engaging in verbal abuse.
15. Assigning activities such as pranks or scavenger/treasure hunts in which a person is asked to deface or steal property, engage in humiliating acts, stunts, or bother other individuals or organizations/teams.
16. Exposing an individual to bodily fluids, including, but not limited to, blood, vomit, feces, urine, saliva, and semen, or compelling an individual to engage in activity that induces bodily functions.
17. Compelling individuals to wear or carry unusual, embarrassing, degrading, uncomfortable or physically burdensome items or apparel.
18. Depriving individuals of sufficient sleep, comfortable sleeping arrangements, meals, or access to showers, baths, and sinks.
19. Activities that interfere with an individual's academic efforts by causing exhaustion, loss of sleep, or loss of reasonable study time or by interfering with an individual's ability to attend class.
20. Compelling, pressuring or forcing an individual to engage in acts of personal servitude for others including errands, cleaning, standing in line, completing academic assignments or tasks, driving and shopping.
21. Compelling an individual to modify their body by way of branding, tattooing, piercing, shaving, weight loss, or other forms of modification.
22. Compelling, pressuring or forcing an individual to not participate in familial, religious, cultural, or traditional activities, holidays, or events.
23. Intentionally creating a mess and forcing others to clean up.
24. Compelling individuals to purchase an animal or engage in animal cruelty or mistreatment.
25. Blindfolding individuals in a manner that may cause intimidation, fear, or harm.
26. Depriving new members access to or use of cell phones, wallets, keys or key fobs, or other personal possessions.

Reporting Incidents of Hazing

Each University shall distribute and make publicly available a mechanism or procedure for reporting hazing. The mechanism or procedure must provide an option for an individual to submit an anonymous report. The mechanism or procedure must provide information about how an individual can report hazing without fear of retaliation or reprisal.

Alleged victims and witnesses should not be deterred from reporting any incidents of hazing out of a concern that they might be disciplined for related violations of hazing or other university policies. The CSU's primary concern is the safety of the university community. A person who participates as a complainant or witness in investigations or proceedings involving hazing shall generally not be subject to

discipline for related violations of the Student Conduct Code at or near the time of the incident unless the University determines the violation was sufficiently egregious that it placed the health and safety of another person or the university at risk. It shall also be known that retaliation against any person participating or perceived to be participating in the reporting of or investigation into acts of hazing will constitute a violation of this Policy, as well as the Student Conduct Process.

At San Diego State University, incidents can be reported without fear of retaliation or reprisal to:

Resource Name	Contact Information
Student Life & Leadership	Office Location: Aztec Student Union, 210 Phone: 619-594-5221 sll@sdsu.edu
Report Hazing Anonymously	reporthazing@sdsu.edu
The Center for Student Rights & Responsibilities	Office Location: Student Services West, 1604 Phone: 619-594-3069 csrr@sdsu.edu
General Incident Reporting Form	Web Form Link: General Incident Reporting Form
University Police Department	Office Location: University Police Non-emergency Phone: 619-594-1991 police@sdsu.edu

Hazing Investigation Process

All reported acts of hazing committed by students or impacting students shall be reported to the vice president of student affairs or their designee for appropriate investigation and sanctioning processes. Investigations will be handled in accordance with the CSU Student Conduct Procedures Policy and CSU Student Activities Policy.

Student Conduct

Universities shall follow applicable system and university policies when investigating and sanctioning reported acts of hazing. Sanctions for students found to have hazed other students can be found in the CSU Student Conduct Process Policy.

Recognized Student Organization Conduct

Universities shall follow applicable system and university policies when investigating and sanctioning reported acts of hazing on recognized student organizations. Sanctions for recognized student organizations found to have permitted hazing to occur include permanent loss of recognition as a student organization.

Supportive Measures

Supportive Measures are individualized services offered to the hazing victim, as appropriate, when reasonably available, not for punitive or disciplinary reasons, and without fee or charge, regardless of whether an investigation occurs. Supportive Measures are designed to restore or preserve equal access to CSU education programs, 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 provide support to the victim during the reporting or investigation process. Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, campus escorts, no-contact directives (unilateral or mutual, depending on the circumstances) or restrictions on contact with the other Party, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The vice president for Student Affairs (or designee) is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential to the greatest extent possible.

Hazing Prevention and Awareness Programs

Every incoming student's orientation includes information on hazing awareness, prevention, and reporting.

Athletic teams and affiliated social sororities and fraternities receive annual hazing prevention training that includes information on hazing awareness, bystander intervention, ethical leadership and ways to build group cohesion without hazing, consequences of engaging in hazing activities (including mental health, student wellness, student conduct, student organization, criminal and civil), and options for reporting. Each University shall develop a list of other programs or organizations that shall receive annual training.

Officers of Recognized Student Organizations, University Sponsored Organizations, and club sports complete annual hazing prevention training that includes information on hazing awareness, bystander intervention, ethical leadership and ways to build group cohesion without hazing, consequences of engaging in hazing activities (including mental health, student wellness, student conduct, student organization, criminal and civil), and options for reporting. Each organization/team delivers to the vice president of student affairs, or their designee, verification that they have participated in the training. This verification shall be submitted annually.

Each University implements at least one campus wide event or activity as part of National Hazing Prevention Week that promotes the CSU Policy on Hazing Prohibition and Prevention; campus resources

related to hazing including how to report hazing; and prevention and bystander intervention training as it relates to hazing. The event or activity should be open to students, staff, faculty, families, and alumni.

Fire Safety Report

The 2026 Fire Safety Report is available for viewing.

Appendix A: Jurisdictional Definitions[13]

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.

(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

[13] Note that these are not the definitions used to compile the statistics at the beginning of this 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.

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 18 years of age or older.

(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.

(e) (1) Notwithstanding any other provision of this section, an adult who engages in an act of sexual intercourse with a minor in violation of this section may be liable for civil penalties in the following amounts:

(A) An adult who engages in an act of unlawful sexual intercourse with a minor less than two years younger than the adult is liable for a civil penalty not to exceed two thousand dollars ($2,000).

(B) An adult who engages in an act of unlawful sexual intercourse with a minor at least two years younger than the adult is liable for a civil penalty not to exceed five thousand dollars ($5,000).

(C) An adult who engages in an act of unlawful sexual intercourse with a minor at least three years younger than the adult is liable for a civil penalty not to exceed ten thousand dollars ($10,000).

(D) An adult over 21 years of age who engages in an act of unlawful sexual intercourse with a minor under 16 years of age is liable for a civil penalty not to exceed twenty-five thousand dollars ($25,000).

(2) The district attorney may bring actions to recover civil penalties pursuant to this subdivision. From the amounts collected for each case, an amount equal to the costs of pursuing the action shall be deposited with the treasurer of the county in which the judgment was entered, and the remainder shall be deposited in the Underage Pregnancy Prevention Fund, which is hereby created in the State Treasury. Amounts deposited in the Underage Pregnancy Prevention Fund may be used only for the purpose of preventing underage pregnancy upon appropriation by the Legislature.

(3) In addition to any punishment imposed under this section, the judge may assess a fine not to exceed seventy dollars ($70) against a person who violates this section with the proceeds of this fine to be used in accordance with Section 1463.23. The court shall, however, take into consideration the defendant's ability to pay, and a defendant shall not be denied probation because of their inability to pay the fine permitted under this subdivision.

(f) A person convicted of violating subdivision (d) who is granted probation shall not complete their community service at a school or location where children congregate.

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)

CA Penal Code 273.5

(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.

Clery Act Annual Security Report Definitions

The statistics in the Annual Security Report will likely not match the statistics in the Campus Hazing Transparency Report. The two reports differ in the following ways:

(a) The “Where”: The Annual Security Report statistics are limited to Clery geography, so the Campus Hazing Transparency Report, which has no such limitation, is broader.

(b) The “Who”: The Annual Security Report defines student organization as an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution. The Annual Security Report statistics are broader than the Campus Hazing Transparency Report.

(c) The “What”: The Annual Security Report statistics include reports, whereas the Campus Hazing Transparency Report includes only sustained findings of misconduct against the recognized student organization, so the Annual Security Report is broader. In addition, the Campus Hazing Transparency Report uses the definitions in this policy, whereas the Annual Security Report uses federal definitions, listed below:

- The term ‘hazing’ means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons regardless of the willingness of such other person or persons to participate, that is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a student organization; and causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization (such as the physical preparation necessary for participation in an athletic team), of physical or psychological injury including—
    - whipping, beating, striking, electronic shocking, placing of a harmful substance on someone’s body, or similar activity;
    - causing, coercing, or otherwise inducing sleep deprivation, exposure to the elements, confinement in a small space, extreme calisthenics, or other similar activity;
    - causing, coercing, or otherwise inducing another person to consume food, liquid, alcohol, drugs, or other substances;
    - causing, coercing, or otherwise inducing another person to perform sexual acts;
    - any activity that places another person in reasonable fear of bodily harm through the use of threatening words or conduct;
    - any activity against another person that includes a criminal violation of local, State, Tribal or Federal law; and
    - any activity that induces, causes, or requires another person to perform a duty or task that involves a criminal violation of local, State, Tribal, or Federal law
- Statistics shall be compiled per each single hazing incident and if the same person or persons commit more than one hazing act, and the time and place intervals separating each such act are insignificant, such acts shall be reported as a single hazing incident.

Appendix B: Track 1: Federal Mandated Hearing Process

Track 1: The Federal Mandated Hearing Process ("Track 1") is applicable instead of the processes under the Interim CSU Nondiscrimination Policy – Student Respondent Procedures and the Interim CSU Nondiscrimination Policy – Employee and Third-Party Respondent Procedures for cases that are defined by the 2020 Title IX Federal Regulations as sexual harassment in an education program or activity against a person (including, but not limited to students and employees) in the United States.

Background

In 2020, the United States Department of Education, Office for Civil Rights (OCR) issued and amended federal regulations (Federal Regulations) implementing the sex discrimination law known as "Title IX," which is part of the Education Amendments of 1972. The Federal Regulations are titled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance* (34 C.F.R. 106). The Federal Regulations were published in the Federal Register on May 19, 2020, and took effect August 14, 2020.

In 2024, OCR issued amended federal regulations. However, on January 9, 2025, a federal judge in Kentucky vacated the 2024 Title IX Regulations. This meant that the regulations were no longer applicable nationwide. On January 31, 2025, OCR issued a "Dear Colleague Letter" ("DCL") which clarified the position of the federal government that the 2020 Title IX Regulations are in immediate effect. A subsequent DCL was issued on February 4, 2025, providing further clarification of the position of the Department of Education. The February 4, 2025, DCL directed educational institutions to apply the 2020 Title IX Regulations to all new cases and to reevaluate any pending cases to ensure they align with the 2020 Title IX Regulations. The procedures in this document – Track 1 – implement the requirements of the 2020 Title IX Regulations.

Article I. Procedure Scope and Applicability of Track 1

Track 1 is applicable to cases that are defined by the 2020 Federal Regulations as Sexual Harassment in an Education Program or Activity against a person (including Students and Employees of the CSU) in the United States (Title IX prohibited conduct).

The Title IX Coordinator and the DHR Administrator, will assess allegations of non-Title IX prohibited conduct not covered by Track 1 but set forth in the same Complaint that arise out of the same facts and/or incidents that may also be investigated and resolved (including sanctions and discipline) in accordance with the process in Track 1 or other CSU policies or procedures.

Article II. Definitions

Track 1 (Title IX) prohibited conduct is defined under Article V.B of the CSU Nondiscrimination Policy. Capitalized terms are defined in this document (Track 1) and in Article V.C of the Nondiscrimination Policy. In implementing this process, the Track 1 definitions apply where they differ from those listed in Article V.C of the Nondiscrimination Policy. For purposes of Track 1 specifically, the following definitions apply:

A. **Affirmative Consent** means an agreement to engage in sexual activity that is informed, affirmative, conscious, voluntary, and mutual. Affirmative Consent must be given freely and without coercion, force, threats, intimidation, or by taking advantage of another person's incapacitation. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) prior to engaging in the sexual activity.

   i. Affirmative consent is given by clear words or actions. Affirmative consent includes knowledge and agreement to engage in the specific sexual activity.
   ii. Affirmative Consent must be ongoing throughout a sexual activity and can be withdrawn or revoked at any time, including after sexual activity begins. Once consent is withdrawn or revoked and clearly communicated, the sexual activity must stop immediately.
   iii. Consent to one form of sexual activity or one sexual act does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion.
   iv. Affirmative Consent cannot be inferred from an existing or previous dating, social, or sexual relationship between the Parties.
   v. Silence does not mean there is Affirmative Consent.
   vi. Lack of protest or resistance does not mean there is Affirmative Consent.
   vii. A request for someone to use a condom or birth control does not, in and of itself, mean there is Affirmative Consent.
   viii. Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious, or incapacitated due to the influence of drugs, alcohol, or medication.

B. **Bias and Conflict of Interest** means that whether bias exists against Complainants or Respondents generally or against individual Complainants or Respondents, requires examination of the particular facts of a situation. In determining whether bias exists, the following should be considered:

   i. an objective (whether a reasonable person would believe bias exists), common sense approach to evaluating whether a particular person serving in a Title IX role is biased;
   ii. an evaluation that does not apply generalizations that might unreasonably conclude that bias exists (for example, assuming that a declaration that one is a feminist, or survivor, means that they are biased against men, or that a male is incapable of being sensitive to women, or that prior work as a victim advocate, or as a defense attorney, renders the person biased for or against Complainants or Respondents); and
   iii. whether the bias will impede the impartiality of the person being evaluated.

C. **Complainant**[14] means an individual who is alleged to have been subjected to conduct that could constitute Sexual Harassment as defined under Article V.B of the Nondiscrimination Policy.

[14] Track 1 incorporates the requirements of the U.S. Department of Education's 2020 Federal Regulations and generally tracks language used in the regulations. However, in keeping with the most current best practices, Track 1 has substituted other terms for "victim" where possible.

D. **Directly Related** means anything that is not incidental to a matter at issue.

E. **Education Program or Activity** includes all the operations of the CSU as well as locations, events, or circumstances over which the CSU exercised substantial control over the Respondent (Student, Employee, or Third Party) **and** the context in which the Sexual Harassment occurs. Education Program or Activity also includes any building owned or controlled by the CSU or a student organization that is officially recognized by the CSU.

F. **Formal Complaint** means a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature[15] or a document signed by the Title IX Coordinator[16] alleging Sexual Harassment against a Respondent and requesting an investigation of the allegation of Sexual Harassment. At the time that the Formal Complaint is filed, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the CSU.

G. **Incapacitation:** A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions about whether or not to engage in sexual activity. A person with a medical or mental disability may also lack the capacity to give consent. Incapacitation exists when a person could not understand the fact, nature, or extent of the sexual activity.

   i. It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:

      a. The person was asleep or unconscious;

      b. The person was incapacitated due to the influence of drugs, alcohol, or medication, so that the person could not understand the fact, nature, or extent of the sexual activity; or

      c. The person was unable to communicate due to a physical or mental condition.

   ii. It shall not be a valid excuse that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:

      a. The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent;

      b. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.

   iii. Whether an intoxicated person (as a result of using alcohol, drugs, or medication) is incapacitated will require an individualized determination about the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. The level of intoxication may change over a period of time based on a variety of individual factors, including the amount of substance consumed, speed of intake, body mass, height, weight, tolerance, food

[15] A Formal Complaint may exist even without a signature where something otherwise indicates that the complainant is the person filing the formal complaint. An e-mail from the Complainant would be sufficient.

[16] By signing the Formal Complaint, the Title IX Coordinator does not become a party to the investigation or demonstrate bias.

consumption, drinking patterns, and metabolism. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.

iv. Incapacitation due to alcohol, drugs or medication is a state of intoxication that is so severe that it interferes with a person's capacity to make informed and knowing decisions. A person who is incapacitated may not be able to understand where they are, whom they are with, how they got there, or what is happening. Signs that a person may be incapacitated due to the influence of drugs, alcohol, or medication include, but are not limited to, the following:

   a. slurred speech or difficulty communicating clearly;
   b. clumsiness or lack of physical coordination (e.g., difficulty standing or walking without assistance);
   c. impaired motor skills (e.g., eating, drinking, texting);
   d. disorientation regarding time and place;
   e. difficulty concentrating;
   f. vomiting;
   g. combativeness or emotional volatility; or
   h. sleeping, unconsciousness, or going in and out of consciousness.

v. Incapacitation may also include memory impairment or an inability to recall entire or partial events (sometimes referred to as "black-out" or "brown-out"). A person may experience this symptom while appearing to be functioning "normally," including communicating through actions or words that can reasonably and objectively be interpreted as communicating consent to engage in sexual activity. Total or partial loss of memory, alone, may not be sufficient, without additional evidence, to prove that an individual was incapacitated under this Policy. Whether sexual activity under these circumstances constitutes Prohibited Conduct depends on the presence or absence of the outwardly observable factors indicating that an individual is incapacitated, as described above.

vi. In evaluating Affirmative Consent in cases involving incapacitation, the CSU considers the totality of available information in determining whether a Respondent knew or reasonably should have known that the Complainant was incapacitated.

H. **Relevant** means having significant and demonstrable bearing on the matter at hand.

I. **Remedies** are individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant at the conclusion of the Formal Complaint process where the Respondent has been found responsible.

Remedies may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escorts, 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 is responsible for coordinating the effective implementation of Remedies.

J. **Respondent** means an individual who has been alleged to be a perpetrator of conduct that could constitute Sexual Harassment as defined under Article V.B of the Nondiscrimination Policy.

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

i. An Employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct.

ii. Unwelcome conduct determined based on the reasonable person standard to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an Education Program or Activity.

iii. **Sexual Assault** includes the following:

a. **Rape** is the penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant. Rape also includes the attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.

b. **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity

c. **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

d. **Statutory Rape** is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent. The definition of Affirmative Consent is that under Article V.A.3 above.

iv. **Dating Violence** means physical violence or threat of physical violence committed by a person:

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

b. where the existence of such a relationship shall be determined based on a consideration of the following factors:

A. The length of the relationship.

B. The type of relationship.

C. The frequency of interaction between the persons involved in the relationship.

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

vi. **Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

a. fear for their safety or the safety of others; or

b. suffer substantial emotional distress.

L. **Simultaneously** means at approximately the same time.

M. **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 without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational environment.

Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escorts, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures.

i. **Review of Supportive Measures -** A Complainant or Respondent may request modification or reversal of a decision to provide, deny, modify, or terminate Supportive Measures applicable to them.

a. This request will be reviewed by an appropriate and impartial Employee:

A. If the original decision about Supportive Measures was made by a person with authority delegated by the Title IX Coordinator/DHR Administrator, the review will be conducted by the Title IX Coordinator/DHR Administrator.

B. If the original decision about Supportive Measures was made by the Title IX Coordinator/DHR Administrator, the review will be conducted by a Systemwide Director for Civil Rights.

b. If the reviewer determines that the decision to provide, deny, modify, or terminate the Supportive Measure was inconsistent with the Nondiscrimination Policy's requirements, expectations, or standards for Supportive Measures, they may modify or reverse the decision. In making this determination, the reviewer should consider:

A. Do the Supportive Measures unreasonably burden a Complainant or Respondent?

B. Are the Supportive Measures punitive?

C. Are the Supportive Measures reasonably available and restore access to the CSU's programs, activities, or employment?

D. Are the Supportive Measures being offered or provided during the informal resolution process or formal complaint resolution process?

c. A Complainant or Respondent may also seek additional modification or termination of a Supportive Measure applicable to them if circumstances change materially by contacting the Title IX Coordinator / DHR Administrator.
d. The University will not share information about any Supportive Measures with anyone other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to arrange or provide the Supportive Measure or restore or preserve a Party's access to the CSU's education programs, activities, or employment, or when otherwise required by state or federal law.

Article III. Response to Report of Sexual Harassment

A. **Response to a Report of Sexual Harassment**

After receiving a report of Sexual Harassment, the Title IX Coordinator will contact the Complainant promptly to discuss the availability of Supportive Measures. This outreach to the Complainant will include the following:

i. A statement that the campus has received a report of Sexual Harassment as defined under Article V.B of the Nondiscrimination Policy.
ii. A description of the role of the Title IX Coordinator.
iii. Information regarding counseling and other support resources.
iv. A statement regarding the importance of preserving evidence.
v. A statement that the Complainant may, but is not required to, report to law enforcement any allegations that could constitute criminal behavior.
vi. A request for the Complainant to meet with the Title IX Coordinator, or other designated employee, to discuss the Complainant's options and next steps.
vii. 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.
viii. Information regarding potential Supportive Measures, where applicable.
ix. A brief summary of the investigation procedures.
x. An explanation of how the campus responds to reports of Nondiscrimination Policy violations and a description of potential disciplinary consequences.
xi. A statement that retaliation for making a Complaint or participating in a Complaint process is prohibited by the Nondiscrimination Policy.

B. **Written Information Regarding Rights and Options for Complainants Reporting Sexual Assault, Dating Violence, Domestic Violence, or Stalking**

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

C. **Response to a Formal Complaint**

In response to a Formal Complaint, the process described in this Track will be followed. In the absence of a Formal Complaint, the Title IX Coordinator will provide appropriate Supportive Measures as

described above. A Formal Complaint must be investigated even if the Complainant does not know the Respondent's identity.

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 Nondiscrimination Policy violation to discuss the Complainant's options, explain the process, and provide information about Supportive Measures. During the discussion, the Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint, and explain the process for filing a Formal Complaint.

D. **Reasonable Accommodations**

Any person with a Disability who seeks reasonable accommodations to participate in the Formal Complaint submission or investigation process will be referred to the appropriate campus administrator (for Students, the services for students with disabilities administrator, and for Employees the appropriate human resources administrator) who may consult with the Title IX Coordinator to determine the reasonableness of a requested accommodation.

E. **Neutrality of Process**

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. A Conflict of Interest exists if a person has a personal relationship with one of the Parties or witnesses, has a reporting employment relationship with a Party, or has demonstrated actual bias towards a Party or witness or towards Complainants or Respondents in general. Any party who seeks to disqualify the Title IX Coordinator due to bias or a Conflict of Interest will direct their request to the Chancellor's Office Appeals Unit at CO-Appeals@calstate.edu. Requests for disqualification shall be supported by evidence that the Bias or Conflict of Interest prevents the Title IX Coordinator from fairly performing their duties. Mere belief or opinion does not constitute evidence.

F. **Emergency Removal**

A Student Respondent may be removed from an Education Program or Activity on an emergency basis before an investigation concludes or where no investigation or hearing is pending. Prior to the removal, an individualized safety and risk analysis will be conducted.

The removal is referred to as an "Emergency Removal," and has the effects of an Interim Suspension, as set forth in the Student Conduct Process, Article VI, including that during the period of the Emergency Removal, the Student may not, without prior written permission from the campus president or designee, enter any campus of the California State University other than to attend a hearing.

As with Interim Suspensions, as set forth in the Student Conduct Process, Article VI, the president or vice president designee, in consultation with the Title IX Coordinator, will determine whether there is an immediate threat to the physical health or safety of any Student or other individual arising from the allegations of Sexual Harassment to warrant Emergency Removal. An assessment that the Respondent poses a threat of obstructing the Sexual Harassment investigation or destroying Relevant evidence does not justify Emergency Removal.

Where a determination is made that justifies Emergency Removal, the Respondent will be provided with notice and given an opportunity to challenge the decision immediately following the removal, in accordance with the procedures set forth in the Student Conduct Process, Article VI, including the right to a hearing within **10 Working Days** of a request by the Respondent for such a hearing, to determine if there is an immediate threat to the physical health or safety of a Student or other individual arising from the allegations of Sexual Harassment. The hearing will be conducted under the Student Conduct Process, Article III.D, and not this Track as it to relates to hearings.

If it is determined that the alleged conduct does not arise from the Sexual Harassment allegation/s, the campus may address a Student Respondent's alleged conduct under the Student Conduct Code.

G. **Administrative Leave (Temporary Suspension)**

A campus may place a non-student Employee on Administrative Leave (sometimes referred to as Temporary Suspension) in accordance with applicable Collective Bargaining Agreements or CSU policies while the Formal Complaint process is pending.

Article IV. Dismissal/Referral of a Formal Complaint

When the Title IX Coordinator receives a Formal Complaint, or where new information or events arise, the Title IX Coordinator will assess whether the Formal Complaint meets the requirements of the Federal Regulations to move forward under the process in this Track. A determination that allegations in a Formal Complaint do not meet the requirements of the Federal Regulations will result in a dismissal of the allegations in the Formal Complaint that do not meet the requirements and, in some cases, a referral of the allegations to another process as the campus may have an obligation to address the matter under other laws and policies. The Federal Regulations require two types of dismissals: mandatory and discretionary.

A. **Mandatory Dismissal/Referral**

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 the CSU Nondiscrimination Policy – Student Respondent Procedures (Track 2 or Track 3) and the CSU Nondiscrimination Policy – Employee and Third-Party Respondent Procedures (Track 3), Student Conduct Process, or other applicable policies.

Under the Federal Mandated Hearing Process, a Formal Complaint will be dismissed as to any conduct alleged that:

i. Would not meet the definition of Sexual Harassment as defined under Article V.B of the Nondiscrimination Policy even if proved.
ii. Did not occur in an Education Program or Activity.
iii. Did not occur in the United States.

B. **Discretionary Dismissal**

At any time during the process, it is within the discretion of the Title IX Coordinator to dismiss a Formal Complaint, or any conduct alleged within a Formal Complaint, where:

i. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any part of it;

ii. The Respondent is no longer a Student or Employee; or

iii. If the specific circumstances prevent the campus from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

C. **Notice Requirement**

Written notice of a mandatory or discretionary dismissal and reason(s) for the dismissal will be sent Simultaneously to the Parties when a Title IX Coordinator dismisses a Formal Complaint. The notice will inform the Parties of their right to appeal the dismissal, whether the matter will be referred to another process, and the process for submitting an appeal. This notice may be accompanied by a notice of allegations, as described in Article VI. below, where a notice of allegations has not already been provided.

D. **Appeal after Mandatory or Discretionary Dismissal**

Either Party may appeal from a dismissal of a Formal Complaint or any part of the Complaint. The appeal must be filed within **10 Working Days** from the date of the notice of dismissal. The appeal will be in writing and will be based only on one or more of the following grounds:

i. A procedural irregularity occurred that affected the dismissal of the Formal Complaint.

ii. New evidence that was not reasonably available at the time the dismissal decision was made that could affect the decision to dismiss the Formal Complaint.

iii. The Title IX Coordinator (or designee) who dismissed the Formal Complaint, had a Conflict of Interest or Bias for or against the Complainant or Respondent in this case or Complainants or Respondents in general that affected the outcome of the matter.

Appeals will be filed with the Chancellor's Office (CO) and will be addressed to:

Civil Rights Appeals Unit
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802
CO-Appeals@calstate.edu

If a Party is unable to file an appeal or a response to an appeal electronically, they should contact the campus Title IX Office for assistance.

When an appeal is submitted, the other Party as well as the campus Title IX Coordinator will be notified in writing. In response to the appeal, the other Party will be given **5 Working Days** from their receipt of notice of the appeal to submit a written statement in support of or challenging the dismissal. Within **10 Working Days** of the CO's receipt of the appeal, the Parties will Simultaneously receive (via email) a written decision with explanation.

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

If the CO review determines that the dismissal/referral should be reviewed to cure any defects, the matter will be remanded back to the campus to reassess within a timeframe specified by the CO. The Parties will

be informed Simultaneously of the review and the timeframe. Once the review is complete the campus will provide the Parties and the CO with either a notice of dismissal/referral or notice of allegations, depending on the outcome, that reflects any changes to the determination. The notice will inform the Parties of their right to appeal, and the CO will contact the appealing Party to determine whether that Party wishes to continue with the appeal.

The CO appeal response is final and concludes the dismissal/referral process under Track 1. If there is a mandatory dismissal of a Formal Complaint, it does not preclude the campus from later identifying a relevant policy or policies that address the alleged conduct, notifying the Parties of the policy or policies, and moving forward under the procedures of those policies.

Article V. Consolidation of Formal Complaints

Where Parties assert Formal Complaints against each other, and they arise out of the same events or circumstances, the Title IX Coordinator may consolidate the Formal Complaints into one.

Article VI. 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.

The notice of allegations will be provided to both Parties regardless of whether the Formal Complaint must be dismissed under Article IV. If a Formal Complaint is dismissed at this stage of the process, the notice of allegations will also include the notice of dismissal and appeal rights.
The notice of allegations will include:

A. A copy of, or web link to, the relevant procedures, including this Track.
B. The identities of the Parties involved in the incident, if known.
C. A summary of the Formal Complaint (e.g., "who," "what," "when," and "where").
D. Reference to the specific definition of Sexual Harassment under Article V.B of the Nondiscrimination Policy that is implicated in the Formal Complaint.
E. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Formal Complaint process.
F. A description of the Formal Complaint process (including the right to hearing and appeal).
G. Information about the Parties' right to an Advisor (as defined below), and that an Advisor may be, but is not required to be, an attorney.
H. A statement that if a Party has an Advisor (as defined below), a copy of evidence and a subsequent final investigation report will be Simultaneously sent to both the Party and their Advisor unless the Party notifies the Investigator or Title IX Coordinator in writing that they do not wish this information to be sent to their Advisor.
I. A statement that reads as follows: "A Complainant shall proceed with a Formal Complaint in good faith and a Complainant who knowingly and intentionally files a false Formal Complaint or any individual who is determined to have provided false statements or information during the investigation/appeal review shall be subject to discipline in accordance with the Student Conduct Code, applicable collective bargaining agreements, CSU policies, or legal requirements (e.g.,

Education Code Section 89530 et seq.). Likewise, the Respondent and witnesses are required to cooperate with the investigation including being forthright and honest during the process. The mere fact that two individuals have different recollections, and one is later found to be more credible does not make the other person's statement false. Disciplinary action against an individual for knowingly filing a false Formal Complaint or for providing a knowingly false statement will not be deemed to be Retaliation".

J. An explanation that the Complainant and Respondent will have equal opportunities to present Relevant witnesses and inculpatory and exculpatory evidence in connection with the investigation and at any hearing.
K. A statement that the Parties may identify specific documents and information that they believe are Relevant and request that the Investigator attempt to collect such documents and other information that are not reasonably accessible to the requesting Party.
L. The estimated timeline for completion of the investigation.
M. A statement that upon request, the Complainant and Respondent will be advised of the status of the investigation.
N. A description of the University's policy against Retaliation, as defined under Article V.A.10 of the Nondiscrimination Policy.

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.

Article VII. Informal Resolution

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

A. Informal Resolution under Track 1 may **only** be offered where a Formal Complaint has been filed.
B. The campus cannot offer or facilitate Informal Resolution under Track 1 to resolve allegations that an Employee sexually harassed a Student.
C. The campus must obtain the Parties' voluntary, written consent before starting the Informal Resolution process.

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

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

The Title IX Coordinator will oversee the Informal Resolution process and make the final determination on all Informal Resolutions facilitated by the Title IX Coordinator or designee regarding whether the terms agreed to by the Parties are appropriate in light of all of the circumstances of the Formal Complaint.

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

The campus may not require the Parties to participate in an Informal Resolution process Track 1, nor may a Party be required to waive their right to the investigation and adjudication of a Formal Complaint as a condition of enrollment or employment, or continuing enrollment or employment.

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

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

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

Article VIII. 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 this Track.

A. **Gathering of Evidence**

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the campus and not on the Parties. The investigator will take reasonable steps to gather all relevant evidence from the Parties, other witnesses, or other sources. The investigator will document the steps taken to gather evidence, even when those efforts are not successful.

Parties should be aware that **all** evidence Directly Related to the investigation will be provided to the other Party, subject to the exceptions described below.

The campus cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the campus obtains that Party's voluntary, written consent to do so for a Formal Complaint process under this Track[17].

The campus will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present Relevant evidence (for example, contacting a potential witness).

B. **Advisors**

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.

The Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent or speak on behalf of a Complainant or Respondent. However, the Advisor may observe and consult with the Complainant or Respondent.

Hearing Advisors

The Complainant and Respondent must have a hearing advisor at the hearing. A hearing advisor will be responsible for asking the other Party and any witnesses all Relevant questions and follow up questions, including those that challenge credibility, during the hearing. During a hearing, Parties may not ask questions of the other Party or any witnesses. Questioning at the live hearing will be conducted directly, orally, and in real time by the Party's hearing advisor of choice or a hearing advisor provided by the campus if the Party does not have a hearing advisor.

The hearing advisor may be the same person as the advisor. A Party may have both an Advisor and a hearing advisor present at a hearing. If a Party does not have a hearing advisor to perform questioning during the hearing, the campus shall provide the Party with a hearing advisor for this purpose.

Advisors Generally

The Title IX Coordinator or Investigator will explain to the Complainant and Respondent that they may request that their advisor, if any, be copied on communications during the Formal Complaint process. Any

[17] If a Party is not an "eligible student," as defined in 34 CFR 99.3 ("'Eligible' student means a student who has reached 18 years of age or is attending an institution of postsecondary education"), then the University must obtain the voluntary, written consent of a "parent," as defined in 34 CFR 99.3 ("'Parent' means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian").

such request will be in writing to the Title IX Coordinator or Investigator and should include the Advisor's name and contact information.

The Title IX Coordinator or Investigator will also explain that Advisors **will** receive a copy of the evidence and Final Investigation Report, unless the Party specifically directs in writing that this information should not be sent to their Advisor.

Although reasonable efforts will be made to accommodate hearing advisors and Advisors, undue delays affecting the complaint resolution timeline will not be permitted. Disruptive, abusive, or disrespectful behavior also will not be tolerated. At the discretion of the investigator or Title IX Coordinator during meetings or interviews and of the hearing officer during hearings, a hearing advisor or Advisor who engages in disruptive, abusive, or disrespectful behavior will not be permitted to participate. If a hearing advisor is excused during a hearing, the campus will either provide a Party with another hearing advisor or allow the Party to obtain another hearing advisor. It is within the hearing officer's discretion to proceed with or postpone the hearing in order to address the situation.

C. **Notice of Meetings, Interviews and Hearings**

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

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

D. **Review of Evidence**

Before issuing a final investigation report, the investigator will send to the Complainant and Respondent, and their respective advisors,[18] 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). This includes inculpatory or exculpatory evidence whether obtained from a Party or other source, redacted if required by law.

The requirement to provide all Directly Related evidence does not include illegally obtained evidence (e.g., conversations recorded without the consent of the participants). Neither the preliminary nor final investigation report will include information protected by a legally recognized privilege, the Complainant's sexual history, or a Party's treatment records if the Party has not given voluntary, written consent to the disclosure of those treatment records.

[18] Unless the Party informs the Investigator or Title IX Coordinator in writing that they do not wish for this information to be sent to their Support Advisor.

The preliminary investigation report will: (a) describe the allegations; (b) identify the material facts—undisputed and disputed—with explanations as to why any material fact is disputed; and (c) describe the evidence presented and considered. Where not contained within the preliminary investigation report itself, evidence should be attached to the preliminary investigation report as exhibits.

The preliminary investigation report and any exhibits must be sent 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 Investigator may use discretion in determining how to send the preliminary investigation report to the Parties and their advisors, if any, in light of the particular circumstances and any Party or witness privacy concerns.

This process is collectively referred to as the "review of evidence."

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:

A. Meet again with the investigator to further discuss the allegations.
B. Identify additional disputed facts.
C. Respond to the evidence in writing.
D. Request that the investigator ask additional specific questions to the other Party and other witnesses.
E. Identify additional relevant witnesses.
F. 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.

E. **Final Investigation Report**

After the review of evidence phase is concluded, the Parties will receive a final investigation report that will summarize all **Relevant** evidence (inculpatory and exculpatory), including additional Relevant evidence received during the review of evidence. Any Relevant documentary or other tangible evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator will be attached to the final investigation report as exhibits.

As part of an Informal Resolution, at the request of both Parties, campuses will provide a written preliminary assessment of the evidence by the Title IX Coordinator. Neither the fact nor the substance of the assessment will be shared with the hearing officer or considered Relevant at the hearing.

The final investigation report shall be sent to the Parties and their respective 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. Campuses will inform Parties not to include any reference to the preliminary assessment and that any such references will be redacted.

The written response will be attached to the final investigation report and provided to the hearing officer, if appropriate, and the Parties. Any references to a preliminary assessment, assuming one was requested, will be redacted from this written response. No documentation should be provided to the hearing officer if an Informal Resolution is reached.

F. **Timeframe for Completion of Investigation**

Absent a determination of good cause made by the investigator or Title IX Coordinator (of which the Parties will receive written notice): (i) the investigation should be concluded within **100 Working Days** from the date that the notice of allegations is provided to the Parties; and (ii) the final investigation report should be completed and provided to the Parties within **10 Working Days** after the review of evidence has concluded. Extensions may be granted 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 in Article IX below. The Parties will be required to provide the name and contact information for their hearing advisor within **5 Working Days** after notice of the hearing timeline.

Article IX. Hearing

1. A hearing coordinator, (either the student conduct administrator, Title IX Coordinator, or other appropriate administrator) will be responsible for coordinating the hearing process. The hearing coordinator's duties will include: scheduling the hearing; notifying witnesses of the hearing; ensuring that the hearing officer is provided with appropriate materials including a copy of the report and any exhibits; coordinating videoconferencing; and securing a location for the hearing (if necessary). The hearing coordinator will also act as liaison between the Parties and the hearing officer on procedural matters.
2. 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.
3. Timelines:

   Objection to Hearing Officer

Any objections to an appointed hearing officer must be made in writing to the hearing Coordinator within **5 Working Days** after notice of the identity of the hearing officer has been communicated to the Parties.

The objection may only be based on an actual Conflict of Interest. A Conflict of Interest exists if the hearing officer has a personal relationship with one of the Parties or witnesses or has demonstrated actual bias towards a Party or witness.

The fact that a hearing officer has previously served as a hearing officer in a campus proceeding will not constitute a Conflict of Interest. The hearing coordinator will determine if a Conflict of Interest exists. In that event, the Parties will be notified in writing of the name of the new hearing officer. The date for the hearing may need to be rescheduled. Any objection to the new hearing officer will be made in accordance with this section.

Pre-Hearing Process

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

A. Provide to the hearing coordinator a proposed witness list that includes the names of, and current contact information for, that Party's proposed witnesses as well as an explanation of the relevance of each proposed witness's testimony and the disputed issue to which the witness's testimony relates. 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:

A. Share a final witness list with the Parties;
B. Notify each witness of the date, time, and location of the hearing. Witnesses will be directed to attend the hearing and to promptly direct any questions or concerns about their attendance at the hearing to the hearing coordinator.

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

The hearing officer will make all determinations regarding pre-hearing matters, including which witnesses have Relevant testimony and will participate and which questions, if submitted, are Relevant and will promptly notify the hearing coordinator who, in turn, will promptly notify the Parties.

The hearing is closed to all persons except the Parties; the Parties' respective hearing advisors; one Advisor for each Party; appropriate witnesses while they are testifying; the student conduct administrator or human resources officer; Title IX Coordinator; Title IX Investigator; hearing officer; hearing coordinator; and any person necessary to create a formal record of the proceeding (including a technological support, videographer, or similar role.) A CSU administrator may also be

present but will not participate in the hearing. Campus police or a security officer may also be present if deemed appropriate or necessary by the appropriate campus administrator, hearing coordinator, or hearing officer.

4. The campus will direct witnesses who are CSU Employees to attend the hearing. Any Employees, including those in bargaining units, who fail to comply with any such directive may be subject to discipline under the applicable provisions of their collective bargaining agreement or other CSU policy. The campus will take reasonable steps to arrange for Employee witnesses to be available to attend, provided that such Employee witnesses are timely identified to the hearing coordinator in accordance with this Track.
5. The campus will direct Student witnesses to attend the hearing, provided that such Student witnesses are timely identified to the hearing coordinator in accordance with this Track. Students who fail to comply may be subject to discipline, depending on the circumstances. The campus will take reasonable steps to accommodate Student witnesses including arranging for them to be excused from class attendance, if necessary.
6. The campus will make all evidence provided during the investigation, including during review of evidence available at any hearing to give each Party and the hearing officer the opportunity to refer to such evidence during the hearing. This includes evidence upon which the campus does not intend to rely in reaching a determination regarding the Respondent's responsibility.

Hearing Process

7. Live hearings will be conducted using videoconferencing technology unless circumstances are such that videoconferencing would not be appropriate. Neither Party will be required to be physically present in the same room as the hearing officer, each other, or witnesses. The campus will utilize technology that ensures that Parties will be able to Simultaneously see and hear all of the proceedings and testimony.
8. 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.
9. Each Party is required to have a hearing advisor for purposes of questioning the other Party and witnesses during the hearing. If a Party does not have a hearing advisor prior to the hearing or at the start of the hearing, one will be provided to that Party for the purposes of asking the other Party and any witnesses all Relevant questions and follow-up questions, including those questions challenging credibility. If a Party's hearing advisor does not appear or is excused for conduct that causes a material disruption, a hearing advisor will be provided. In either case, the hearing officer has discretion to proceed with or postpone the hearing.

   Questioning 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.

10. The hearing officer may ask questions of any Party or witness who participates in the hearing.
    a. The Complainant and Respondent may be present (physically or virtually) at all times during the hearing.
    b. Parties themselves may not directly ask questions of each other and witnesses.
    c. Each Party's hearing advisor is permitted to ask all Relevant questions of the other Party, the Investigator, and any witnesses, and is also permitted to ask follow-up questions, including those questions challenging credibility. A Party may not be directly questioned by their own hearing advisor. The hearing officer controls the hearing and determines whether a question is Relevant.
    d. A question is not considered Relevant if it relates to the Complainant's sexual predisposition or prior sexual behavior, unless such question about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the question concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is asked to prove consent.
    e. Even if a question relates to a Relevant subject or issue, the hearing officer may determine that the Party or witness being asked the question is not required to answer if the question is repetitive or duplicative of prior questions.
    f. The hearing officer has the discretion to request information from the Parties or hearing advisors regarding questions prior to making a determination about the relevancy of the question. Neither the Parties nor hearing advisors may assert objections to questions.
    g. Immediately after each question is asked by the hearing advisor, and before the question is answered, the hearing officer will indicate whether the question is Relevant, and if it is not, provide an explanation as to why the question is excluded as not Relevant. A Complainant, Respondent, or witness will only answer questions posed by a hearing advisor that the hearing officer determines are Relevant.
    h. In addition to the relevance requirement, all questions must be asked in a respectful, nonabusive manner. The hearing officer determines whether a question satisfies this requirement and may require that the hearing advisor rephrase a relevant question or repeat the question in a respectful manner when the hearing officer determines that the question was asked in a disrespectful or abusive manner.
    i. Abusive or otherwise disorderly behavior that causes a material disruption will not be tolerated. The hearing officer may excuse from the hearing anyone (including either Party or their hearing advisor or Advisor) whose behavior causes a material disruption. Should a hearing advisor be removed from a proceeding, the campus will provide a hearing advisor. The hearing officer, in their discretion, may postpone the hearing. In making a determination whether to postpone the hearing, the hearing officer will consider the equity of postponement as to both Parties.
11. Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing. All Relevant information is considered.

12. Hearsay may be considered but will only be given the weight appropriate under all of the circumstances, with due consideration given to the importance of credibility assessment. Absent extenuating circumstances, the hearing officer will not rely on prior statements made by the Parties or witnesses during the investigation whose credibility is central to the determination unless those Parties or witnesses make themselves available for examination by the hearing officer.

Other Procedural Matters

13. The hearing officer will not, prior to preparing the hearing officer's report (described below), have substantive communications about the facts of the case with either Party or the investigator unless in the presence of both Parties and a campus official (e.g., hearing coordinator, Title IX Coordinator, or student conduct administrator).
14. The campus will make or arrange for an official audio recording of the hearing. The recording is campus property. No other recording of the hearing is permitted. The audio recording will be retained by the hearing coordinator or designee in accordance with the campus records/information retention and disposition schedule. Parties may request to inspect and review the recording.
15. Absent good cause, the Parties may not introduce evidence, including witness testimony, at the hearing that the Party did not identify during the investigation and that was available at the time of the investigation. The hearing officer has discretion to accept or exclude new evidence offered at the hearing.
16. If either Party fails to appear at the hearing without good cause the hearing will nevertheless proceed. Whether good cause exists is determined by the hearing officer. If a Party fails to appear at the hearing, the hearing advisor for the non-appearing Party will question the other Party.
17. The hearing officer controls the hearing, is responsible for maintaining order during the hearing, and makes whatever rulings are necessary to ensure a fair hearing. The hearing officer's decisions in this regard are final.

Article X. Determination Regarding Responsibility

After the hearing, the hearing officer will make written findings of fact and conclusions about whether the Respondent violated the Nondiscrimination Policy with respect to the definition of Sexual Harassment under Article V.B of the Nondiscrimination Policy (hearing officer's report).

The standard of proof the hearing officer will use is whether each allegation is substantiated by a Preponderance of the Evidence. The Title IX Coordinator will review the hearing officer's report to ensure procedural compliance with this Track.

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.

The hearing officer's report must include:

1. Identification of the allegations potentially constituting Sexual Harassment as defined under Article V.B of the Nondiscrimination Policy – this should include the factual allegations and the corresponding alleged Nondiscrimination Policy violations.

2. The Preponderance of the Evidence standard.
3. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination incorporated by reference to the Final Investigation Report, including any notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held.
4. The factual findings and the evidence on which the factual findings are based.
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.
6. An explanation as to how the determination concerning the relative credibility or lack of credibility of the Parties or witnesses was reached.
7. Conclusions regarding the application of the policy violations defined under Article V.B of the Nondiscrimination Policy to the facts, including a determination of whether the Nondiscrimination Policy was violated and an analysis of the basis for that determination.
8. A summary of the procedural issues raised by the Parties during the pre-hearing or hearing processes.
9. A list of all questions proposed by the Parties at the hearing, and if any questions were not asked, why.
10. A statement as to whether Remedies designed to restore or preserve equal access to the campus' education program or activity will be provided by the campus to the Complainant.

If no violation of the Nondiscrimination 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 Nondiscrimination 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.

Discipline means any disciplinary action taken to correct a violation of the Nondiscrimination Policy, as follows:

1. Discipline for Employees includes, but is not limited to, suspension, demotion, and termination of employment.
2. Discipline for Students includes, but is not limited to, probation, suspension and expulsion and other Sanctions as defined in the Student Conduct Process, Article V.

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 Nondiscrimination 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) may impose the recommended sanctions or discipline, adopt a different sanction or discipline or sanctions or discipline, or reject sanctions or disciplines altogether. If the president (or designee) adopts a sanction or discipline other than what is recommended by the hearing officer, the president (or designee) must set forth the reasons in the decision letter.

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.[19] The decision letter will also be sent to the student conduct administrator or other appropriate campus administrator responsible for Employee discipline and the hearing officer.

The decision letter will include:

1. The outcome of the hearing, including any sanction imposed, and the name of the Respondent(s).
2. Information regarding the procedures and permissible bases for the Complainant and Respondent to appeal to the Chancellor's Office.
3. If a finding of responsibility is made against the Respondent, a statement as to whether Remedies will be provided to the Complainant that are designed to restore or preserve equal access to the campus' 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.
4. 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 president will also send the decision letter to the Title IX Coordinator so that they may determine whether any additional Remedies (or other supportive measure) will be provided or undertaken in order to maintain a safe and nondiscriminatory campus environment.

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

[19] The copy of the decision letter issued to the Complainant will be redacted as to findings regarding conduct that does not constitute a "crime of violence," Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking (34 C.F.R. § 99.31 et seq.).

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).

The Title IX Coordinator is responsible for effective implementation of any Remedies.

Article XI. Appeals

Filing an Appeal to the Chancellor's Office

A written appeal may be submitted to the Chancellor's Office **no later than 10 Working Days** after the date of the decision letter. All arguments and/or evidence supporting the appeal must be submitted by the deadline to file the appeal. Evidence/arguments submitted after the appeal submission deadline will not be considered by the Chancellor's Office. A **written appeal may not exceed 3,500 words, excluding exhibits**.

Appeals will be submitted to:

Civil Rights Appeals Unit
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802
CO-Appeals@calstate.edu

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

Bases for Appeal

An appeal will be based only on one or more of the appeal issues listed below:

a. There was no reasonable basis for the findings or conclusions that resulted in the investigation or hearing outcome.
b. Procedural errors occurred that would have likely changed the outcome of the hearing.
c. New evidence that was not reasonably available at the time of the hearing and would have likely affected the hearing officer's decision about whether the Respondent violated the Nondiscrimination Policy.
d. The Title IX Coordinator, Investigator, or hearing officer had a Conflict of Interest or Bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
e. The sanction(s) imposed was objectively unreasonable, or arbitrary based on substantiated conduct.

Issues and Evidence on Appeal

The issues and evidence raised on appeal will be limited to those raised and identified during the hearing, unless new evidence that was not reasonably available at the time of the hearing and that could change the hearing outcome becomes available after the campus hearing was completed and is submitted by the appealing Party. The Chancellor's Office may conduct an interview, at the Chancellor's Office discretion, with the appealing Party to clarify the written appeal.

Appeal Review

i. **Acknowledgement of Appeal**

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.

ii. **Reasonable Accommodation**

The Chancellor's Office will provide reasonable accommodation(s) to any Party or witness in the appeal process with a qualified Disability upon request by the person needing the accommodation. A reasonable accommodation may include an extension of time under these procedures. The timeframe for the Chancellor's Office appeal response will automatically be adjusted for the time needed, if any, to provide reasonable accommodation(s).

iii. **Scope of Chancellor's Office Review**

The Chancellor's Office will not conduct a new investigation or hearing; however, the Chancellor's Office may make reasonable inquiries to determine if the new evidence could have affected the hearing determination. On appeal, the Chancellor's Office does not reweigh the evidence, redecide conflicts in the evidence, or revisit determinations made by the hearing officer about the credibility or reliability of witnesses and the Parties.

iv. **Chancellor's Office Appeal Response**

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.

v. **Reopening a Campus Investigation or Hearing**

If the Chancellor's Office review determines that an issue raised on appeal would have affected the hearing outcome, the hearing will be remanded back to the campus and the 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 hearing must be completed. The Chancellor's Office will notify the Parties of the reopening of the hearing and the timeline for completion of the reopened hearing. The campus will complete the reopened hearing and provide the Chancellor's Office with an amended hearing officer's report. The campus will also provide the Parties with amended notices of hearing outcome, and such notices will provide the opportunity to appeal. Upon receipt of the amended hearing officer's report, 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 hearing officer, the Parties will be given an opportunity to appeal.

vi. **Reversal by Chancellor's Office**

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

vii. **Timeline for Chancellor's Office Response to Appeal**

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 pursuant to Article XI.D.viii, below.

viii. **Timelines and Extensions**

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 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.

Article XII. Retaliation

Retaliation, including intimidation, coercion, or discrimination against any individual for the purpose of interfering with an individual exercising any rights under this Track, for reporting or filing a Formal Complaint of Sexual Harassment (as defined under Article V.B of the Nondiscrimination Policy), or for participating or refusing to participate in any manner in any policy-related investigation or proceeding, including a hearing, is prohibited.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under this Article.

Complaints of Retaliation that arise from this Track may be filed with the Title IX Coordinator in accordance with the procedures set out in the **CSU Nondiscrimination Policy – Student Respondent Procedures or the CSU Nondiscrimination Policy – Employee and Third-Party Respondent Procedures.**

Individuals should not be deterred from reporting any incidents of Sexual Harassment or participating in an investigation as a Complainant or witness out of a concern that they might be disciplined for related violations of drug, alcohol, or other university policies. The campus' primary concern is the safety of the campus community; therefore, a person who participates in investigations or proceedings involving Sexual Harassment shall not be subject to discipline for related violations of the Student Conduct Code at or near the time of the incident unless the campus determines the conduct places the health and safety of another

person at risk or is otherwise egregious. The campus may, however, have an educational discussion with the person or pursue other educational Remedies regarding alcohol or other drugs.

The campus will keep confidential (except as may be permitted by the FERPA statute or FERPA regulations, or as required by law, or to carry out the purposes of this Track, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder) the identity of:

a. Any Individual who has made a report or Formal Complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, as defined under Article V.B of the Nondiscrimination Policy.
b. Any Complainant.
c. Any Individual who has been reported to be the perpetrator of sex discrimination. d. Any Respondent.
d. Any Witness.

Article XIII. Recordkeeping

A. **Records relating to the Investigation and Hearing Process**

The campus shall maintain records of the following for a period of seven years (from the date of a record's creation), or the timeframe in accordance with the campus records/information retention and disposition schedule, whichever is later:

1. Each Sexual Harassment investigation including any determination regarding responsibility (this includes records created in relation to Formal Complaints that are dismissed).
2. Any audio or audiovisual recording or transcript pertaining to the Formal Complaint process.
3. Any disciplinary sanctions imposed on the Respondent.
4. Any Remedies provided to the Complainant designed to restore or preserve equal access to the campus' education program or activity.
5. Any appeal and the result therefrom (including appeals pertaining to mandatory and discretionary dismissal of Formal Complaints).
6. Any Informal Resolution and the result therefrom.
7. All materials used to train Title IX Coordinators, investigators, hearing officers, and any person who facilitates an Informal Resolution process. The campus shall make these training materials publicly available on its website.

B. **Records relating to Supportive Measures**

The campus must create, and maintain the following for a period of seven years or the timeframe in accordance with the campus records/information retention and disposition schedule, whichever is later:

1. Records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Sexual Harassment, as defined under Article V.B of the Nondiscrimination Policy;
2. In each instance, the campus must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the campus' Education Program or Activity; and

3. if the campus does not provide a Complainant with Supportive Measures, the campus must document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Authority

This policy is issued pursuant to Section II of the Standing Orders of the Board of Trustees of the California State University, and as further delegated by the Standing Delegations of Administrative Authority.