California State University Long Beach

NOT ALONE

@ The Beach

Advocacy & Support for students who may have experienced...

• Stalking • Sexual Assault • Rape
• Domestic Violence • Dating Violence

There are University administrators and students who can help you...

Sexual Assault Victim’s Advocates
Confidential Support
Linda Peña, ATO/D Violence & Sexual Misconduct Counselor
Student Health Center, Room 268
Office Hours: Monday-Friday 8am – 5pm
Phone: (562) 985-1732 | Email: linda.pena@csulb.edu

Confidential Support
Candis Simmons Davis, YWCA Sexual Assault Victim’s Advocate
Women’s & Gender Equity Center, Liberal Arts 1, Room 102
Office hours: Monday-Friday 9am – 5pm
Phone: (562) 985-2668 | Email: candis.simmons@ywcaLA.org

University Police
1250 Bellflower Blvd. Long Beach, CA 90840
Phone: (562) 985-4101 (24 hour/non-emergency)

Counseling & Psychological Services (CAPS)
Confidential Support
Bromman Hall, Room 226
Office hours: Monday-Friday 8am – 5pm
Phone: (562) 985-4001
(On call and after hours crisis phone counseling)

YWCA-GLA Sexual Assault Crisis Services
Confidential Support
24 hour Hotline: (877) 943-5778 (Y-HELPS-U)

Title IX Coordinator
Larisa Hamada, Director, Office of Equity & Diversity/Title IX Coordinator
Foundation Building Suite 120
Office hours: Monday-Friday 8am – 5pm
Phone: (562) 985-8256 | Email: larisa.hamada@csulb.edu

For more information, please visit: www.csulb.edu/oed
Dear Student,

As the University’s Director of Equity & Diversity, as well as the Title IX Coordinator, a responsibility of my office is to ensure students and employees experience an educational learning/working environment free from discrimination, harassment, and retaliation, pursuant to applicable federal and state laws.

Title IX of the Education Amendments Act of 1972 (20 U.S.C. § 1681) prohibits discrimination based on the gender of students and employees in educational institutions which receive federal financial assistance. Best known for requiring gender equity in collegiate athletics, Title IX broadly prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance. Sexual violence is viewed under the law as an extreme form of hostile environment/sexual harassment and must be addressed. Title IX states, “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance” (20 U.S.C. § 1681). California State University, Long Beach (CSULB), in compliance with federal and state laws, does not discriminate on the basis of sex, sexual orientation, or gender in educational programs, services, or activities. For more information on Title IX, please visit: www.csulb.edu/depts/oed/policies/title-ix.html

Especially significant is CSULB’s obligation to make every effort to communicate with you regarding your rights as a student and the University’s procedures related to sexual assault involving another student or employee. If you feel that you were a victim of sexual assault, I encourage you to contact my office, as soon as possible, so I may provide you with applicable facts, procedures and resources.

The University takes allegations of sexual assault very seriously. If a violation of University policies has been found, it is of the utmost importance that perpetrator(s) be held accountable for their actions, especially when their actions may affect others. Enclosed for your review is Executive Order 1097, the California State University’s student complaint procedure that addresses complaints of sex discrimination, including sexual assault. Sexual violence is also defined as a criminal act. Please be advised, when a potential criminal act is reported, an individual has a right to file two possible complaints. For criminal acts, a student may file a police report in the jurisdiction where the crime was committed. In addition, the student has a right to file a separate complaint under the University’s student complaint procedure (EO 1097) if the potential respondent is a CSULB student and/or university employee.

This information provides you with the student complaint procedure as well as additional resources and information to receive support. I strongly recommend scheduling an appointment with my office regarding sexual assault, harassment, or other Title IX concerns. We are available to answer your questions and/or address your concerns. Please feel free to contact me at larisa.hamada@csulb.edu or (562) 985-8256.

Sincerely,

Larisa Hamada
Director, Equity & Diversity
Title IX Coordinator

Tom Malizia
Deputy Title IX Officer, Student
Sexual Misconduct

Cindy Masner
Deputy Title IX Officer, Athletics
NOTICE OF NONDISCRIMINATION ON THE BASIS OF GENDER OR SEX
The California State University does not discriminate on the basis of gender, which includes sex and gender identity or expression, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of gender or sexual orientation in employment, as well as in all education programs and activities operated by the University (both on and off campus). The protection against discrimination on the basis of gender or sexual orientation includes sexual harassment, sexual misconduct, and gender based dating and domestic violence and stalking. The following person has been designated to handle inquiries regarding the non-discrimination policies:

Larisa Hamada, Title IX Coordinator
Foundation Building, Suite 120  |  larisa.hamada@csulb.edu  |  (562) 985-8256

Tom Malizia, Deputy Title IX Officer, Student Sexual Misconduct
University Student Union, Suite 224  |  thomas.malizia@csulb.edu  |  (562) 985-5270

Cindy Masner, Deputy Title IX Officer, Athletics
Barrett Athletic Center Office, BAC 122  |  cindy.masner@csulb.edu  |  (562) 985-8527

Questions may also be addressed to:
Office for Civil Rights, U.S. Department of Education
50 Beale Street, Suite 7200 San Francisco, CA 94105-1813
(415) 486-5555  |  FAX: (415) 486-5570  |  TDD: (800) 877-8339
Email: ocr.sanfrancisco@ed.gov

Title IX Definitions

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

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

**Sexual Assault** is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person’s Gender or sex.

**Sexual Battery** is a form of Sexual Misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person’s Gender or sex as well as touching an intimate part of another person against that person’s will and for the purpose of sexual arousal, gratification, or abuse.
Sexual Harassment is a form of Sex Discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:

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

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom that are unrelated to the coursework.

Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on Gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

**AFFIRMATIVE CONSENT**

**Affirmative Consent** means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent.

- Affirmative Consent can be withdrawn or revoked. Affirmative Consent cannot be given by a person who is *incapacitated*. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions. A person is unable to consent when s/he is asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature or extent of the sexual activity.
- A person with a medical or mental Disability may also lack the capacity to give consent.
- Sexual activity with a minor (under 18 years old) is never consensual because a minor is considered incapable of giving legal consent due to age.
- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent.
- A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.
- Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity.
- Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity.
- Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration.
- Once consent is withdrawn or revoked, the sexual activity must **STOP immediately.**
Rape is a form of Sexual Misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability renders a person incapable of giving consent. The Respondent’s relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Affirmative Consent above.)

Acquaintance Rape is a form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

Domestic Violence is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

1. sexual relations between the Parties while sharing the same living quarters;
2. sharing of income or expenses;
3. joint use or ownership of property;
4. whether the Parties hold themselves out as spouses;
5. the continuity of the relationship; and,
6. the length of the relationship.

For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

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

Stalking means engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his/her or others’ safety or to suffer Substantial Emotional Distress. For purposes of this definition:

1. Course of Conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through Third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;
2. Reasonable Person means a reasonable person under similar circumstances and with the same Protected Status(es) as the Complainant;
3. Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
The University is committed to creating and sustaining an educational and working environment free of sexual misconduct, dating and domestic violence, and stalking. If you experience any of these forms of misconduct, you are strongly encouraged to utilize the various on and off campus resources described below. Your safety and well-being is the University’s priority. This publication is intended to help you understand your rights and options, as well as provide you with information regarding support and assistance.

WHAT SHOULD I DO?
Call 9-1-1 if you are in the midst of any kind of emergency, immediate harm or threat of harm.

If you have experienced sexual misconduct (e.g., rape, acquaintance rape, or sexual battery), dating or domestic violence, or stalking, you are encouraged to seek immediate assistance from police and healthcare providers for your physical safety, emotional support and medical care.

University police can escort you to a safe place and transport you to a hospital or a sexual assault response center for a medical examination, if needed. University police can also provide access to a confidential Sexual Assault Victim's Advocate. If you would prefer not to notify the police, you are strongly encouraged to seek assistance from the campus Title IX Coordinator who can provide you with information on your options, rights and remedies, and/or the Campus Sexual Assault Victim’s Advocate. The campus Title IX Coordinator is available to assist you in notifying the police, if you wish. The Sexual Assault Victim’s Advocate listed below can also assist you in notifying the police and/or the campus Title IX Coordinator.

You have the right to decide whom and when to tell about what happened. However, it is very important that you get confidential medical attention after being assaulted. Following the incident, you may be physically injured, there may be a chance you contracted a sexually transmitted disease or that you may become pregnant.

THE IMPORTANCE OF PRESERVING EVIDENCE
It is important that you take steps to preserve and collect evidence; doing so preserves the full range of options available to you, be it through the University's administrative complaint procedures or criminal prosecution. To preserve evidence: (1) do not wash your face or hands; (2) do not shower or bathe; (3) do not brush your teeth; (4) do not change clothes or straighten up the area where the assault took place; (5) do not dispose of clothes or other items that were present during the assault, or use the restroom; and, (6) seek a medical exam immediately. If you already cleaned up from the assault, you can still report the crime, as well as seek medical or counseling treatment. You may consult with the Campus Title IX Coordinator or Sexual Assault Victim’s Advocate (see contact information above) for assistance as well.

WHOM SHOULD I CONTACT?
The University has designated a Title IX Coordinator to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to sexual misconduct, dating and domestic violence, and stalking. Your Campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint; the University's relevant complaint process, and your right to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off Campus; and other related matters.
RESOURCES FOR SURVIVORS OF SEXUAL MISCONDUCT

If you have been sexually assaulted, you are not alone, you are not to blame, and there are many resources to help you.

**Title IX Coordinator**
Larisa Hamada, Director, Office of Equity & Diversity, Title IX Coordinator
Location: Foundation Building, Suite 120  |  Office hours: M-F 8am – 5pm
Email: larisa.hamada@csulb.edu   |   Phone: (562) 985-8256

**Deputy Title IX Officers**
Tom Malizia, Director, Student Conduct & Ethical Development, Deputy Title IX Coordinator for Student Sexual Misconduct
Location: University Student Union, Suite 224  |  Office hours: M-F 8am – 5pm
Email: thomas.malizia@csulb.edu   |   Phone: (562) 985-5270

Cindy Masner, Senior Associate Athletics Director/ Senior Women’s Administrator, Deputy Title IX Coordinator for Athletics
Location: Barrett Athletic Center Office, BAC 122  |  Office hours: M-F 8am – 5pm
Email: cindy.masner@csulb.edu   |   Phone: (562) 985-8527

**Campus Sexual Assault Advocates**
Candis Simmons Davis, YWCA Sexual Assault Victim’s Advocate
Location: Women’s & Gender Equity Center (WGEC), Liberal Arts 1 Room 102
Email: candis.simmons@ywca-gla.org | Phone: (562) 985-2668

Linda Peña, ATOD/Violence Prevention & Sexual Misconduct Counselor
Location: Student Health Center, Room 268
Email: linda.pena@csulb.edu   |   Phone: (562) 985-1732
Sexual Assault Prevention: www.csulb.edu/divisions/students/shs/sexual_assault.htm

**Law Enforcement**
**CSULB University Police Department**
Location: 1250 Bellflower Blvd. Long Beach, CA 90840
Email: Fernando.Solorzano@csulb.edu   |   Phone: (562) 985-4101 (non-emergency)

**Local Police:** Long Beach Police Department
Website: www.longbeach.gov/police/default.asp   |   Phone: (562) 570-7260 (non-emergency)

**U.S. Department of Education, Office for Civil Rights:**
Phone: (800) 421-3481   |   Email: ocr@ed.gov
OCR complaint form: www2.ed.gov/about/offices/list/ocr/complaintintro.html

**Medical & Counseling Services**

**Campus Services**

**Student Health Services (SHS)**
Location: between Merriam Drive and Beach Drive
Office Hours: M, Tu, Th, F 8am-5pm/ W 9am-5pm
Phone: (562) 985-4771   |   Website: http://www.csulb.edu/divisions/students/shs/
Emergencies: 911 (after-hours)
Health Resource Center  
Location: Student Health Services (SHS) building, Room 268  
Phone: (562) 985-4609  |  Website: www.csulb.edu/divisions/students/shs/ 

Counseling & Psychological Services (CAPS)  
Location: Brotman Hall, Room 226  |  Phone: (562) 985-4001  
Office hours: M-F 8am – 5pm  |  After hours crisis phone counseling: (562) 985-4001  
CAPS Crisis Assistance:  www.csulb.edu/divisions/students/caps/crisis.htm CAPS  
Website:  www.csulb.edu/divisions/students/caps/appts.htm 

Off-Campus Services 

Community Hospital of Long Beach  
Location: 1720 Termino Avenue, Long Beach, CA 90804  |  Phone: (562) 949-0850 

Little Company of Mary Hospital San Pedro  
Location: 1300 West 7th Street, San Pedro, CA 90732  |  Phone: (310) 832-3311 

Advocacy & Support 

Campus Services 

Women’s & Gender Equity Center  
Jeane Relleve Caveness, Assistant Dean of Students  
Location: University Student Union, Room 217  |  Phone: (562) 985-7547 

Disabled Students Services  
David Sanfilippo, Director  
Location: Brotman Hall, Room 270  |  Phone: (562) 985-5401 

Veterans Services  
Marshall W. Thomas, Director  
Location: Foundation Building, Room 220  |  Phone: (562) 985-4279 

Financial Aid  
Location: Brotman Hall, Room 101  |  Phone: (562) 985- 8403 

Center for International Education  
Location: Brotman Hall, Room 201  |  Phone: (562) 985- 4106 

Dreamers Success Center  
Location: University Student Union, Room 309  |  Phone: (562) 985- 5869 

Off-Campus Services 

Sexual Assault  
Long Beach YWCA GLA Sexual Assault Crisis Services  
Phone: (877) 943-5778  |  Website: www.ywcagla.org/sexual-assault/ 

Long Beach Trauma Recovery Center  
Bita Ghafoori, Director  
Location: St. Mary’s Medical Center - 1045 Atlantic Ave Suite 801, Long Beach CA 90813  
Phone: (562) 491-7977
California Coalition Against Sexual Assault  
Phone: (916) 446-2520    |   Website: calcasa.org/  

Rape, Abuse & Incest National Network (RAINN)  
Phone: (800) 656-HOPE (4673)   |   Website:  www.rainn.org/  

Sexual Assault Support Services (SASS)  
Phone: (800) 788-4727 or (888) 747-7070   |   Website: www.sassnh.org  

The White House Task Force to Protect Students from Sexual Assault  
Website: https://www.notalone.gov/  

Domestic Violence  
WomenShelter of Long Beach  
Phone:  (562) 437-4663|   Website: www.womenshelterlb.org/  

Su Casa  
Phone: (562) 402-4888   |   Website: www.sucasadv.org  

Interval House Crisis Shelter  
Hotlines: (562) 594-4555 or (714) 891-8121   |   Website: www.intervalhouse.org/  
Phone: (562) 594-9492  

Laura’s House  
Phone: (949) 361-3775   |   Website: https://www.laurashouse.org/   |   Hotline: (866) 498-1511  

LGBTQ  
The LGBTQ Center of Long Beach  
Phone: (562) 434-4455   |   Website: www.centerlb.org  

Gay & Lesbian National Hotline  
Phone: (888) 843-4564  

Legal Assistance  
Neighborhood Legal Services of Los Angeles  
Phone: (800) 433-6251|   Website: http://www.nlsia.org/  

Hotlines  
Orange County Rape Crisis Hotline  
Phone: (714) 957-2737 or (949) 831-9110   |   Website: ocrrc.org/  

National Organization for Victim Assistance (NOVA)  
Phone: (800) 879-6682   |   Website: www.trynova.org/  

National Domestic Violence Hotline  
Phone: 1-800-799-SAFE (7233)  

East Los Angeles Women’s Center Rape Hotline  
Phone: (800) 585-6231   |   Website: elawc.org/  

For additional information and resources about Sexual Misconduct or Other Title IX issues, visit:  
www.csulb.edu/oed
WHAT REPORTING OPTIONS DO I HAVE?

The University's primary concern is your safety and the safety of the Campus community. The use of alcohol or drugs never makes the victim at fault for sexual misconduct. If you have experienced sexual misconduct, dating or domestic violence, or stalking you should not be deterred from reporting the incident out of a concern that you might be disciplined for related violations of drug, alcohol or other University policies. Except in egregious circumstances, University students or employees who are victims of sexual misconduct will not be subject to discipline.

You have several reporting options, and you may pursue one or more of these options at any time. It is your right to have a friend, family member, Sexual Assault Victim’s Advocate, or other representative present with you while reporting the incident. You also have the right to have a sexual assault counselor, Sexual Assault Victim’s Advocate and/or support person of your choice present with you during a rape examination.

The Campus Title IX Coordinator or Sexual Assault Victim’s Advocates can assist you in notifying the police if you choose.

Criminal: Reporting to University Police and/or local police is an option at any time. If you choose not to report to the police immediately following an incident, you can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on your behalf.

If you report certain sex offenses to local or University Police, the police are required to notify you that your name will become a matter of public record unless confidentiality is requested. If you request that your identity be kept confidential, your name will not become a matter of public record and the police will not report your identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator your name/identity, or compromise their own criminal investigation.

The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, your name/identity will not be revealed.

What Else Might Happen If I Notify University Police?

Should you choose to notify University Police, you will be escorted to a safe place if necessary, and may be transported to a hospital or sexual response assault center for a medical exam.

University police can also provide access to a confidential Sexual Assault Victim’s Advocate, if desired. First and foremost, the medical exam you receive from a hospital or sexual assault response center treats any physical injury or effect. The exam may include a vaginal and/or anal examination, testing, and prophylactic treatment for sexually transmitted infections and possible pregnancy.

Second, the medical exam properly collects and preserves evidence. Seeking a medical exam for treatment and evidence collection does not commit you to any particular course of action, and your medical records are confidential.

Administrative: You may report to the Campus Title IX Coordinator, who will provide you with written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident. The Title IX Coordinator will also provide you with information regarding resources available to you, as well as information regarding your rights and options.

The Campus Title IX Coordinator will also discuss with you any reasonable interim remedies the University may offer prior to conclusion of an investigation or potential disciplinary action to reduce or eliminate negative impact on you and provide you with available assistance. Examples include: adjustment to work assignments, course schedules or supervisory reporting relationship; requiring the Respondent to move from University-owned or affiliated housing; immediately prohibiting the Respondent from coming to the University; or prohibiting the Respondent from contacting the parties involved in the reported incident. These options may be available to you whether or not you
choose to report the incident to Campus police or law enforcement. The Title IX Coordinator remains available to assist you and provide you with reasonable remedies requested by you throughout the reporting, investigative, and disciplinary processes, and thereafter.

If it is determined that University policy was violated, the Respondent will be subject to discipline, up to and including dismissal from University employment or expulsion from the University. You are entitled to be accompanied to any related meeting or proceeding by an advisor of your choice, including a Sexual Assault Victim’s Advocate or domestic violence counselor. However, if you do not wish to participate in an investigation or hearing process, you have the right to decline to do so.

Most University employees have a duty to report incidents of sexual misconduct, dating and domestic violence, and stalking when they are on notice of it. When you tell the Title IX Coordinator or another University employee about an incident, you have the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. **In all cases, we strongly encourage victims to report sexual misconduct, dating and domestic violence, and stalking directly to the Title IX Coordinator.**

To the extent possible, information reported to the Title IX Coordinator or other University employee will be shared only with individuals responsible for handling the University’s response to the incident. The University will protect the privacy of individuals involved except as otherwise required by law or University policy. A report may result in the gathering of extremely sensitive information about you and other individuals in the Campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a reported incident. In such cases, efforts will be made to redact the records, as appropriate, in order to protect your identity and privacy and the privacy of other involved individuals.

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

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

- Provide interim remedies requested by you, if they are reasonably available, regardless of whether you choose to report sexual misconduct, dating or domestic violence, or stalking to Campus or local police;
- Assist you in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of Campus-based living or working arrangements or course schedules (including for the Respondent pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and
- Inform you of your right to report a crime to University or local police – and provide you with assistance if you wish to do so.

The University will not require you to participate in any investigation or disciplinary proceeding if you do not wish to participate. The University will not generally notify parents or legal guardians of your report unless you are under the age of 18 or you provide the University with written
Under California law, and pursuant to University policy, certain University employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to report the incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

Because the University is under a continuing legal obligation to address the issue of sexual misconduct, dating and domestic violence, and stalking campus-wide, any such reports (including non-identifying reports) may also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported incident occurred; increased education, training and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revising its policies and practices.

The Office of the Ombuds, if available on your specific Campus, provides confidential, neutral and informal dispute resolution services, provides information about University policies and procedures, and makes referrals. However, in sexual misconduct, dating and domestic violence, and stalking cases, the Ombuds as well as all other University employees (except for physicians, licensed counselors, sexual assault counselors and advocates as discussed above) must report incidents to the Title IX Coordinator.

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

Health/Counseling/Clergy: You may choose to seek advice and assistance from physicians, psychotherapists, professional counselors, clergy, sexual assault and domestic violence counselors and advocates, including individuals who work or volunteer for them.

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

You may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, sexual misconduct, dating or domestic violence, or stalking. University Police and your Campus Title IX Coordinator can offer assistance with obtaining a protective or restraining order.

Non-reporting: You are strongly encouraged to report any incidents to the police and/or Campus Title IX Coordinator so that steps may be taken to protect you and the rest of the campus community. However, non-reporting is also an option.

WHAT CSU PROCEDURES ARE AVAILABLE?

The University has formal written procedures that provide for a Campus investigation of reports of sexual misconduct, dating and domestic violence, and stalking, written findings sent to the Complainant and the Respondent, and a review of the campus investigative findings by the CSU Chancellor’s Office. The procedure for CSU employees and third parties is separate from, but similar to the procedure for CSU students. Your Campus Title IX Coordinator can explain these procedures in detail.

At the conclusion of the University’s complaint procedure, any employee or student found to have violated University policy will be subject to discipline. Discipline would be administered consistent with applicable collective bargaining agreements and MPP/confidential personnel plans (for employees), University policies and legal requirements. As the victim, you are not required to participate in any University disciplinary procedure and may choose not to be a part of it. Disciplinary procedures for sexual misconduct, dating and domestic violence, and stalking will:

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on sexual misconduct, dating and
domestic violence, and stalking, including how to conduct a process that protects the safety of victims and promotes accountability;
• Provide the Complainant and the Respondent the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
• Simultaneously inform the Complainant and the Respondent in writing of:
  o The outcome of the disciplinary proceeding;
  o The procedures available to appeal the results of the disciplinary proceeding;
  o Any change to the disciplinary results that occurs prior to the time such results become final; and
  o When disciplinary results become final.

AS A REPORTER, AM I PROTECTED FROM RETALIATION?

Yes, University policies prohibit retaliation against a person who:
• Reports sexual misconduct, dating or domestic violence, or stalking;
• Assists someone with such a report; or
• Participates in any manner in any related investigation or resolution.

No officer, employee or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his/her rights or responsibilities. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education. Retaliation, if proven, is a violation of University policies and may result in discipline, up to and including termination of employment or expulsion from the University.

CONFIDENTIALITY—KNOW YOUR OPTIONS

We encourage victims of sexual misconduct, dating or domestic violence, or stalking to talk to someone about what happened – so you can get the support you need, and so the University can respond appropriately. Whether – and the extent to which – a University employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends on the Employee’s position and responsibilities at the University. This information is intended to make you aware of the various reporting and confidential disclosure options available to you – so you can make informed choices about where to turn for help. The University encourages victims to talk to someone identified in one or more of these groups.

As explained below, some employees are required by law to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Other Employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Some employees are required to report all details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees constitutes a report to the University, and generally creates a legal obligation for the University to investigate the incident and take appropriate steps to address the situation.

Privileged and Confidential Communications

Physicians, Psychotherapists, Professional Counselors and Clergy – Physicians, psychotherapists, professional, licensed counselors, and clergy who work or volunteer on or off campus acting solely in those roles or capacity, in the provision of medical or mental health treatment or counseling (including those who work or volunteer in those offices) may not report any information about an incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from physicians; psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal your identity or the fact of your disclosure. However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to you, if applicable.

Sexual Assault and Domestic Violence Counselors and Advocates – Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women’s centers, and health centers (including all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision) may talk to you without
revealing any information about you or the incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal your identity or that you disclosed an incident to them. **However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to you, if applicable.**

If you speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate, you must understand that the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the perpetrator, if you choose to maintain confidentiality.

Even so, these individuals will still assist you in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services. They may not, however, be able to assist you with University academic support or accommodations, or changes to University-based living or working schedules, or assist with adjustments to course schedules. Only the University and the Title IX Coordinator can assist with those matters (see below). A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide you with that assistance if you wish. These counselors and advocates will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

**EXCEPTIONS:** Under California law, any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a physical condition to a patient/victim who he or she knows or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including sexual misconduct and dating and domestic violence). This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners will explain this limited exception to you, if applicable.

Additionally, under California law, **all** professionals described above (physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to you, if applicable.
**CSULB Sexual Misconduct Response: REPORTING OPTIONS**

### Report to Police
University Police (562) 985-4101
- Reporting to the police can be done confidentially. (Penal Code 293a, Govt. Code 6254)
- UPD will provide resources, help you obtain emergency protective orders, and notify an advocate on your behalf.
- If you choose to, the police will investigate the report and collect evidence (like your clothing) to help prosecute the offender.
- Reporting to the police may also help to address or resolve personal safety and security concerns.

### Legal Prosecution
- If a sufficient case exists following the police investigation, you can work with law enforcement to pursue criminal prosecution of the perpetrator.
- This can occur concurrent to the student conduct process, however, it is a separate process.

### Report to Office of Equity & Diversity (OED)
(562) 985-8256
- If the incident involved a CSULB student or employee, regardless of where the incident happened, you can report to OED. You may also file a police report in the jurisdiction where the incident occurred.

### Investigation (Executive Order 1097) – Equity & Diversity
- OED will investigate the incident to determine if a violation of campus policies occurred.
- The investigation may include interviewing the survivor, witnesses and/or perpetrator.

### Student Conduct Process (EO 1098) – Student Conduct
(562) 985-5270
- If sufficient evidence is found during OED’s investigation, it may lead to the student perpetrator going through the student conduct process.
- The conduct process differs from criminal prosecution. If the student perpetrator is found “responsible” for violating campus policy, they may face university sanctions.

### Report to CSULB Employee
- Most CSULB employees are mandated reporters and must report the assault to the police and OED. However, you are NOT required to speak with the police.
- A campus employee may also suggest you utilize available confidential campus resources like CAPS or Campus Sexual Assault Advocates Candis Simmons-Davis or Linda Peña.

---

**Please note:** These charts are provided as a general guide of the sexual misconduct reporting process and resources available at CSULB. It may not be representative of every individual case or outcome. Please contact us for questions regarding your specific situation.

Updated July 2015
Campus has 2 Sexual Assault Victim’s Advocates who can provide you with confidential support and resources. • Candis Simmons-Davis
  ▪ (562) 985-2668
  ▪ Women’s & Gender Equity Center (LA 1-102)
  ▪ candis.simmons@ywcagla.org
• Linda Peña
  ▪ (562) 985-1732
  ▪ Student Health Center
  ▪ linda.pena@csulb.edu

Community Hospital Long Beach
(562) 497-0147
1720 Termino Ave Long Beach, CA
• Community Hospital has a Sexual Assault Response Team (SART) that will provide you an Advocate to assist and support you through the process.
• If you report to a hospital within 5 days of the incident, the exam will be free.

YWCA Sexual Assault Crisis Services
(877) Y-HELPS-U or (877) 943-5778
www.ywcagla.org
• A YWCA Sexual Assault Advocate can provide you with confidential support and resources to assist you.
• If it has been more than 5 days since the incident, YWCA can provide referrals for other free or low cost exam options.

Counseling & Psychological Services (CAPS)
(562) 985-4001
• Counseling sessions at CAPS are confidential except in the case of harm to yourself/others, child/elder abuse, or if you are gravely disabled.

Receive Medical Support
• Getting medical attention may be important since you may be physically injured or can become pregnant or contract a STI as a result of incident.

For more information, contact the Office of Equity & Diversity Director and Title IX Coordinator, Larisa Hamada at (562) 985-8256 or larisa.hamada@csulb.edu, the Women’s & Gender Equity Center at (562) 985-8576 or wgec@csulb.edu, or California State University Long Beach Police Department at (562) 985-4101.

**Updates & changes to this chart can be found online at www.csulb.edu/oed.
MYTHS AND FACTS ABOUT SEXUAL MISCONDUCT
Common Myths and Facts about the Causes of Sexual Misconduct

1) **Myth:** Victims provoke Sexual Assaults when they dress provocatively or act in a promiscuous manner.
**FACT:** Rape and Sexual Assault are crimes of violence and control that stem from a person’s determination to exercise power over another. Neither provocative dress nor promiscuous behaviors are invitations for unwanted sexual activity. Forcing someone to engage in non-consensual sexual activity is Sexual Assault; regardless of the way that person dresses or acts.

2) **Myth:** If a person goes to someone’s room or house or goes to a bar, s/he assumes the risk of Sexual Assault. If something happens later, s/he can’t claim that s/he was raped or sexually assaulted because s/he should have known not to go to those places.
**FACT:** This “assumption of risk” wrongfully places the responsibility of the offender’s action with the victim. Even if a person went voluntarily to someone’s home or room and consented to engage in some sexual activity, it does not serve as blanket consent for all sexual activity. University policy defines Sexual Misconduct to include any sexual activity that is engaged in without Affirmative Consent. Affirmative Consent means informed, affirmative, voluntary, and mutual agreement to engage in sexual activity. Each person involved is responsible to ensure that they have the Affirmative Consent of the other participant(s). When in doubt if the person is comfortable with an elevated level of sexual activity, stop and ask. When someone says “no” or “stop,” that means “STOP!” Sexual activity forced upon another without valid consent is Sexual Assault.

3) **Myth:** It is not Sexual Misconduct if it happens after drinking or taking drugs.
**FACT:** Being under the influence of alcohol or drugs is not an invitation for sexual activity. A person under the influence does not cause others to assault her/him; others choose to take advantage of the situation and sexually assault her/him because s/he is in a vulnerable position. A person who is incapacitated due to the influence of alcohol or drugs is not able to consent to sexual activity.

4) **Myth:** Most Sexual Assaults are committed by strangers. It’s not rape if the people involved know each other.
**FACT:** Most Sexual Assaults and Rape are committed by someone the victim knows. A study of sexual victimization of college women showed that about 90% of victims knew the person who sexually victimized them. Most often, a boyfriend, ex-boyfriend, classmate, friend, acquaintance or co-worker sexually victimized the person. It is important to remember that Sexual Misconduct can occur in both heterosexual and same-gender relationships.

5) **Myth:** Rape can be avoided if women avoid dark alleys or other “dangerous” places where strangers might be hiding or lurking.
**Fact:** Rape and other Sexual Misconduct can occur at any time, in many places, to anyone.

6) **Myth:** A person who has really been sexually assaulted will be hysterical.
**FACT:** Victims of Sexual Assault exhibit a spectrum of responses to the assault which can include: calm, hysteria, withdrawal, anxiety, anger, apathy, denial, and shock. Being sexually assaulted is a very traumatic experience. Reaction to the assault and the length of time needed to process through the experience vary with each person. There is no “right way” to react to being sexually assaulted. Assumptions about the way a victim “should act” may be detrimental to the victim because each victim copes in different ways.

7) **Myth:** All victims will report the crime immediately to the police. If they do not report it or delay in reporting it, then they must have changed their minds after it happened, wanted revenge or didn’t want to look like they were sexually active.
**FACT:** There are many reasons why a victim may not report the assault to the police or campus officials. It is not easy to talk about being sexually assaulted and can feel very shameful. The experience of retelling what happened may cause the person to relive the trauma. Another reason
for delaying a report or not making a report is the fear of retaliation by the offender. There is also the fear of being blamed, not being believed and being required to go through judicial proceedings. Just because a person does not report the incident does not mean it did not happen.

8) **Myth:** Only young, pretty women are assaulted.
**FACT:** The belief that only young, pretty women are sexually assaulted stems from the myth that Sexual Misconduct is based on sex and physical attraction. Sexual Assault is a crime of power and control. Offenders often choose people whom they perceive as most vulnerable to attack or over whom they believe they can assert power. Men and boys are also sexually assaulted, as well as persons with disabilities. Assumptions about the “typical” victim might lead others not to report the assault because they do not fit the stereotypical victim profile.

9) **Myth:** It’s only Rape if the victim puts up a fight and resists.
**FACT:** Many states do not require the victim to resist in order to charge the offender with Rape or Sexual Assault. Those who do not resist may feel if they do so, they will anger their attacker, resulting in more severe injury. Many assault experts say that victims should trust their instincts and intuition and do what they believe will most likely keep them alive. Not fighting or resisting an attack does not equal consent.

10) **Myth:** Someone can only be sexually assaulted if a weapon was involved.
**FACT:** In many cases of Sexual Assault, a weapon is not involved. The offender often uses physical strength, physical violence, intimidation, threats or a combination of these tactics to overpower the victim. Although the presence of a weapon while committing the assault may result in a higher penalty or criminal charge, the absence of a weapon does not mean that the offender cannot be held criminally responsible for a Sexual Assault.

**Sexual Misconduct - Risk Reduction Tips**

“What can I do in order to help reduce my risk of being a victim of Sexual Misconduct?”

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame and with recognition that only those who commit Sexual Misconduct are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor “NO” clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.
- **In an emergency, call 9-1-1.**

“What can I do in order to help reduce my risk of being an initiator of Sexual Misconduct?”

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk of being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- **DON’T MAKE ASSUMPTIONS** about consent, about someone’s sexual availability, about whether they are attracted to you, about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have
figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.

• Don’t take advantage of someone’s drunkenness or drugged state, even if they did it to themselves. Incapacitation means a person is unable to give valid consent.

• Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don’t abuse that power.

• Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.

• Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language.

What You Can Do To Help Stop Sexual Misconduct

• Sexual contact requires mutual and Affirmative Consent. An incapacitated person (for example, a person under the influence of drugs or alcohol) may be incapable of giving consent. Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person’s decision-making capacity, awareness of consequences, and ability to make fully informed judgments.

• No one deserves to be sexually assaulted, stalked or victimized in any way.

• Don’t engage in any behavior that may be considered Sexual Assault, Domestic Violence, Dating Violence, Stalking or any other form of Sexual Misconduct or violence.

• Never use force, coercion, threats, alcohol or other drugs to engage in sexual activity.

• Take responsibility for your actions.

• Avoid alcohol and other drugs.

• Remember “no” means “No!” and “stop” means “Stop!”

• Report incidents of violence (including coercion) to law enforcement and campus authorities.

• Discuss Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking with friends—speak out against non-consensual sex or violence and clear up misconceptions.

• Don’t mistake submission or silence for Affirmative Consent.

What You Can Do To Help Minimize Your Risk of Becoming a Victim

• Be aware. Does your partner: Threaten to hurt you or your children? Say it’s your fault if he or she hits you and then promises it won’t happen again (but it does)? Put you down in public? Force you to have sex when you don’t want to? Follow you? Send you unwanted messages and gifts?

• Be assertive. Speak up.

• Stay sober and watch out for dates and/or anyone who tries to get you drunk or high.

• Clearly communicate limits to partners, friends, and acquaintances.

• Never leave a party with someone you don’t know well and trust.

• Trust your feelings; if it feels wrong, it probably is.

• Learn all you can and talk with your friends. Help them stay safe.

• Report incidents of violence to law enforcement and campus authorities.

What You Can Do If You Are a Victim, in General

• Go to a safe place as soon as possible.

• Preserve evidence.

• Report the incident to University Police or local law enforcement.

• Report the incident to your campus Title IX Coordinator.

• Call/visit the campus Sexual Assault Victim’s Advocates

• Call a Domestic Violence, Sexual Assault or Stalking hotline.

• Call a friend or family member for help.

• Know that you are not at fault. You did not cause the abuse to occur and you are not responsible for someone else’s violent behavior.

Types of Dating/Domestic Violence That Constitute Sexual Misconduct

There usually is a pattern or a repeated cycle of Dating Violence, starting with the first instance of abuse. General Pattern of Behavior:

• Tension Building: Relationship begins to get strained or tense between partners.
• Explosion: Outburst that includes verbal, emotional, or physical abuse.
• Honeymoon: Apologies where the abuser tries to re-connect with his/her partner by shifting the blame onto someone or something else.

What Dating/Domestic Violence Looks Like
• Physical Abuse: any use of physical force with the intent to cause injury (i.e. grabbing in a way to inflict pain, hitting, shoving, strangling, kicking)
• Sexual Abuse: any action that impacts the partner’s ability to control his/her sexual activity or the circumstance in which sexual activity occurs, including Rape, coercion or restricting access to birth control

Warnings or Signs of Potential Dating/Domestic Violence
• Explosive temper.
• Mood swings.
• Tells me what to do.
• Any actions used for the intent of gaining power and control over a person. Checks my cell phone or email without my permission.
• Monitors where I’m going, who I’m going with, what I’m doing.
• Repeatedly says or does things to make me feel inadequate or inferior to him/her.
• Isolates me from my friends and family.
• Assumes control over my access to financial resources.

Stalking
Stalking is a pattern of behavior that makes you feel afraid, nervous, harassed or in danger. It is when someone repeatedly contacts you, follows you, sends you things, talks to you when you don’t want them to or threatens you. Stalking behaviors can include:
• Damaging your property.
• Knowing your schedule.
• Showing up at places you go.
• Sending mail, e-mail, texts and pictures.
• Any other actions that the stalker takes to contact, harass, track or frighten you.

You can be stalked by someone you know casually, a current boyfriend or girlfriend, someone you dated in the past or a stranger. Getting notes and gifts at your home, on your car or other places might seem sweet and harmless to other people, but if you don't want the gifts, phone calls, messages, letters or e-mails, it doesn't feel sweet or harmless. It can be scary and frustrating.

Sometimes people stalk their boyfriends or girlfriends while they're dating. They check up on them, text or call them all the time, expect instant responses, follow them, use GPS to secretly monitor them and generally keep track of them, even when they haven't made plans to be together. These Stalking behaviors can be part of an abusive relationship. If this is happening to you or someone you know, you should talk to a trusted person.

Stalking is a crime and can be dangerous. California Penal Code section 646.9, in part, states, “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…..”

How You Can Help Yourself
Think about ways you can be safer. This means thinking about what to do, where to go for help and who to call ahead of time:
• Where can you go for help?
• Who will help you?
• Who can you call?
• How will you escape a violent situation?

Other Things You Can Do
• In an emergency, call 911 or University Police or the local police department.
• Let friends or family members know when you are afraid or need help.
• Be aware of your surroundings. Knowing where you are and who is around you may help you find a way to get out of a bad situation.
• Avoid isolated areas.
• Avoid putting headphones in both ears so you can be more aware of your surroundings.
• Trust your instincts. If a situation or location feels unsafe or uncomfortable, remove yourself.
• Vary your routine, your driving routes and where you park your car.
• When you go out, tell someone where you are going and when you’ll be back. Memorize the phone numbers of people to contact or places to go in an emergency.
• Don’t load yourself down with packages or bags restricting your movement.
• Keep your cell phone handy; check to see that you have reception and that your cell phone is charged, but, then pay attention to your surroundings instead of the phone.
• Have money for a cab or other transportation.
• Save notes, letters or other items that the stalker sends to you. Keep a record of all contact that the stalker has with you; these items will be very useful in an investigation.

How You Can Help Someone Else
If you know someone who is being stalked, you can:
• Encourage your friend to seek help.
• Be a good listener.
• Offer your support.
• Ask how you can help.
• Educate yourself about stalking.
• Avoid any confrontations with the stalker; this could be dangerous for you and your friend.
The California State University (CSU) is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. We embrace and encourage our community differences in Age, Disability, Race or Ethnicity, Gender, Gender Identity or Expression, Nationality, Religion, Sexual Orientation, Genetic Information, Veteran or Military Status, and other characteristics that make our community unique. All Students have the right to participate fully in CSU programs and activities free from Discrimination, Harassment, and Retaliation. The CSU prohibits Harassment of any kind, including Sexual Harassment, as well as Sexual Misconduct, Dating and Domestic Violence, and Stalking. Such behavior violates University policy and may also violate state or federal law.

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

This policy is established in compliance with the California Equity in Higher Education Act, Title IX, VAWA/Campus SaVE Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, among other applicable state and federal laws.

A. Prohibited Conduct. The CSU prohibits:
1. Discrimination, including Harassment, because of any Protected Status: i.e., Age, Disability, Gender, Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status;
2. Retaliation for exercising rights under this policy, opposing Discrimination or Harassment because of a Protected Status, or for participating in any manner in any related investigation or proceeding;
3. Dating and Domestic Violence, and Stalking;
4. Sexual Misconduct of any kind, which includes sexual activity engaged in without Affirmative Consent; and,
5. Employees from entering into a consensual relationship with any Student over whom s/he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. See Article I. F.

The University shall respond promptly and effectively to all complaints of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and shall take appropriate action to prevent, correct, and discipline conduct that violates this policy. This Executive Order is intended to protect the rights and privacy of both the Complainant and the Respondent, as well as other involved individuals.

Employees and Students who are found to have violated this policy shall be subject to discipline commensurate to the violation. If Employee discipline is warranted, it shall be administered in a
manner consistent with applicable collective bargaining agreements, CSU policies, and legal requirements. Student discipline shall be administered in accordance with 5 Cal. Code Regs. § 41301 and Executive Order 1098, or any superseding executive order.

B. Discrimination. The CSU strives to be free of all forms of Discrimination, including Harassment, because of a Protected Status. It is CSU policy that no Student shall be excluded from participation in, or be denied the benefits of, any CSU program or activity because of any Protected Status.

C. Retaliation. Retaliation against a Student for exercising any rights under this policy or for opposing Discrimination or Harassment because of a Protected Status, Sexual Misconduct, Dating and Domestic Violence, and Stalking, or for participating in any manner in any policy-related investigation or proceeding is prohibited.

No victim or witness in related investigations or proceedings will be subject to disciplinary sanctions by the University for related violations of conduct policies occurring at or near the time of the incident unless the University determines the violation was egregious, including but not limited to plagiarism, cheating, academic dishonesty or conduct that places the health and safety of any other person at risk.

D. Dating and Domestic Violence, and Stalking. The CSU prohibits Dating and Domestic Violence, and Stalking. Dating and Domestic Violence, and Stalking are often based on Gender. CSU prohibits all such misconduct whether or not it is based on Gender.

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

Sexual Misconduct is a form of Sexual Harassment and may create a sexually hostile environment that affects access to or participation in CSU programs and activities. CSU prohibits all such conduct whether or not it also amounts to Sexual Harassment.

Sexual activity includes but is not limited to kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex.

Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean Affirmative Consent. Affirmative Consent must be voluntary, and given without coercion, force, threats or intimidation.

The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.

Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when s/he is asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions.

Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on
the extent to which the alcohol or other drugs impact the person’s decision-making ability, awareness of consequences, and ability to make informed judgments. A person’s own intoxication or incapacitation from drugs or alcohol does not diminish that person’s responsibility to obtain Affirmative Consent before engaging in sexual activity.

A person with a medical or mental disability may also lack the capacity to give consent.

Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.

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

- The person was asleep or unconscious;
- The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
- The person was unable to communicate due to a mental or physical condition.

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

- The Respondent’s belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.

F. Consensual Relationships. Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking subject to this policy.

A CSU Employee shall not enter into a consensual relationship with a Student or Employee over whom s/he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, each Campus shall develop a procedure to reassign such authority to avoid violations of this policy.

This prohibition does not limit the right of an Employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or MPP/confidential personnel plan.

G. Reasonable Accommodations. The CSU will provide reasonable accommodations to qualified individuals with a Disability. Reasonable accommodations will be determined by the Campus following an interactive process with those involved to identify the nature and extent of the restrictions and the appropriate accommodation.

H. Duty to Report. Except as provided below, any Employee who knows or has reason to know of allegations or acts that violate this policy shall promptly inform the DHR Administrator or Title IX Coordinator. These Employees are required to disclose all information including the names of the Parties, even where the person has requested that his/her name remain confidential. The DHR Administrator or Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident.

Employees Who Do Not Have A Duty to Report:

1. The following Employees are not required to report any information about an incident of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking to the DHR Administrator or Title IX Coordinator:
   a. Physicians; psychotherapists; professional licensed counselors; licensed clinical social workers,
and clergy who work on or off Campus, acting solely in those roles or capacities as part of their employment, in the provision of medical or mental health treatment or counseling (and those who act under their supervision, including all individuals who work or volunteer in these centers and offices); and
b. Sexual assault and domestic violence counselors and advocates who work or volunteer on or off Campus in sexual assault centers, victim advocacy offices, women’s centers, and health centers and who are acting solely in that role (including those who act in that role under their supervision, along with non-professional counselors or advocates who work or volunteer in sexual assault centers, victim advocacy offices, women’s centers, gender equity centers, or health centers) in the provision of counseling or advocacy services.
c. A CSU employee/union representative is not required to report a possible violation of this Executive Order if the information is provided to the union representative, acting in that role, in a confidential setting by a union member seeking advice about a possible violation or representation in a matter within the scope of representation. However, CSU employee/union representatives are strongly encouraged to report the information to the DHR Administrator or Title IX Coordinator.

2. University police are not required to report any personally-identifiable information about a victim of certain sex offenses, if the victim requests confidentiality, but must report all known facts of the incident, including the identity of the perpetrator (if known), to the Title IX Coordinator.

EXCEPTIONS: Under California law, any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if s/he provides medical services for a physical condition to a patient/victim who s/he knows or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or, (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct. This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, all physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; or, (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the Sexual Misconduct, Dating or Domestic Violence, or Stalking incident. If applicable, these professionals will explain this limited exception to victims.

I. Grade Appeals. Grade appeals that allege Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking shall proceed concurrently: (i) under Campus procedures per Executive Order 1037 or any superseding executive order; and (ii) under this Executive Order. However, the Campus grade appeal procedure shall be placed in abeyance until such time as the Campus investigation and any appeal process under Article IV of this Executive Order have concluded. The final determination under this Executive Order regarding whether a violation occurred shall be provided to the Campus grade appeal committee. The committee shall be bound by such determination when considering the grade appeal request under Executive Order 1037.

Article II. Policy Implementation and Communication

Each Campus president shall designate a DHR Administrator and Title IX Coordinator who shall be responsible for the implementation of and compliance with this policy. The DHR Administrator is responsible for the implementation of and compliance with this policy with respect to all Discrimination, Harassment and Retaliation matters except those involving Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The DHR Administrator is responsible for publicizing this Executive Order, developing Campus training policies consistent
with this Executive Order, conducting training, and establishing an administrative structure consistent with this Executive Order that facilitates the prevention and elimination of Discrimination, Harassment, and Retaliation. The Title IX Coordinator is responsible for the implementation of, and compliance with this policy with respect to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. The Title IX Coordinator is responsible for publicizing this Executive Order, developing Campus training policies consistent with this Executive Order, conducting training, and establishing an administrative structure consistent with this Executive Order that facilitates the prevention and elimination of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking. Each Campus shall make the contact information for the DHR Administrator and Title IX Coordinator available to all members of the Campus community as well as Third Parties. The contact information shall be updated as necessary.

The requirements for training to promote awareness of CSU policies against Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking are set forth in Executive Order 1095.

This Executive Order shall be made readily available and distributed on an annual basis to all Students and Employees utilizing multiple media for communication, including email, Student orientations and catalogs, new Employee orientations, Campus websites and publications, and the webpages for the offices of Equity and Diversity, Student Affairs, Student Judicial Affairs, Disabled Student Services, Auxiliary Service Organizations, Academic Affairs, Extended Education, Athletics, Residential Life, and Human Resources.

Article III. Campus Procedure for Responding to Complaints

This procedure provides Students a process to address alleged violations of this policy by the CSU, a CSU Employee, another Student, or a Third Party. Whenever a Campus determines that the allegation(s) are outside the scope of this policy, the Campus shall promptly notify the Student in writing. All Complaints and related investigations against Respondents who are sworn University public safety officers shall be governed by this policy, the applicable collective bargaining agreement, and by the Public Safety Officers Procedural Bill of Rights Act (POBR). The campus DHR Administrator/Title IX Coordinator shall work with the campus Chief of Police, or designee, to investigate Complaints against sworn public safety officers. Consultation with the Office of General Counsel is recommended.

The University will respond to all Complaints and will take appropriate action to prevent, correct, and discipline conduct that violates this policy. To report alleged violations, a Student may submit a formal written Complaint to the DHR Administrator (Discrimination, Harassment, and Retaliation) or Title IX Coordinator (Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking). The date of receipt shall be deemed to be the Complaint filing date. The DHR Administrator/Title IX Coordinator shall offer reasonable accommodations to Students who are unable to submit a Complaint because of a qualified Disability.

Complaints should be brought forward as soon as possible after the conduct occurs. While there is no stated timeframe for making a Complaint, prompt reporting will better enable the Campus to respond to the Complaint, determine the relevant issues, and provide an appropriate remedy and/or action. All incidents should be reported even if a significant amount of time has passed. However, delaying a report or Complaint may impede the ability to conduct an investigation or take appropriate remedial actions.

The Campus will respond to all reports of alleged violations of this policy, whether or not the report is submitted as a formal written Complaint. However, the response may be limited if information contained in the report is insufficient to verify violation(s) of this Executive Order.

A. Campus Early Resolution Process. Complainants who believe they have experienced Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking under this policy may initiate the Early Resolution process prior to, or instead of, filing a Complaint. The purpose of the Early Resolution process is to explore whether the Complainant’s concern can be
resolved by the Campus without an investigation.

This Executive Order neither prevents nor requires the use of the Early Resolution process. Under no circumstance shall a Complainant be required to use the Early Resolution process to address prohibited behaviors. It is not appropriate for a Complainant to be required to “work out the problem” directly or mediate with the Respondent. Mediation cannot be used, even on a voluntary basis, to resolve Sexual Misconduct, Dating or Domestic Violence, or Stalking Complaints. In other matters, where voluntary mediation is requested, no meeting between the Complainant and the Respondent should occur without involvement by appropriate Campus administrators, including the DHR Administrator or Title IX Coordinator.

Where the allegations involve Sexual Misconduct, Dating or Domestic Violence, or Stalking, the Complainant shall be advised to immediately file a Complaint under Article III, B.

1. To initiate the Early Resolution Process. The Complainant should contact his/her Campus DHR Administrator (Discrimination, Harassment, or Retaliation) or Title IX Coordinator (Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence and Stalking) who shall prompt meet with the Complainant to discuss his or her concern and possible resolutions as appropriate.

Complainants shall be informed about the range of possible outcomes, including Interim Remedies or disciplinary actions that might be taken against the Respondent, and information about the procedures leading to such outcomes.

2. Participation in the Early Resolution Process. Participation is voluntary. It may include an inquiry into the facts, but does not include an investigation. Means for resolution shall be flexible. Resolution options include but are not limited to discussions with the Parties, a resolution facilitated by the DHR Administrator or Title IX Coordinator, separating the Parties, referring one or both of the Parties to counseling programs, an agreement between Campus and the Respondent regarding disciplinary action, conducting targeted preventive educational and training programs or providing Remedies to persons harmed by violations of this policy.

The Campus shall attempt to resolve the Complainant’s concern(s) quickly and effectively. The DHR Administrator or Title IX Coordinator shall meet with the Complainant, the Respondent, and any other persons or witnesses they may determine to be necessary.

3. Final Early Resolution. If resolution is reached, a written record of the resolution shall be documented and maintained in accordance with applicable Campus recordkeeping policies. The matter shall be considered closed.

Where the Respondent is another Student, the DHR Administrator/Title IX Coordinator shall inform the Student Conduct Administrator of the outcome of the Early Resolution process, including any Interim Remedies afforded to the Complainant. Where the Respondent is an Employee, Human Resources or Academic Affairs shall be informed as appropriate.

If resolution is not reached, the Campus shall promptly notify the Complainant and, where applicable, the Respondent in writing that the Early Resolution process is terminated, and the termination effective date. The Complainant shall be provided written notification of his/her right to file a Complaint pursuant to Article III, B. 1.

4. Confidentiality. Other than consulting with their respective Advisors, both the Complainant and the Respondent shall keep the details of the Early Resolution process confidential until the process is concluded. If the matter is not resolved and an investigation is conducted, the Complainant and the Respondent shall maintain confidentiality until the conclusion of the Campus investigation and CO Appeal Review process, if any.

5. Termination of Early Resolution Process. The Complainant shall be notified that the Complainant or the Campus may at any time elect to terminate the Early Resolution process. In that event, the DHR
Administrator/Title IX Coordinator shall promptly notify the Complainant and the Respondent in writing that the Early Resolution process has terminated, the effective date thereof, and inform the Complainant of his/her right to file a Complaint pursuant to Article III, B. 1.

B. Campus Investigation Process. Campuses will investigate Complaints of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking unless an Early Resolution is reached, whether or not a formal written Complaint is submitted. The DHR Administrator/Title IX Coordinator 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 is insufficient.

In cases where the Complainant does not want to pursue an investigation, the DHR Administrator/Title IX Coordinator should inform the Complainant that the ability to take corrective action may be limited. The Campus may determine that circumstances warrant initiating an investigation even if a Complaint has not been filed and independent of the intent or wishes of the Complainant. In cases involving Sexual Misconduct, Dating or Domestic Violence, or Stalking, when determining whether to go forward with an investigation, the Title IX Coordinator should consider the seriousness of the allegation(s), the age of the Complainant, whether there have been other Complaints against the Respondent, and the risk to the Campus community if the Respondent’s alleged conduct remains unaddressed.

1. Filing a Complaint. Any Student may file a Complaint reporting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking under this policy subject to the following exceptions:
   a. Complaints of Student employees that arise out of their employment. Such Complaints shall be governed by Executive Order 1096, or any superseding executive order.
   b. Complaints by a Student about his/her academic adjustments and/or accommodations to a Campus’s educational program related to his/her qualified Disability. Such inquiries and Complaints shall be directed to the Campus Director, Disabled Student Services (DSS), and shall be governed by CSU Coded Memorandum AA 2014-08, or any superseding policy.
   c. Complaints against a president shall be filed with the Chancellor’s Office (CO). However, Complaints against a president shall be processed by the Campus if the president’s role in the alleged incident was limited to a decision on a recommendation made by another administrator, and the president had no other substantial involvement in the matter.
   d. For Complaints against CO employees, the responsibilities identified in this Executive Order as those of the president are the responsibilities of the chancellor. Complaints that involve allegations against the chancellor or a member of the Board of Trustees shall be referred to the chair or vice chair of the Board and the CO Title IX Coordinator for processing and investigation.

2. Complaint Requirements. The Complainant may submit a written Complaint to the DHR Administrator or Title IX Coordinator. The date the Complaint is received in the appropriate office shall be deemed to be the Complaint filing date. The DHR Administrator/Title IX Coordinator shall offer reasonable accommodations to Complainants who are unable to submit a written Complaint because of a qualified Disability.

The Complainant may complete the attached “CSU Student Complaint Form” or, in the alternative, submit a written signed statement containing the following information:
   a. The Complainant’s full name, address (including email address) and telephone number(s);
   b. The name of the Respondent and job title, position or Student status, if known;
   c. The Protected Status that is the basis for any alleged Discrimination, Harassment, or Retaliation, the Respondent’s activity that is the basis for the alleged Retaliation, or whether Dating or Domestic Violence, or Stalking is alleged;
   d. A clear, concise statement of the facts that constitute the allegations including pertinent date(s) and sufficient information to identify any individuals who may provide relevant information during the course of any investigation;
   e. A statement verifying that the information provided is true and accurate to the best of the Complainant’s knowledge;
   f. The term and year of the Complainant’s most recent active academic status or the term and year in
which s/he sought admission to the University;
g. The full name, address and telephone number of the Complainant’s Advisor, if any;
h. The specific harm resulting from the allegations;
i. The specific remedy sought;
j. The Complainant’s signature; and,
k. The date on which the Complaint is submitted.

3. Intake interview. The DHR Administrator or Title IX Coordinator shall meet with the Complainant as soon as possible, but no later than 10 Working Days after the Complaint was received. The Complainant shall make him/herself available for this meeting.

a. The meeting shall serve as the initial intake interview with the Complainant and will:
   (i) Explain the investigation procedure and timelines and answer any questions about them;
   (ii) Inform the Complainant of his/her rights, including the right to have an Advisor throughout the process;
   (iii) Provide the opportunity for the Complainant to complete and sign a Complaint form, if not already done; and,
   (iv) Discuss Interim Remedies, as appropriate.

b. In cases alleging Sexual Misconduct, Dating or Domestic Violence, or Stalking, the Title IX Coordinator shall also:
   (i) Inform the Complainant of the right to file a criminal complaint;
   (ii) Offer to assist the Complainant with filing a criminal complaint;
   (iii) Assure the Complainant that such filing will not significantly delay the Campus investigation;
   (iv) Advise the Complainant of available resources such as the Campus police, Campus Sexual Assault Victim’s Advocate, student health service center or psychological counseling center; and
   (v) Provide written information, as directed under Executive Order 1095, to any Student who reports to the Campus that s/he has been a victim of Sexual Misconduct, Dating or Domestic Violence, or Stalking.

c. Prior to or during the initial interview with the Respondent, the DHR Administrator or Title IX Coordinator shall:
   (i) Explain the investigation procedure and timelines and answer any questions about them;
   (ii) Inform the Respondent of his/her rights, including the right to have an Advisor throughout the process;
   (iii) Provide the Respondent with a copy of this Executive Order;
   (iv) Provide the Respondent with a description of the Complainant’s allegations against the Respondent;
   (v) Provide the Respondent a full opportunity to respond to the allegations, including scheduling other meeting(s), accepting documentary evidence, and accepting Respondent’s list of potential witnesses; and,
   (vi) Discuss any Interim Remedies, as appropriate.

4. Advisor. The Complainant and the Respondent may elect to be accompanied by an Advisor to any meeting or interview regarding the Complaint. (See definition in Article VI.)

5. Confidentiality. Information regarding the Complaint may be shared on a “need to know” basis with other Campus Employees, and with law enforcement (with the Complainant’s written consent), except for some limited exceptions. (See Executive Order 1095.) The DHR Administrator and/or Title IX Coordinator shall endeavor to honor any request for confidentiality; however, the DHR Administrator and/or Title IX Coordinator shall also weigh requests for confidentiality against the University’s duty to provide a safe and nondiscriminatory environment for all members of the Campus community. Confidentiality, therefore, cannot be ensured.

The Title IX Coordinator receives all Complainant requests for confidentiality involving cases of Sexual Misconduct, Dating or Domestic Violence, or Stalking, and determines if the request can be honored under the facts and circumstances of the particular case. (See Executive Order 1095.)

6. Complaint Accepted for Investigation. The DHR Administrator or Title IX Coordinator will review all written Complaints and the information received during the intake interview. If the DHR Administrator or Title IX Coordinator determines that the Complaint falls within the scope of this
Executive Order, s/he will notify the Complainant within 10 Working Days that the Complaint has been accepted for investigation and the timeline for completion of the investigation.

If the DHR Administrator or Title IX Coordinator determines the Complainant has failed to state a Complaint within the scope of this Executive Order, s/he will provide the Complainant with written notice of this determination within 10 Working Days. The DHR Administrator or Title IX Coordinator will also inform the Complainant that if additional information is provided, the Complaint will be reviewed again. The DHR Administrator or Title IX Coordinator will maintain a record of the Complaint and the reasons the Complaint was deemed not within the scope of this Executive Order.

The DHR Administrator or Title IX Coordinator shall determine whether the Complaint should be processed through another Campus office or University procedure available to the Complainant. If appropriate, the DHR Administrator or Title IX Coordinator shall direct the Complainant to that procedure as soon as possible.

7. Investigation Procedure. The DHR Administrator or Title IX Coordinator shall promptly investigate the Complaint or assign this task to another Investigator on a case-by-case basis. If assigned to another Investigator, the DHR Administrator or Title IX Coordinator shall monitor, supervise, and oversee all such delegated tasks, including reviewing all investigation reports before they are final to ensure that the investigation was sufficient, appropriate, impartial, and in compliance with this Executive Order.

The Complainant and the Respondent shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation. Upon inquiry, the Complainant and Respondent shall be advised of the status of the investigation.

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

The investigation shall be completed no later than 60 Working Days after the intake interview, unless the timeline has been extended pursuant to Article V. E. The timeline should not be extended for a period longer than an additional 30 Working Days from the original due date.

On occasion, a criminal investigation may be initiated by a law enforcement agency over the same allegations that are reported in a Complaint filed under this policy. A pending (Campus or local) police investigation is a separate investigation and it does not relieve a Campus of its responsibility to timely investigate Complaints under this policy. Thus, a Campus may not wait until the conclusion of a police investigation to commence its own investigation. Although it may be necessary to temporarily delay the investigation while the police are gathering evidence, once notified that the police have completed the fact gathering portion of their investigation, the Campus must promptly resume and complete its own investigation. In cases involving Sexual Misconduct, Dating or Domestic Violence, or Stalking, see the “Coordination with Criminal Investigations and Proceedings” section of Executive Order 1095.

8. Investigation Report. Within the investigation period stated above, the Investigator shall prepare an investigation report. The report shall include a summary of the allegations, the investigation process, the Preponderance of the Evidence standard, a detailed description of the evidence considered, and appropriate findings. Relevant exhibits and documents, if any, shall be attached to the written report. The report shall be promptly provided to the DHR Administrator or Title IX Coordinator, if applicable. The DHR Administrator or Title IX Coordinator shall review the investigation report to assure compliance with this Executive Order before proceeding further.

9. Notice of Investigation Outcome. Within 10 Working Days of issuance of the final investigation report, the DHR Administrator or Title IX Coordinator shall notify the Complainant and Respondent in
writing of the outcome of the investigation. The notice shall include a summary of the allegations, the investigative process, the Preponderance of the Evidence standard, the evidence considered, the findings of fact, a determination as to whether this Executive Order was violated, and if so, any Remedies to be afforded to the Complainant (such as an order that the Accused not contact the Complainant). The notice shall advise the Complainant and Respondent of their right to file an appeal under this Executive order and to request a copy of the final investigation report with exhibits/attachments, if any, redacted as appropriate. The Notice shall be delivered to the Parties in a manner which guarantees delivery within 2 Working Days (email delivery is acceptable). Where a Complaint is made against another Student and this Executive Order is found to have been violated, the DHR Administrator or Title IX Coordinator shall also notify the Campus Student Conduct Administrator of the investigation outcome, and provide a copy of the investigation report. Where the Respondent is an Employee, Human Resources or Academic/Faculty Affairs shall be notified and provided a copy of the investigation report.

Article IV. Appeal Review - Office of the Chancellor

A. Filing an Appeal to the CO. Any Complainant or Respondent who is not satisfied with a Campus investigation outcome may file an appeal with the CO no later than 10 Working Days after the date of the Notice of Investigation Outcome.

B. Written Appeal. The appeal shall be in writing and shall be based on one or more of the appeal issues listed below:
   1. The investigation outcome is unsupported by the evidence, based on the Preponderance of the Evidence standard;
   2. Prejudicial procedural errors impacted the investigation outcome to such a degree that the investigation did not comply with this Executive Order; or
   3. New evidence not available at the time of the investigation.

C. Issues and Evidence on Appeal. The issues and evidence raised on appeal shall be limited to those raised and identified during the investigation, unless new evidence becomes available after the Campus investigation process and is made part of the appeal by the appealing party. The CO may conduct an interview, at the CO’s discretion, with the appealing party to clarify the written appeal. Appeals shall be addressed to:
   Equal Opportunity and Whistleblower Compliance Unit Systemwide Human Resources
   Office of the Chancellor 401 Golden Shore, 4th Floor Long Beach, California 90802
   eo-wbappeals@calstate.edu

D. Acknowledgement of Appeal. The CO shall provide prompt written acknowledgement of the receipt of the appeal to the appealing party, and will provide written notification of the appeal to the other party and the Campus DHR Administrator or Title IX Coordinator.

E. Reasonable Accommodation. The CO 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 under these procedures. The timeframe for the CO Appeal Response will automatically be adjusted for the time needed, if any, to provide reasonable accommodation(s).

F. Scope of CO Review. The CO review will not involve a new investigation by the CO and will not consider evidence that was not introduced during the Campus investigation, unless the new evidence was not available at the time of the Campus investigation process. The CO may make reasonable inquiries to determine if the new evidence could have affected the investigation determination. If the CO review determines the investigation should be reopened to cure any defects in the investigation and/or consider new evidence introduced for the first time on appeal (that could have affected the investigation determination), the investigation will be remanded back to the Campus and the investigation reopened at the Campus level.

G. Reopening a Campus Investigation. The CO will return the matter to the Campus and will specify in writing the timeline by which a reopened investigation must be completed. The CO will notify the
Parties of the reopening of the investigation and the timeline for completion of the reopened investigation. The Campus will complete the reopened investigation and provide the CO with an amended investigation report. The Campus will also provide the Parties with amended Notices of Investigation Outcome, and such Notices will provide the Parties the opportunity to appeal any new or amended findings, in accordance with this Executive Order. Upon receipt of the amended investigation report, the CO will contact the appealing party to determine whether that party wishes to continue with the appeal.

H. Timeline. The CO shall respond to the appealing party no later than 30 Working Days after receipt of the written appeal unless the timeline has been extended as specified in Article V, E. below.

I. CO Appeal Response. The CO Appeal Response shall 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 CO Appeal Response shall be forwarded to the Complainant and Respondent, as well as the Campus DHR Administrator or Title IX Coordinator.

The CO Appeal Response is final and concludes the Complaint and CO review process under this Executive Order.

Article V. General Provisions for Campus Investigation/CO Appeal Review

A. Impartial Investigations. All investigations and reviews shall be conducted impartially and in good faith.

B. Cooperation in an Investigation. Students and Employees are required to cooperate with the investigation and other processes set forth in this Executive Order, including but not limited to, attending meetings, being forthright and honest during the process, and keeping confidential the existence and details of the investigation/review. If a Complainant and/or Respondent refuse to cooperate, the CSU may draw all reasonable inferences and conclusions on the basis of all available evidence and conclude the investigation/review.

C. False Allegations Prohibited. A Complainant shall proceed with a Complaint in good faith. A Complainant who knowingly and intentionally files a false Complaint or any individual who is determined to have provided false statements or information during the investigation/appeal review shall be subject to discipline. Such disciplinary action shall not be deemed to be Retaliation.

D. Input into the Investigation. Both the Complainant and Respondent shall have the right to identify witnesses and other evidence for consideration; however, the CSU shall decide what evidence is relevant and significant to the issues raised.

E. Timelines and Extensions. The timeline for the procedures contained within this Executive Order may be extended for any reason deemed to be legitimate by the Campus Investigator/CO Appeal reviewer or by mutual agreement of the Parties. The timelines stated within this Executive Order will be automatically adjusted for a reasonable time period that should not exceed an additional 30 Working Days for a Campus investigation or an additional 30 Working Days for a reopened Campus investigation under Article IV. The Complainant and Respondent shall receive written notification of any period of extension.

F. Delivery. When submitting a Complaint or issuing any notices required by this Executive Order, personal delivery, overnight delivery services, electronic mail, or certified mail may be used. If personal delivery is used, a proof of service shall be prepared attesting to the calendar date of delivery, which will establish the date of filing or response. If certified mail delivery is used, the postmark shall establish the date of filing or response. Electronic communications must be sent to the designated CSU or Campus e-mail address unless the intended recipient has specified a different address. Electronic communications will be deemed received on the date sent.

G. Investigation Not Warranted. In the event that a Campus determines an investigation is not warranted, the reasons for that decision shall be reduced to writing and retained by the Campus
according to appropriate record retention policies.

**H. Information Requests.** Where it is necessary for the Complainant or Respondent to have access to specific information for the purpose of filing a Complaint or CO Appeal, the Complainant or Respondent shall make a written request for such information to the Campus. The Complainant or Respondent shall have access to information within the policies, procedures and laws governing confidentiality and privacy that are relevant to any issue raised in the Complaint. This provision does not authorize a Complainant or Respondent access to the personnel files of another without the written consent of that person.

**Article VI. Definitions**

For purposes of this Executive Order, the following definitions apply:

**A. Adverse Action** means an action that has a substantial and material adverse effect on the Complainant's ability to participate in a University program or activity free from Discrimination, Harassment or Retaliation. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.

**B. Advisor:** The Complainant and the Respondent may each elect to be accompanied by an Advisor to any meeting or interview regarding the allegations. 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, provided the Advisor is not a person with information relevant to the allegations who may be interviewed by the Investigator during the investigation. The 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 and take appropriate action to ensure that the investigation does not violate applicable laws, policies, or collective bargaining agreements.

**C. Affirmative Consent** means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent. Affirmative Consent can be withdrawn or revoked. Affirmative Consent cannot be given by a person who is incapacitated. A person with a medical or mental Disability may also lack the capacity to give consent. Sexual activity with a minor (under 18 years old) is never consensual because a minor is considered incapable of giving legal consent due to age. See Article I, E. for more information.

**D. Age** means how old a person is, or the number of years from the date of a person’s birth and is a Protected Status.

**E. Calendar Days** are defined as Monday through Sunday and include official holidays.

**F. California State University (CSU)** means the 23 Campus system of the California State University, including the CO.

**G. Campus or University** means any of the 23 Campuses of the CSU or the CO.

**H. CO Appeal Response** refers to the decision provided to the Complainant and the Respondent upon completion of the appeal process provided under Article IV.

**I. Complainant** means an individual who is eligible to file a Complaint to report a violation of this policy. See Article III. B. 1 for a description of those eligible to file a Complaint. It also includes any person who is reported to have experienced a violation of this policy in cases where some other person has made a report on that person’s behalf. A Complainant may also be referred to as a party to the Complaint.

**J. Complaint** means a report of a violation of this policy or a written communication that complies
with Article III. B. 2 alleging Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking, against the CSU, an Employee, another Student, or a Third Party.

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

L. DHR (Discrimination, Harassment, and Retaliation) Administrator means the Management Personnel Plan (MPP) Employee at each Campus who is designated to administer this Executive Order and coordinate compliance with the laws prohibiting Discrimination, Harassment and Retaliation. The DHR Administrator may delegate tasks to one or more designees, provided that any designee shall be a MPP Employee or an external consultant. MPP Employee means an employee who has been designated as a “management” or “supervisory” employee under the provisions of the Higher Education Employer-Employee Relations Act. The Campus president may assign the roles of the DHR Administrator and Title IX Coordinator to the same person. The names of, and contact information for the DHR Administrator and Title IX Coordinator shall be made readily available to the Campus community and Third Parties as described in Article II.

M. Disability means mental or physical disability as defined in California Education Code § 66260.5 and California Government Code § 12926, and is a Protected Status.

N. Discipline means any disciplinary action taken to correct a violation of the prohibitions against Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking set forth in this Executive Order. Discipline for Employees includes but is not limited to suspension, demotion, and termination of employment. Discipline for Students includes but is not limited to probation, suspension, and expulsion. Suspension of one academic year or more, expulsion, withdrawal in lieu of suspension or expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the Student's transcript permanently without exception; this requirement cannot be waived in connection with any settlement agreement. See the definition of Remedies below.

O. Discrimination means Adverse Action taken against a Student by the CSU, a CSU employee, or another Student because of a Protected Status.

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

Q. Employee means a person legally holding a position in the CSU. This term includes full- time, part- time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions. This term does not include auxiliary or foundation Employees or other Third Parties.

R. Gender means sex, and includes a person’s gender identity and gender expression. Gender expression means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth. Sex includes but is not limited to pregnancy,
childbirth, breastfeeding or associated medical condition(s). They are Protected Statuses.

S. Genetic Information is a Protected Status and means:
- The Student’s genetic tests.
- The genetic tests of the Student’s family members.
- The manifestation of a disease or disorder in the Student’s family members.
- Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a Student or any Student’s family member.
- Genetic Information does not include information about any Student’s sex or age.

T. Harassment means unwelcome conduct, based on the Complainant’s Protected Status, that is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as limiting her/his ability to participate in or benefit from the services, activities or opportunities offered by the University.

U. Investigator means the person tasked by a Campus with investigating a Complaint. All Investigators shall receive annual training regarding such issues as the laws governing Discrimination, Harassment and Retaliation; Title IX and VAWA/Campus SaVE Act; as well as other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or Sex, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking; Complainant, Respondent, Employee, and witness privacy rights; and the Family Educational Rights and Privacy Act of 1974 (FERPA). For matters involving Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence or Stalking, the Investigator shall also receive annual training on how to conduct an investigation process that protects the safety of the Complainant(s) and the University community. (See also Executive Order 1095 regarding required training for Sexual Harassment and Sexual Misconduct investigations.)

If delegated, the DHR Administrator or the Title IX Coordinator (for Complaints alleging Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking) shall monitor, supervise, and oversee the investigation to ensure that it is conducted in accordance with the standards, procedures and timelines set forth in this policy.

The Investigator shall not be within the administrative control or authority of any Respondent CSU Employee. The Investigator may be the DHR Administrator, the Title IX Coordinator, or their designee, provided that any designee shall be an MPP Employee or an external consultant.

V. Marital Status means an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state.

W. Nationality includes citizenship, country of origin, and national origin and is a Protected Status.

X. Parties to a Complaint are the Complainant(s) and the Respondent(s).

Y. Preponderance of the Evidence means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for demonstrating facts and reaching conclusions in an investigation conducted pursuant to this Executive Order.

Z. Protected Status includes Age, Disability, Gender, Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.

AA. Race or Ethnicity includes ancestry, color, ethnic group identification, and ethnic background and is a Protected Status.

BB. Religion is a Protected Status and includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism. Religious dress and grooming practices, such as wearing
religious clothing, head or face covering, jewelry, and artifacts, are part of a Complainant’s religious observance or belief.

CC. Remedies mean actions taken to correct allegations and/or reported violations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence or Stalking as set forth in this Executive Order. Remedies can include Discipline or other corrective action. Interim Remedies shall be offered prior to the conclusion of an investigation in order to immediately stop any wrongdoing and/or reduce or eliminate any negative impact, when appropriate. Persons reporting that they have been the victim of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence or Stalking must be provided reasonable and available Interim Remedies, if requested, regardless of whether the person chooses to report the conduct to Campus police or local law enforcement, and regardless of whether an investigation is conducted under this Executive Order. Examples may include offering the option of psychological counseling services, changes to academic or living situations, completing a course and/or courses on-line (if otherwise appropriate), academic tutoring, arranging for the re-taking of a class or withdrawal from a class without penalty, and/or any measure as appropriate to stop further alleged harm until an investigation is concluded or a resolution is reached. The Title IX Coordinator shall assist and provide the Complainant with reasonable Remedies as requested throughout the reporting, investigation, appeal, and disciplinary processes, and thereafter.

DD. Respondent means the CSU, a CSU Employee, another Student, or a Third Party who is alleged to have violated this Executive Order.

EE. Retaliation means Adverse Action taken against a Student because s/he has or is believed to have:
1. Exercised rights under this Executive Order;
2. Reported or opposed conduct which s/he reasonably and in good faith believes is in violation of this Executive Order;
3. Assisted or participated in a policy-related investigation/proceeding regardless of whether the Complaint was substantiated; or,
4. Assisted someone in reporting or opposing a violation of this Executive Order, or assisted someone in reporting or opposing Retaliation under this Executive Order.

Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

FF. Sexual Assault Victim’s Advocate refers to Employees or third party professionals appointed to support Complainants reporting Sexual Misconduct. They must be certified and have received specialized training to provide advice and assistance, including but not limited to the provision of information about available options in the Complaint, law enforcement, legal, and medical processes, and with emotional and decision making support. Sexual Assault Victim’s Advocates may serve as the Complainant’s Advisor and assist in seeking services. They are committed to maintain the highest possible level of confidentiality permissible under state and federal law in their communications with the persons they assist. Sexual Assault Victim’s Advocates are appointed based on experience and demonstrated ability to effectively provide services to victims/survivors/Complainants. See Executive Order 1095 for more detailed information.

GG. Sexual Harassment, a form of Sex Discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:
1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant’s academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or
2. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; or
3. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as creating an intimidating, hostile or offensive environment.

37
Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom that are unrelated to the coursework.

Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on Gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

This policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to this policy.

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

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

1. **Sexual Assault** is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person’s Gender or sex.

2. **Sexual Battery** is a form of Sexual Misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person’s Gender or sex as well as touching an intimate part of another person against that person’s will and for the purpose of sexual arousal, gratification, or abuse.

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

4. **Acquaintance Rape** is a form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

**II. Sexual Orientation** means one’s preference in sexual partners and includes heterosexuality, homosexuality or bisexuality and is a Protected Status.

**JJ. Stalking** means engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his/her or others’ safety or to suffer Substantial Emotional Distress. For purposes of this definition:

1. **Course of Conduct** means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through Third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;

2. **Reasonable Person** means a reasonable person under similar circumstances and with the same
Protected Status(es) as the Complainant;

3. **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

**KK. Student** means an applicant for admission to the CSU, an admitted CSU Student, an enrolled CSU Student, a CSU extended education Student, a CSU Student between academic terms, a CSU graduate awaiting a degree, a CSU student currently serving a suspension or interim suspension, and a CSU Student who withdraws from the University while a disciplinary matter (including investigation) is pending.

**LL. Third Party** means a person other than an Employee or a Student. Examples include employees of auxiliary organizations, volunteers, independent contractors, vendors, and their employees, and visitors.

**MM. Title IX** means Title IX of the Education Amendments of 1972.

**NN. Title IX Coordinator** means the Campus MPP Employee appointed by the Campus president to coordinate compliance with Title IX; VAWA/Campus SaVE Act; and other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or sex, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence and Stalking. (See Executive Order 1095.)

**OO. VAWA** means the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)), under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act).

**PP. Veteran or Military Status** may be Protected Statuses and means service in the uniformed services.

**QQ. Working Days** are defined as Monday through Friday, excluding all official holidays or Campus closures at the Campus where the Complaint originated or at the CO where an Appeal is reviewed.

Attachment A: CSU Student Complaint Form
Attachment B: CSU Student Complaint Procedure Timeline

Dated: June 23, 2015