

# CALIFORNIA STATE UNIVERSITY, FULLERTON



2021

## ANNUAL SECURITY REPORT

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

Clery Crime Statistics 2018-2020

CSUF Main Campus  
CSUF Irvine Center  
CSUF Garden Grove Center  
Grand Central Arts Center  
Desert Studies Center

# TABLE OF CONTENTS

<b>CALIFORNIA STATE UNIVERSITY, FULLERTON .....</b>	<b>4</b>
<b>MESSAGE FROM THE PRESIDENT .....</b>	<b>4</b>
<b>PREPARING THE ASR .....</b>	<b>6</b>
<b>FULLERTON MAIN CAMPUS CLERY CRIME STATISTICS 2018 – 2020 .....</b>	<b>7</b>
<b>HATE CRIMES – FULLERTON MAIN CAMPUS .....</b>	<b>10</b>
<b>IRVINE CENTER CLERY CRIME STATISTICS 2018 – 2020 .....</b>	<b>11</b>
<b>HATE CRIMES – IRVINE CENTER .....</b>	<b>13</b>
<b>GARDEN GROVE CENTER CAMPUS CLERY CRIME STATISTICS 2018 – 2020.....</b>	<b>14</b>
<b>HATE CRIMES – GARDEN GROVE CENTER.....</b>	<b>16</b>
<b>GRAND CENTRAL ARTS CENTER CLERY CRIME STATISTICS 2018 – 2020 .....</b>	<b>17</b>
<b>HATE CRIMES – GRAND CENTRAL ARTS CENTER.....</b>	<b>19</b>
<b>DESERT STUDIES CENTER CLERY CRIME STATISTICS 2018 – 2020 .....</b>	<b>20</b>
<b>HATE CRIMES – DESERT STUDIES CENTER.....</b>	<b>22</b>
<b>REPORTING CRIMINAL ACTIONS &amp; EMERGENCIES .....</b>	<b>23</b>
<b>VOLUNTARY CONFIDENTIAL REPORTING.....</b>	<b>24</b>
<b>CALIFORNIA EDUCATION CODE SECTION 67380(A)(6)(A).....</b>	<b>25</b>
<b>TIMELY WARNING POLICY .....</b>	<b>25</b>
<b>SECURITY OF AND ACCESS TO CAMPUS FACILITIES .....</b>	<b>28</b>
<b>LAW ENFORCEMENT AUTHORITY .....</b>	<b>30</b>
<b>SECURITY PROCEDURES AND PRACTICES .....</b>	<b>31</b>
<b>CRIME PREVENTION PROGRAMS .....</b>	<b>33</b>
<b>CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS.....</b>	<b>37</b>
<b>ALCOHOL AND DRUGS.....</b>	<b>37</b>
<b>SEXUAL VIOLENCE .....</b>	<b>42</b>
<b>PROCEDURES FOR REPORTING A CRIME OF SEXUAL VIOLENCE/SEXUAL MISCONDUCT.....</b>	<b>65</b>
<b>PRIVILEGED AND CONFIDENTIAL REPORTS .....</b>	<b>66</b>
<b>EXCEPTIONS TO CONFIDENTIALITY.....</b>	<b>67</b>
<b>PRESERVATION OF EVIDENCE .....</b>	<b>68</b>

<b>REPORTING OPTIONS .....</b>	<b>68</b>
<b>NON-REPORTING .....</b>	<b>72</b>
<b>CIVIL LAWSUIT.....</b>	<b>72</b>
<b>RESTRAINING ORDERS.....</b>	<b>72</b>
<b>DISCIPLINARY PROCEDURES.....</b>	<b>72</b>
<b>SUPPORTIVE MEASURES .....</b>	<b>74</b>
<b>COMPLAINT PROCEDURES.....</b>	<b>74</b>
<b>INVESTIGATIVE PROCEDURES.....</b>	<b>78</b>
<b>HEARING PROCEDURES .....</b>	<b>80</b>
<b>DETERMINATION REGARDING RESPONSIBILITY .....</b>	<b>82</b>
<b>INFORMAL RESOLUTION.....</b>	<b>84</b>
<b>EMPLOYEE DISCIPLINE.....</b>	<b>86</b>
<b>STUDENT SANCTIONS .....</b>	<b>86</b>
<b>APPEALS.....</b>	<b>88</b>
<b>REGISTERED SEX OFFENDERS .....</b>	<b>90</b>
<b>EMERGENCY NOTIFICATION POLICY.....</b>	<b>91</b>
<b>FIRE SAFETY ACT.....</b>	<b>94</b>

# CALIFORNIA STATE UNIVERSITY, FULLERTON

## ANNUAL SECURITY REPORT

### MESSAGE FROM THE PRESIDENT



Dear Titan Family:

Cal State Fullerton's three pandemic touchstones — the health and safety of our campus community, equitable pathways to higher education, and inclusive excellence — have been central in our efforts to navigate both COVID-19 and the uptick of systemic racism that continues to be our nation's true plague.

As effective as three tenets have been during this challenging time, it is important to note that they are not new to the university. Indeed, these three North Stars have illuminated our path forward since the institution's founding in 1957, and the light they cast has only grown brighter, particularly as we enhance our commitment to build an anti-racist community that is safe, equitable, and inclusive for all Titans at all times.

Critical to that endeavor — especially as we begin to return to campus for in-person teaching, working, and learning — is this Annual Security Report that is prepared in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act. The report is a compilation of incidents that occurred on or around university property and is replete with information on crime prevention programs, security procedures, best practices, and campus resources.

All Titans play a pivotal role in keeping our university safe and inclusive, and that begins with our individual and collective responsibility to report any incident, activity, or individual that constitutes a credible threat to public safety in and around campus. This report is our first line of defense in this arena, and I encourage all Titans to read it and develop an understanding of the processes and resources in place to keep our campus safe and welcoming. Working together, we can provide an uplifting academic environment where all Titans and their visitors feel safe, secure, welcomed, and valued.

That is, after all, the culmination of our three North Stars, and by reading this Annual Security Report, you are doing your part to ensure those stars illuminate a safe, welcoming, and academically excellent journey for all Titans and their visitors.

If you have any questions or concerns about this report or safety on campus, please contact the Dean of Students office at (657) 278-3211.

Thank you, be well, and stay safe.

Sincerely,

A handwritten signature in blue ink, appearing to read "Fram Virjee". The signature is fluid and cursive, with the first name "Fram" being more prominent than the last name "Virjee".

Fram Virjee  
President

## PREPARING THE ASR

This report is part of an on-going effort to promote safety and security at Cal State Fullerton and to comply with the Jeanne Clery Disclosure of Campus Security Policy, Fire Safety Report and Campus Crime Statistics Act, also known as The Clery Act (<http://clerycenter.org/summary-jeanne-clery-act>). Under this Act, all colleges and Universities across the country are required to publish this report by October 1 of each year. These reports must contain applicable policies and procedures regarding security and the statistical data from the previous calendar year and the 2 preceding calendar years. At Cal State Fullerton, the Annual Security Report is prepared by the Dean of Students who also serves as the Clery Director in cooperation with key personnel from University Police Department, Student Housing, Student Conduct, Student Health and Counseling Center, WoMen's Center, Student Life and Leadership, International Programs, the Title IX Office, and information provided by local police agencies.

This Annual Security Report (ASR) defines types of crimes which may occur, suggests safety tips to help ensure one's safety and identifies related safety programs and resources in an effort to promote a safe and secure environment. This handbook is compiled by the Dean of Students Office and is published each year by October 1 to meet the requirement of the Crime Awareness and Campus Security Act of 1990 to publish an Annual Security Report. This report is a collaborative and comprehensive effort that includes the cooperation of departments from all divisions within the institution, and all employees designated as "Campus Security Authorities" under the Clery Act. Each entity is asked to provide crime statistics on an ongoing basis and/or information on their educational efforts and programs to comply with the Act. The policies and procedures within this report are current, as Cal State Fullerton recognizes this document as an immediate reference to possible current inquiries; however, the statistical data, as previously mentioned, is for the three previous calendar years. The CSUF Clery Compliance Team meets monthly to ensure the above-mentioned process is completed.

All students and every paid part-time, full-time, and intermittent employee receive an annual notice in University-wide email that informs them of the Annual Security Report, a brief description of its contents, information regarding the availability of the report on the Internet, and the electronic address to access the report. Additionally, notices regarding the existence of the Annual Security Report, a brief description of its contents, information regarding the availability of the report on the Internet with the electronic address to access the report, and a statement on how to obtain a paper copy, if desired, are provided to prospective students and employees. A copy of this report is available electronically at <https://police.fullerton.edu/reports/>.

Hard copies are also available upon request at the Dean of Students Office, at 800 N. State College Boulevard, located in the Titan Student Union Suite 243, or by calling (657) 278-3211.

To comply with the federal law, the Clery Director with the support of the University Police Department collects, crime statistics from local police agencies, by providing the addresses of non-campus housing; non-campus property either owned or controlled by the university; public property within and immediately adjacent to campus and the core campus. All policy references in this Annual Security Report apply to the following locations:

- California State University Fullerton – Main Campus
- California State University Fullerton – Irvine Center
- California State University Fullerton – Garden Grove Center
- Desert Studies Center, Zzyzx, San Bernardino, California
- Grand Central Arts Center, Santa Ana, California

A copy of this report is available electronically at <https://police.fullerton.edu/reports/>. Hard copies are also available upon request at the Dean of Students Office, at 800 N. State College Boulevard, located in the Titan Student Union Suite 243, or by calling (657) 278-3211.

## FULLERTON MAIN CAMPUS CLERY CRIME STATISTICS 2018 – 2020

The statistics listed below provide an overall picture of crime at CSU Fullerton for calendar years (January 1 to December 31) 2018, 2019, and 2020. This report meets all reporting requirements as set forth in the Jeanne Clery Disclosure of Campus Crime Policy and Campus Crime Statistics Act. Criminal statistics are updated by October 1 of each year and include data from the three previous calendar years.

It is the University's policy to ensure that crime on campus is accurately reported and analyzed for the development of new programs that will aid in crime prevention. Crime statistics for public property adjacent to the University are requested from and provided in part by Fullerton Police Department on the main campus and the Irvine Police Department on the Irvine campus and other local, state and federal law enforcement agencies, whose jurisdictions incorporate the immediate campus and/or non-campus properties and facilities of CSU Fullerton. CSU Fullerton Police Department does not provide law enforcement service at off-campus CSU Fullerton events.

Statistics regarding certain law violations resulting in campus disciplinary actions are collected from the offices of Residential Life and the Office of Student Conduct. Clery Act statistics are also collected from individuals with significant responsibility for student activities. Crime statistics are reported pursuant to the guidelines as specified in Jeanne Clery Disclosure of Campus Crime Policy and Campus Crime Statistics Act, as defined under the FBI Uniformed Crime Reporting procedures, and separated by the following geographical areas:

- On campus;
- On-campus residence facilities (these figures are also included in the statistics for on-campus);
- Public property adjacent to the University;
- Non-campus, University-owned, leased or controlled property located other than on the main or branch campuses

In accordance with 34 C.F.R. § 668.46, CSU Fullerton may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by the court, coroner, jury, prosecutor, or other similar non-campus official. CSU Fullerton will indicate in the "unfounded" category any crime that has been fully investigated by a law enforcement agency and the investigating agency has determined, based on the results of the investigation and evidence, that the crime report is false or baseless and therefore "unfounded."

Crime statistics concerning this campus and others can also be found on the Department of Education website. The statistics below are being provided as part of CSU Fullerton's commitment to safety and security of our campus and facilities, and to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crimes Statistics Act.

**FULLERTON MAIN CAMPUS CLERY CRIME STATISTICS 2018-2020**

<b>OFFENSE</b>	<b>YEAR</b>	<b>ON-CAMPUS TOTAL</b>	<b>CAMPUS RESIDENTIAL</b>	<b>NON-CAMPUS</b>	<b>PUBLIC PROPERTY</b>
<b>Murder and Non-Negligent Manslaughter</b>	2018	0	0	0	0
	2019	1	0	0	0
	2020	0	0	0	0
<b>Manslaughter by Negligence</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Rape</b>	2018	6	6	1	0
	2019	6	5	3	0
	2020	4	3	0	0
<b>Fondling</b>	2018	5	4	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Incest</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Statutory Rape</b>	2018	0	0	0	0
	2019	2	2	0	0
	2020	1	1	0	0
<b>Robbery</b>	2018	1	0	1	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Aggravated Assault</b>	2018	0	0	1	1
	2019	0	0	0	0
	2020	0	0	0	0
<b>Burglary</b>	2018	8	2	2	0
	2019	4	0	1	0
	2020	10	0	2	0
<b>Motor Vehicle Theft</b>	2018	8	0	0	0
	2019	2	0	1	0
	2020	2	0	0	0
<b>Arson</b>	2018	2	2	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2018	12	6	0	0
	2019	3	0	0	0
	2020	4	3	0	0
Domestic Violence	2018	0	0	0	1
	2019	1	0	0	0
	2020	0	0	0	0
Stalking	2018	16	0	0	0
	2019	28	5	0	0
	2020	10	2	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Arrests	2018	1	0	0	0
	2019	1	0	0	0
	2020	1	0	0	0
Liquor Law Referrals for Disciplinary Action	2018	115	115	0	0
	2019	63	63	1	0
	2020	124	124	0	0
Drug Law Arrests	2018	16	2	1	6
	2019	20	1	1	3
	2020	6	1	0	0
Drug Law Referrals	2018	44	44	0	0
	2019	24	22	0	0
	2020	51	51	0	0
Weapons Law Arrests	2018	3	0	0	1
	2019	1	1	0	0
	2020	2	0	0	0
Weapons Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2018	0
	2019	0
	2020	0

## HATE CRIMES – FULLERTON MAIN CAMPUS

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

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

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

2018-There were (0) hate crimes reported.

2019- There were (0) hate crimes reported.

2020- There were (0) hate crimes reported.

## IRVINE CENTER CLERY CRIME STATISTICS 2018 – 2020

IRVINE CENTER CLERY CRIME STATISTICS 2018-2020					
OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
<b>Murder and Non-Negligent Manslaughter</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Manslaughter by Negligence</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Rape</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Fondling</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Incest</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Statutory Rape</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Robbery</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Aggravated Assault</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Burglary</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Motor Vehicle Theft</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Arson</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Stalking	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Arrests	2018	1	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Liquor Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Law Referrals	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Weapons Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Weapons Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2018	0
	2019	0
	2020	0

## HATE CRIMES – IRVINE CENTER

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

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

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

2018-There were (0) hate crimes reported.

2019- There were (0) hate crimes reported.

2020- There were (0) hate crimes reported.

## GARDEN GROVE CENTER CAMPUS CLERY CRIME STATISTICS 2018 – 2020

GARDEN GROVE CENTER CLERY CRIME STATISTICS 2018-2020					
OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
<b>Murder and Non-Negligent Manslaughter</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Manslaughter by Negligence</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Rape</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Fondling</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Incest</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Statutory Rape</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Robbery</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Aggravated Assault</b>	2018	1	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Burglary</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Motor Vehicle Theft</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Arson</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Stalking	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Liquor Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Law Referrals	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Weapons Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Weapons Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2018	0
	2019	0
	2020	0

## HATE CRIMES – GARDEN GROVE CENTER

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

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

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

2018-There were (0) hate crimes reported.

2019- There were (0) hate crimes reported.

2020- There were (0) hate crimes reported.

**Please note: Cal State Fullerton's lease with the Garden Grove Center ended July 30, 2020, and we no longer have students nor employees at this location.**

## GRAND CENTRAL ARTS CENTER CLERY CRIME STATISTICS 2018 – 2020

GRAND CENTRAL ARTS CENTER CLERY CRIME STATISTICS 2018-2020					
OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
<b>Murder and Non-Negligent Manslaughter</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Manslaughter by Negligence</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Rape</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Fondling</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Incest</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Statutory Rape</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Robbery</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Aggravated Assault</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Burglary</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Motor Vehicle Theft</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Arson</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Stalking	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Liquor Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Law Referrals	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Weapons Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Weapons Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2018	0
	2019	0
	2020	0

## HATE CRIMES – GRAND CENTRAL ARTS CENTER

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

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

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

2018-There were (0) hate crimes reported.

2019- There were (0) hate crimes reported.

2020- There were (0) hate crimes reported.

## DESERT STUDIES CENTER CLERY CRIME STATISTICS 2018 – 2020

DESERT STUDIES CENTER CLERY CRIME STATISTICS 2018-2020					
OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
<b>Murder and Non-Negligent Manslaughter</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Manslaughter by Negligence</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Rape</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Fondling</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Incest</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Statutory Rape</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Robbery</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Aggravated Assault</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Burglary</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Motor Vehicle Theft</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
<b>Arson</b>	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Stalking	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Liquor Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Law Referrals	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Weapons Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Weapons Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2018	0
	2019	0
	2020	0

## HATE CRIMES – DESERT STUDIES CENTER

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

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

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

2018-There were (0) hate crimes reported.

2019- There were (0) hate crimes reported.

2020- There were (0) hate crimes reported.

## REPORTING CRIMINAL ACTIONS & EMERGENCIES

### **Cal State Fullerton, Main Campus**

CSUF Police Department provides 24-hour service to protect, make arrests, and render aid to the University community. All laws and codes of the State of California are enforced on the campus, including regulations established to administer the campus community.

Immediately report all in-progress suspicious or criminal acts, all police, fire, and medical emergencies to the CSUF Police Department by calling 911 or by utilizing any campus emergency blue telephone. Upon receipt of the call, CSUF Police officers will be dispatched immediately to the location of the complaint and have authority to make arrests, if necessary. To file a non-emergency police report, call (657) 278-2515, or reports can be made in person at the CSUF Police Department.

Bystanders or witnesses are encouraged to report when a victim is unable to report.

#### Calling CSUF Police Department to Report a Crime:

- Provide your name, telephone number, and location
- Give clear and accurate information
- Be prepared to supply suspect and vehicle description, and direction of travel
- DO NOT HANG UP! Follow the instructions of the Dispatcher
- Students residing in on-campus housing may report crimes to the on-duty RA who will ensure the immediate notification to the University Police Department

For the purposes of making Timely Warning Notices and inclusion in the annual statistical disclosure, students and employees can also report criminal offenses in any one of the following ways; In person at the University Police Department at 800 N. State College Blvd (corner of N. State College Blvd and Gymnasium Drive), by calling the CSUF Police Department at (657) 278-2515 or 911 in case of emergency. While we encourage all crimes to be reported to the CSUF Police Department, an alternative reporting source for students is the Dean of Students. The Dean of Students can be contacted at (657) 278-3211.

### **Branch Campus Facilities (not Main Campus)**

CSUF Police services are available at the Cal State Fullerton-Irvine Campus only during normal business hours and when classes are in session. Personnel can be reached either in the office, located in Room 129, or by calling (657) 278-1626. The City of Irvine Police Department is available 24/7 by calling (949) 724-7200 or 911. More information on the Irvine campus is available at <http://www.fullerton.edu/irvinecampus/student/resources/police.php>

University Police, Irvine Center (657) 278-1626  
City of Irvine Police Department (949) 724-7200

Branch campus facilities such as the Garden Grove Center, Grand Central Arts Center, and Zzyzx Desert Consortium do not have CSUF Police personnel on campus. Reports or calls for service should be made directly to their jurisdictional areas:

- Garden Grove Center: Garden Grove Police Department (714) 741-5003
- Grand Center Arts Center: Santa Ana Police Department: (714) 245-8665
- Zzyzx Desert Studies Center: San Bernardino County Sheriff Department: (760) 256-4838

For emergencies from any location: 911

Dispatchers at all of the Police Departments listed above will ask for details about the nature of type of crime, location, when the crime occurred, and the description of the individuals involved.

### **Campus Incident Investigation**

CSUF Police Investigators will investigate all police cases when it is deemed appropriate. When a case involves a student as a perpetrator, any pertinent information will be forwarded to Student Conduct and/or the Title IX Office for review.

If assistance or special units are required from Fullerton Police Department, Fullerton Fire Department, Irvine Police Department, Orange County Sheriff Department, or Orange County Fire Department, University Police dispatch will contact the appropriate unit. If a sexual assault or rape is reported to University Police, the University Police Officer will take a police report, conduct a thorough investigation, and provide the victim with a wide variety of information on available services including the option to have a Confidential Victim Advocate present during the process.

The Safe Place is a sexual assault exam unit available to assist victims 24 hours a day. It is located within the Anaheim Medical Center (approximately 6.3 miles from the main campus) and is currently the only such unit in Orange County.

## **VOLUNTARY CONFIDENTIAL REPORTING**

Crimes, suspicious behavior, or situations of concern can always be reported by any person to the University Police at (657) 278-2515 or in case of emergency 911. Persons reporting crimes can remain anonymous if they desire. Should any person anonymously report criminal activity to another campus department other than the University Police in "good faith," that information shall be forwarded to the University Police Department for evaluation. Occasionally, victims of a crime are unable to report a crime or elect not to. Therefore, we encourage bystanders to report crimes they witness or become aware of through the Campus Security Authorities Reporting Form or other appropriate reporting form located on the University Police website at [Police.Fullerton.edu/forms](http://Police.Fullerton.edu/forms). The University encourages the accurate and prompt reporting of all crimes to campus police or local law enforcement when the victim of crime elects to or is unable to. The accurate and prompt reporting of all crimes allows for appropriate follow up, the issuance of a timely warning, when warranted, and to prevent future crimes from occurring.

Students are encouraged to report any concerns and suspected criminal activity to the University Police Department; however, if an individual does not want to pursue action within the University system or the criminal justice system, they may consider making a confidential report. There are some confidential resources and reporting options available to students through the Campus Advocate or a Counselor within Student Wellness and Counseling and Psychological Services. The Campus Advocate can be contacted by calling 657-278-4370 or through the appointment request form located on the Student Wellness website at [www.fullerton.edu/studentwellness/advocacy/](http://www.fullerton.edu/studentwellness/advocacy/). An appointment with a Campus Counselors can be done by calling 657-278-3040. An individual who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police. These counselors and advocates can provide assistance with reporting if the individual would like. With the Complainant's consent, these counselors and advocates can file a report to the University Police on the details of the incident without revealing the Complainant's identity. The purpose of a confidential report is to comply with the person's wish to keep the matter confidential, while taking steps to enhance the future safety of that person. With such information, the University can keep an accurate record of the number of incidents involving students and employees; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the

annual crime statistics for Cal State Fullerton. If a Complainant declines to have the details of the crime provided to the University Police Department, the only information the Student Health and Counseling Center will provide to University Police Department is the type of crime, location and occurrence date, which information will be counted and disclosed in the annual crime statistics for Cal State Fullerton.

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

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

Note: all publicly available record keeping will be maintained without the inclusion of personally identifiable information about the victim.

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

## CALIFORNIA EDUCATION CODE SECTION 67380(A)(6)(A)

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

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

## TIMELY WARNING POLICY

The primary intent of this policy is to provide members of the community with information to aid in preventing them from becoming victims of crimes posing a serious or ongoing threat to the campus communities. Additionally, it is intended to provide faculty, staff, and students with timely information about Clery reportable crimes occurring within the defined Clery geography of their campuses, and to comply with the Timely Warning requirements of the Jeanne Clery Act. The systemwide Timely Warning Policy shall serve as

the authoritative statement of policy on Timely Warning for each campus. Lastly, the intent of this policy is to provide uniformity in the manner in which CSU campuses evaluate and communicate the occurrence of these crimes.

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

- Upon receipt of a Campus Security Authority (CSA) report of a Clery Crime on Clery Geography, a Timely Warning analysis shall be completed and documented by the Clery Director. The Clery Director shall have authority to delegate this responsibility as appropriate. It is not necessary to complete and document a Timely Warning analysis for referrals to disciplinary action.
- If it is determined that the report includes a Clery Crime on Clery Geography, the Clery Director and Chief of Police (or management designees) will confer to **analyze** the known pertinent facts to determine whether they constitute a serious or ongoing threat to the campus community. The unavailability of the Clery Director shall not unduly delay the issuance of a timely warning.
- If a CSA report includes 1) a Clery Crime 2) on Clery Geography and 3) a discernable serious or ongoing threat, a timely warning as described below shall be issued expeditiously.
- In the absence of any of these three elements, no timely warning will be issued.
- The Chief of Police (or management designee) shall have ultimate authority and responsibility for determining whether to issue a Timely Warning issuance. If the Clery Director (or management designee) is unavailable, the Chief (or the management designee) proceeds with the above-described analysis. The unavailability of the Clery Director shall not unduly delay the issuance of a timely warning to the community.

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

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

- The timing of the report: shortly after the occurrence of the crime vs. days or weeks after the occurrence of the crime, *i.e.*, a "cold report"
- Physical injury to the victim
- Use of weapons
- Forced entry used and/or tools used in commission of the crime
- A suspect arrested or incapacitated by injury
- A suspect that is identified or otherwise can be located by law enforcement
- A suspect that is out of the area

- A victim who fears for their safety from the suspect
- A clear modus operandi and/or pre-planning indicated
- Multiple suspect(s) involved
- A pattern of similar crimes established
- The possible risk of compromising law enforcement efforts, such as to gather evidence and/or apprehend suspect(s), if a warning was issued

## ADDITIONAL CONSIDERATIONS

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

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

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

## CONTENTS OF A TIMELY WARNING

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

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

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

## METHODS OF DISTRIBUTION

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

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

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

## SECURITY OF AND ACCESS TO CAMPUS FACILITIES

The Cal State Fullerton campus is a public facility. Campus buildings and facilities are generally open and accessible to members of the campus community, guests and visitors, Monday through Friday from 6:00am until 10:00 p.m. and as certain special events dictate. All campus buildings will be secured between the hours of 10:00 p.m. and 6:00 a.m. and on weekends when not in use and can be accessed by campus issued keys and department approval.

Housing and Residential Engagement and the University Police Department work closely together to promote a safe and comfortable living and learning environment for residents. Each student living on Main Campus is granted access to their residence hall by means of their Titan ID access card. The resident key card provides access to common areas, bathrooms and student specific rooms. Numerous security cameras located throughout the residential community are monitored 24 hours a day by University Police. Full time staff have duty on-call responsibilities 24 hours a day, 365 days a year. Resident Advisors (RA's) are also on duty when halls are open and walk through the community during evening hours.

The Cal State Fullerton-Irvine Center is a public facility. The campus building and facilities comprise 11 acres and are accessible to members of the campus community, guests and visitors, Monday through Thursday from 7a.m. until 10 p.m. and Friday from 7:30 a.m. until 5:00 p.m. and Saturday 7 a.m. until 4:30 p.m. unless special events dictate. The campus building will be secured between the hours of 10:30 p.m. and 7 a.m. and on Sunday when not in use. Emergencies may necessitate changes or alterations to any posted schedules.

University Police conducts routine patrols of campus buildings, parking structures, residence halls and campus grounds to monitor campus security and to address safety concerns. Residential facility occupants are helpful if they do not allow unknown individuals into campus residential facilities.

### **Maintenance of Campus Facilities**

Parking lots, pedestrian walkways and building exteriors on both campuses are well lighted. The CSUF Police Department conducts regular surveys throughout the campuses and necessary repair reports are sent to Facilities Operations.

Campus shrubbery, trees and other vegetation are trimmed and maintained on a regular basis with special attention given to walkways. Facilities Operations encourages prompt reporting by the campus community, (657) 278-3494, of any defective building equipment or unsafe facilities problems for repair.

No perimeter security is provided at the original Phase I Apartments. Residents are encouraged to keep their apartment and bedrooms doors locked at all times. All keys and card keys are for residents' use only and are not to be loaned or duplicated.

### **University Police Services**

The CSUF Police Department also provides enhanced services to assist in crime prevention. Some of these services include:

- Emergency telephones at various campus locations
- Safety escort services for students, faculty, and staff
- Lighting surveys for buildings, outdoor areas and parking lots
- 9-1-1 capability from all university phones and mobile phones

### **Housing Community Resource Center (HCRC)**

The Crime Prevention Unit is now a part of the Student Housing Facility which enables University Police to partner with the students and the Student Housing administration. The HCRC provides resources, a safe place to contact law enforcement and increased police presence for residents and visitors to Student Housing. The Community Service Corporal attends Student Housing staff meetings, Resident Advisor (student employees), and student association meetings. The HCRC houses the Community Services Corporal office and is staffed with Community Service Officers from 7 a.m. to 8 p.m., Monday through Friday.

### **Safety Escort Service**

The CSUF Police Department provides safety escort service across campus, to personal vehicles, or to on campus residence. If for any reason a student, faculty or staff member doesn't feel comfortable or safe walking to their destination, please call (657) 278-2515 for an escort.

Should you become a victim or witness a crime, report the incident as soon as possible. If you saw who did it, note a description of the person, automobile, which way they went, etc. When phoning the police, tell us where you are and wait there if it is safe until an officer arrives. Crime prevention programs and materials are directed to the residents and staff to increase mutual understanding and cooperation.

## LAW ENFORCEMENT AUTHORITY

The University Police Department has statewide law enforcement authority to enforce federal and state laws under Penal Code § 830.2, and primary concurrent jurisdiction within a mile of campus under the California Education code § 89560.

Campus safety and security is the responsibility of the Cal State Fullerton University Police Department. The University Police Department is located in the University Police Building at Gymnasium Drive and State College Boulevard. The Department employs sworn Peace Officers who are vested with full arrest authority in the State of California, pursuant to California Penal Code, Section 830.2(c) and Education Code, Section 89560. Police officers meet all the requirements specified by the California Peace Officer's Standards and Training Commission, which are mandated for all sworn California law enforcement officers. Their primary jurisdiction covers all property owned or controlled by the University. University Police Officers patrol adjacent public streets and property within a one-mile radius of the campus. In some instances, their police powers extend statewide.

University Police Officers conduct foot, vehicular, motorcycle and bicycle patrols on campus and in the student Housing and Residential Life community 24 hours a day. University Police share concurrent law enforcement jurisdiction on the adjacent public streets, areas and in communities surrounding the University properties and cooperate fully with the Fullerton Police Department on the main campus and the Irvine Police Department on the Irvine campus and other local, state and federal law enforcement agencies. All offenses committed on Cal State Fullerton property are investigated by the University Police Department, except homicides which are investigated by the City of Fullerton Police Department. Upon request of the University Police Department, and through agreement, Fullerton Police, Irvine Police and/or the Orange County Sheriff's Department will provide assistance in the investigation of major criminal cases deemed beyond the resources available to the University Police. The University Police Department maintains operational Memorandums of Understanding with both Fullerton Police Department and Irvine Police Department in accordance with the Kristin Smart Campus Safety Act and Higher Education Opportunity Act. University Police Officers may also work in collaboration with other law enforcement agencies in incidents involving campus community members or requiring inter-agency law enforcement collaboration.

When a Cal State Fullerton student is involved in an off-campus offense, police officers may assist with the investigation in cooperation with local, state, or federal law enforcement. While local police have primary jurisdiction in all off-campus areas, UPD Officers can and do respond to student-related incidents that occur in close proximity to campus. Any student who has been arrested for, charged with, or found guilty of committing a crime off-campus may be subject to university disciplinary action for violation of the Student Code of Conduct.

## SECURITY PROCEDURES AND PRACTICES

### NEW STUDENTS & EMPLOYEES (in separate sections)

#### Security awareness programs offered for all incoming STUDENTS in 2020:

Name of Program	Department	Frequency	Audience	Description of Program
Not Anymore	Title IX and Gender Equity	First semester of enrollment	All incoming students	This training focuses on identifying behaviors and recognizing situations that could potentially result in sexual violence, bystander intervention, building healthy relationships, defining "consent," and helping students understand and overcome the cultural contributors to sexual assault. The training includes information on risk reduction strategies, the procedures the institution follows when a crime is reported, and rights within disciplinary proceedings.
Not Anymore Refresher	Title IX and Gender Equity	Annually	All students	This is a shortened version of the Not Anymore training that still covers the above-described topics.
Campus Leaders for Athletes	Title IX and Gender Equity	Annually	All Student Athletes	With content specific to student athletes, this course addresses sexual assault, dating/domestic violence, stalking and sexual harassment. Covered topics include social pressures, gender roles, alcohol, how to report, bystander intervention and applicable CSU policies.
Campus Leaders for Student Organizations	Title IX and Gender Equity	Annually	All members of fraternities, sororities, sports clubs, and members of other identified at-risk student organizations.	With content specific to student organizations, this course addresses sexual assault, dating/domestic violence, stalking and sexual harassment. Covered topics include social pressures, gender roles, alcohol, how to report, bystander intervention and applicable CSU policies.
Aware, Awake, Alive & Title IX	Title IX and Gender Equity	Annually	Housing & Residential Engagement Students	Prevention of high-risk drinking, bystander intervention, campus resources & affirmative consent

Welcome CSUF day	CSUF Police Department	Annually	New Students/ Parents	Participated virtually in "Experience CSUF" with a video about CSUF PD that included safety and RAD information.
------------------	------------------------	----------	--------------------------	--

**Security awareness programs offered for all incoming EMPLOYEES in 2020:**

Name of Program	Department Provider	Frequency	Audience	Description of Program
Gender Equity and Title IX	Title IX and Gender Equity	Annually	All employees	<p>This course provides practical training for identifying, reporting, and preventing campus sexual violence, as well as assisting victims of sexual assault. Interactive case studies and videos provide engaging educational content that explains how to respond to known or suspected sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking. Examples are based on real cases that teach important concepts to build a safe campus community and create a culture that does not tolerate sexual violence. The course teaches employees valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence. It also helps post-secondary institutions comply with the employee training requirements of Title IX and the Campus Sexual Violence Elimination Act (Campus SaVE Act).</p> <p>This course trains employees on how to recognize sexual misconduct, report incidents to campus authorities, and prevent sexual misconduct from occurring in the first place. This course also provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings.</p>

# CRIME PREVENTION PROGRAMS

## STUDENTS & EMPLOYEES (in separate sections)

### Crime prevention programs offered for STUDENTS in 2020:

Name of Program	Department Provider	Frequency	Audience	Description of Program
Is it Assault	TitanWell	Annually	Student-Athletes - Men's Basketball	Prohibited Conduct, Policy, Reporting Options and Resources
Not Anymore	Title IX and Gender Equity	First semester of enrollment	All incoming students	This training focuses on identifying behaviors and recognizing situations that could potentially result in sexual violence, bystander intervention, building healthy relationships, defining "consent," and helping students understand and overcome the cultural contributors to sexual assault. The training includes information on risk reduction strategies, the procedures the institution follows when a crime is reported, and rights within disciplinary proceedings.
Not Anymore Refresher	Title IX and Gender Equity	Annually	All students	This is a shortened version of the Not Anymore training that still covers the above-described topics.
Campus Leaders for Athletes	Title IX and Gender Equity	Annually	All Student Athletes	With content specific to student athletes, this course addresses sexual assault, dating/domestic violence, stalking and sexual harassment. Covered topics include social pressures, gender roles, alcohol, how to report, bystander intervention and applicable CSU policies.
Campus Leaders for Student Organizations	Title IX and Gender Equity	Annually	All members of fraternities, sororities, sports clubs, and members of other identified at-risk student organizations.	With content specific to student organizations, this course addresses sexual assault, dating/domestic violence, stalking and sexual harassment. Covered topics include social pressures, gender roles, alcohol, how to report, bystander intervention and applicable CSU policies.

New Member Education	Student Life & Leadership	Bi-Annually	Fraternity & Sorority Life Students	Program for new members of fraternities & sororities connecting students to resources on campus. The online modules are available to students year-round and include Inclusivity in Fraternity and Sorority Life from FSL; Step Up 1.0: Bystander Intervention Training from WARC, Anti-Hazing Presentation from Student Conduct; Titan Up the Party Presentation and Aware, Awake, Alive Video from TitanWell.
Student Organization Leadership Online Training	Student Life & Leadership	Annually	Student Organization Presidents & Treasurers	Online training Sexual Violence Prevention & Awareness Programs
Domestic Violence / Intimate Partner Violence / RAD	CSUF Police Department	Annually	Alpha Chi Omega students	Presentation covering Domestic Violence / Dating Violence / Sex Assault / Stalking
Athletics Safety Information	CSUF Police Department	Special Presentation	Students & Staff within Titan Athletics	General police department information to include RAD and sexual assault awareness.
Health & Human Services Safety Information	CSUF Police Department	Special Presentation	Students within Health & Human Services	Law enforcement response to interpersonal violence and sexual assault.
Resident Advisor Training: Title IX, Mandated Reporting, Harassment & Alcohol Abuse Prevention	Housing and Residential Engagement	Annually	Resident Student Advisor Staff	Dating Violence, Sexual Assault, and Stalking Discussions
Resident Advisor Training: Behind Closed Doors	Housing and Residential Engagement	Annually	Resident Advisor Students	Dating Violence, and Sexual Assault Discussions
Resident Advisor Training: Campus Advocate	Housing and Residential Engagement	Annually	Resident Advisor Staff	A review of confidential resources and how the Campus Advocate may collaborate with RAs.
RA Spring Training: Title IX Review	Housing and Residential Engagement	Annually	Resident Advisor Student Staff	A review of Dating Violence, Sexual Assault, and Stalking Discussions

Step Up 1.0	TitanWell	By Request & Open Sessions	Humanities 100 classes, HSS Housing Theme Floor, Active Minds, IPV Class, University 100 Classes	A structured presentation for small to large sized groups. Using a short video and interactive activity, students will learn about the common characteristics of sexual assault, consent, and bystander intervention strategies. Student will also learn how language and jokes contribute to a culture that minimizes sexual violence. Confidential resources and reporting options will also be discussed.
How to Help a Friend	TitanWell	By Request	HSS Peer Mentors, Project RAISE Student Staff, Open Session	Sexual violence can have devastating effects on a victim or survivor as well as the community around them. This is an engaging presentation that helps participants discover tips on how to provide support to survivors in a non-victim blaming way and strategies to keep our communities safe.
Violence Prevention Conference	TitanWell	Annually	Open to all students, employees, and community members	Annual conference, which is open to campus and the community. Topics vary each year, however, always focus on various aspects of violence prevention in specific populations or communities.
Creating Safer Spaces for LGBTQ-Foundation	LGBT Queer Resource Center	Every Semester	Staff, Faculty, & Students	Develop an understanding to increase cultural competency regarding LGBTQ issues and to share resources to prevent violence and promote safety
Creating Safer Spaces for LGBTQ-Support Skills and Practices	LGBT Queer Resource Center	Every Semester	Staff, Faculty, & Students	Develop an understanding of LGBTQ identity development models, learn how to utilize basic LGBTQ affirming counseling skills, promote good listening and communication skills

**Crime prevention programs offered for EMPLOYEES in 2020:**

Name of Program	Department Provider	Frequency	Audience	Description of Program
Gender Equity and Title IX	Title IX and Gender Equity	Annually	All employees	<p>This course provides practical training for identifying, reporting, and preventing campus sexual violence, as well as assisting victims of sexual assault. Interactive case studies and videos provide engaging educational content that explains how to respond to known or suspected sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking. Examples are based on real cases that teach important concepts to build a safe campus community and create a culture that does not tolerate sexual violence. The course teaches employees valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence. It also helps post-secondary institutions comply with the employee training requirements of Title IX and the Campus Sexual Violence Elimination Act (Campus SaVE Act).</p> <p>This course trains employees on how to recognize sexual misconduct, report incidents to campus authorities, and prevent sexual misconduct from occurring in the first place. This course also provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings.</p>
Supporting Transgender Employees @ CSUF	Human Resources Diversity & Inclusion (HRDI)	Every Semester	Staff and Faculty	<p>The training is meant for managers and employees who wish to learn more about resources and support measures available to support a transgender employee or colleague.</p>
Creating Safer Spaces for LGBTQ-Foundation	LGBT Queer Resource Center	Every Semester	Staff, Faculty, & Students	<p>Develop an understanding to increase cultural competency regarding LGBTQ issues and to share resources to prevent violence and promote safety</p>

Creating Safer Spaces for LGBTQ-Support Skills and Practices	LGBT Queer Resource Center	Every Semester	Staff, Faculty, & Students	Develop an understanding of LGBTQ identity development models, learn how to utilize basic LGBTQ affirming counseling skills, promote good listening and communication skills
Supervisor: Anti-Harassment, Discrimination, Retaliation	Employee Training Center	Bi-Annually	Employees	Mandatory online training for supervisors on Discrimination, Harassment, and Retaliation which includes Sexual Assault
Student Organizations Advisor Training	Student Life & Leadership	Annually	Staff and Faculty	Mandatory online training for Student Organizations Advisors that addresses Student Conduct, Title IX, Report Requirements and Resources.
Safety plan space walk through	CSUF Police Department	4 per year	Staff	Walk through office space, advise on safety issues, active shooter education, and panic button review.

## CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS

The University annually collects crime statistics from local law enforcement agencies for non-campus properties and facilities owned or utilized by the University, including those utilized by recognized student groups, such as fraternities and sororities. Outside of annual data collection for Clery Act reporting, the University does not monitor and record incidents on an ongoing basis for these locations, as local law enforcement is the primary responder for incidents that occur at these locations. Local law enforcement agencies and other entities provide crime statistics they have collected for crimes occurring on non-campus properties or public property immediately adjacent to Cal State Fullerton properties or facilities.

## ALCOHOL AND DRUGS

Cal State Fullerton is committed to promoting the health of its campus community members by preserving an environment free from drugs and alcohol abuse. All campus community members should be aware that the unlawful possession, use, manufacture, dispensation, or distribution of alcohol or drugs on University property or as part of any University-related activity is prohibited by both law and University policy.

In accordance with [CSU Executive Order 930](#), the following outlines the dangers of drug and alcohol abuse in the workplace; drug and alcohol counseling, treatment, or rehabilitation programs available to employees and students; and penalties that may be imposed for drug and alcohol abuse violations occurring on University property or as part of a University-related activity.

### **Dangers of Drug and Alcohol Abuse**

Substance abuse can cause very serious health and behavioral problems, including short-and long-term effects upon both the body (physiological) and mind (psychological), as well as impairment of learning ability, memory, and performance. Chronic health problems may arise from long-term abuse, and acute, traumatic

reactions may arise even from one-time or moderate use. In addition to the toxicity of specific drugs, mixing drugs can compound toxic effects.

Illegal, “counterfeit,” or “designer” drugs may be toxic, contaminated, or have impurities causing poisoning, and can be lethal. Acute health problems may include heart attack, stroke, and sudden death (even first-time use of cocaine or GHB). Long-term effects include heart and/or lung damage, high blood pressure, blood vessel leaks in brain, brain cell destruction, permanent memory loss, infertility, impotency, immune system impairment, kidney failure, and cirrhosis of the liver. Substance abuse is correlated with high-risk behavior that could lead to accidents and injury, increased risk of contracting a sexually transmitted infection, or unwanted pregnancy. Drugs and alcohol might also be used to incapacitate individuals resulting in sexual assault and other crimes. Using alcohol or other drugs while pregnant can cause fetal damage, birth defects, miscarriage and infant death.

For additional information concerning the health risks of substance abuse, please review the following:

[Alcohol Use and Your Health.](#)

[Health Consequences of Drug Misuse](#)

[Fetal alcohol spectrum disorders \(FASDs\)](#)

## **Substance Abuse Education, Prevention Programs and Assistance Services**

### Resources for Students

- Students are eligible to make use of the Counseling Services at the Student Health and Counseling Center (SHCC). All on-campus services are outlined on the website at <http://www.fullerton.edu/caps/>. Off-campus services, including addiction resources, include the following:
  - BASICS - Brief Alcohol Screening and Intervention of College Students (BASICS) is a harm-reduction intervention for college students. Students often conform to patterns of heavy drinking they see as acceptable, while holding false beliefs about alcohol’s effects or actual alcohol-use norms. BASICS is designed to help students make better decisions about using alcohol. The program’s style is empathic, rather than confrontational or judgmental. It aims to 1) reduce alcohol consumption and its adverse consequences, 2) promote healthier choices among young adults, and 3) provide important information and coping skills for reducing risk. This program is available for all Cal State Fullerton students, but is mostly used by students who are sanctioned for alcohol.
  - CASICS - Cannabis Screening and Intervention for College Students. This program is offered for all Cal State Fullerton students who may want to explore their cannabis use, but the goal of the program is to reduce risky behaviors and harmful consequences of cannabis abuse. The program is designed to assist students in examining their own behavior in a judgment-free environment.
  - BASICS and CASICS are offered through [TitanWell](#), the health promotion area of Student Wellness.
- 12 step recovery meetings – in previous years, Cal State Fullerton has had their own 12 step recovery program that was facilitated by students for students. Due to the pandemic, we are referring interested students to the Open Recovery Meetings hosted by The Haven at College Peers via zoom. These are both well attended meetings full of students in recovery from UCSB and USC and are open for Cal State Fullerton students to join.

### Resources for Employees

- Employees can access resources via EAP through LifeMatters.
  - EAP - LifeMatters by Empathia
  - (800) 367-7474 (24 hours a day, 7 days a week)

- [www.mylifematters.com](http://www.mylifematters.com)
  - Counseling up to 6 sessions, for each area of concern, to assist in resolving issues including chemical dependency.
  - All calls and referrals made by Empathia are strictly confidential.
- For additional information about EAP, please contact Human Resources, Diversity and Inclusion to discuss services or continuation of care at (657) 278-2824 or [https://hr.fullerton.edu/payroll\\_benefits/EAP.php](https://hr.fullerton.edu/payroll_benefits/EAP.php).
  - For information concerning drug or alcohol counseling, treatment, rehabilitation, and re-entry programs, employees should contact their health care provider.

### Community Resources

- Orange County Health Care Agency (<https://www.ochealthinfo.com/bhs>)
  - Adult and Older Adult Abuse Services (AOABH) Substance Use Disorder treatment provides a range of outpatient and residential treatment programs designed to reduce or eliminate the abuse of alcohol and other drugs within the community.
  - Services include crisis intervention, assessment and evaluation; individual, group and family counseling, HIV education, pre- and post-test counseling, and voluntary testing; counseling and testing; referrals to other programs when indicated; and outreach to schools and the general community.

## **Penalties and Sanctions**

### Federal Penalties and Sanctions

Under Federal law, it is a felony offense to sell or intend to sell, manufacture, or distribute DEA scheduled drugs or mixtures containing them (e.g. cocaine, methamphetamines, heroin, Ecstasy, GHB, Ketamine, LSD, PCP, and so-called “designer drugs”, as well as “counterfeits” purported to be such drugs), or to traffic in marijuana or hashish. Depending upon the quantity of drugs involved, penalties for first offenses range from 5 years to life (20 years to life if death or serious injury involved) and fines up to \$10 million or more, and for second offenses from 10 years to life (life if death or serious injury involved) and fines up to \$20 million.

Federal law also prohibits the illegal possession of a controlled substance. Penalties for first offenses range up to prison sentences up to one year and a minimum fine of \$1,000; penalties for second offenses range up to prison sentences up to two years and a minimum fine of \$2,500; and penalties for third offenses range up to prison sentences up to three years and a minimum fine of \$5,000. Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of three years as well as the fine schedule referenced above.

It is important to note that illegal trafficking in over-the-counter or prescription drugs (including anabolic steroids) which are listed as DEA Schedules II–V are included in the above penalties and fines. Those convicted of possession or distribution of controlled substances can be barred from receiving benefits of federal programs, including student grants and loans, contracts, ability to conduct teaching and research using controlled substances, and professional and commercial licenses; may be subject to forfeiture of property used in or traceable to illegal controlled substance transactions; and, if non-citizens, subject to deportation.

### State Penalties and Sanctions

California law prohibits furnishing and selling alcoholic beverages to underage (younger than 21) or obviously intoxicated individuals. Underage persons may not buy alcoholic beverages or possess them on campus, in public, or in places open to public view; the penalties for violations of these laws may include substantial fines and jail. Alcohol may not be sold without a license or permit. State law also prohibits driving a motor vehicle under the influence (a blood alcohol level of .08 percent or higher creates a presumption of

intoxication but can be charged with lower blood alcohol levels); drinking or possessing an open container of alcohol while driving; and operating a bicycle while intoxicated. Drunk driving penalties include jail or prison, fines of \$1,000 or more, driver's license suspension or revocation, and required drug/alcohol treatment programs. Refusing to submit to a test for blood alcohol can result in suspension of driver's license for up to 3 years.

Sale or possession for sale of controlled substances such as cocaine, methamphetamines, heroin, Ecstasy, GHB, Ketamine, LSD, PCP, marijuana, and "designer drugs" is a felony with terms of 3 years or more; manufacture results in terms of 3 years or more; possession alone is punishable by up to 4 years in prison. Sentences are enhanced for previously convicted felons, for distribution within 1,000 feet of a school or University or within 100 feet of a recreational facility, and for distribution to a pregnant woman or to someone under 18 by one over 18. Property used in drug transactions can be seized.

### University Discipline

The University strives to maintain communities and workplaces free from the illegal use, possession or distribution of alcohol and controlled substances. The use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs is prohibited. Similarly, the use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on University property or at a University-related activity is prohibited.

Student involvement in underage consumption of alcohol or those found to be in violation of federal or state law, CSU or University policy, is a matter of concern for the University and will subject a student to disciplinary action through the Student Conduct Process ([Executive Order 1098](#) and [University Policy Statement on the Use of Alcohol](#)). Dependent upon the nature of the violation, university sanctions include, but are not limited to educational intervention, community resources, probation, and denial of campus access, suspension, or expulsion, aside from or in addition to prosecution under applicable state and federal laws. University action may be taken whether or not independent action is taken by civil authorities. Information regarding the Student Conduct process can be found online at the Dean of Students website (<http://www.fullerton.edu/deanofstudents/conduct/policies-procedures.php>).

Student involvement in the manufacture, use, possession, distribution or sale of illegal drugs or the misuse of any legal drug or the use of other substances in a manner which is a threat to health or safety is a concern to the University. Such behavior may subject a student to disciplinary action by the University through the Student Conduct Process ([Executive Order 1098](#) and [University Policy Statement on the Use of Drugs](#)). Dependent upon the nature of the violation, University sanctions may include but are not limited to education intervention, community resources, probation, and denial of campus access, suspension, or expulsion, aside from or in addition to prosecution under applicable state and federal laws. University action may be taken whether or not independent action is taken by civil authorities. Information regarding the Student Conduct process can be found online at the Dean of Students website (<http://www.fullerton.edu/deanofstudents/conduct/policies-procedures.php>).

Employees found to be violation of federal or state laws, or CSU or University policies, may be subject to disciplinary action, up to and including dismissal, under applicable University policies and/or collective bargaining agreements. Employees may also be required to participate in an appropriate treatment program, in addition to any potential criminal or civil penalties resulting from violating a local, state or federal law.

## **CSU System and University Policies**

### Systemwide

In addition to [CSU Executive Order 930](#), [CSU Executive Order 1108](#) establishes a smoke and tobacco free environment on every CSU campus, including Cal State Fullerton.

University

The University has four policies related to alcohol and drug use. The full text of these policies can be located by clicking on each link:

- President’s Directive No. 1: University Policy Regarding the Possession, Manufacturing, Sale, Furnishing Without Charge, and Consumption of Alcoholic Beverages and Other Drugs in a University Workplace or Residence Facility
  - <http://president.fullerton.edu/directives/directive1.aspx>
- President’s Directive No. 7: University Policy Regarding the Marketing of Alcoholic Beverages on Campus
  - <http://president.fullerton.edu/directives/directive7.aspx>
- University Policy Statement 330.231: Policy Regarding the Illegal Use of Drugs by Students
  - [http://www.fullerton.edu/senate/publications\\_policies\\_resolutions/ups/UPS%20300/UPS%20330.231.pdf](http://www.fullerton.edu/senate/publications_policies_resolutions/ups/UPS%20300/UPS%20330.231.pdf)
- University Policy Statement 330.232: Policy on the Use of Alcoholic and Malt Beverages by Students and by Student Organizations
  - [http://www.fullerton.edu/senate/publications\\_policies\\_resolutions/ups/UPS%20300/UPS%20330.232.pdf](http://www.fullerton.edu/senate/publications_policies_resolutions/ups/UPS%20300/UPS%20330.232.pdf)

**DRUG AND ALCOHOL ABUSE PREVENTION, EDUCATION, AND AWARENESS PROGRAMS**

<b>Name of Program</b>	<b>Department Provider</b>	<b>Frequency</b>	<b>Audience</b>	<b>Description of Program</b>
Aware, Awake, Alive & Title IX	Title IX	Annually	Housing & Residential Engagement Students	Prevention of high-risk drinking, bystander intervention, campus resources & affirmative consent
New Member Education	Student Life & Leadership	Bi-Annually	Fraternity & Sorority Life Students	Program for new members of fraternities & sororities connecting students to resources on campus. The online modules are available to students year-round and include Inclusivity in Fraternity and Sorority Life from FSL; Step Up 1.0: Bystander Intervention Training from WARC, Anti-Hazing Presentation from Student Conduct; Titan Up the Party Presentation and Aware, Awake, Alive Video from TitanWell.

Student Organization Leadership Online Training	Student Life & Leadership	Annually	Student Organization Presidents & Treasurers	Mandatory online training for Student Organization Presidents and Treasurers that addresses drug and alcohol abuse, prevention, and awareness.
Title IX/Drug and Alcohol	Athletics	Annually	Student-Athletes	Prohibited Conduct, Policy, Reporting Options and Resources
Resident Advisor Training: Title IX, Mandated Reporting, Harassment & Alcohol Abuse Prevention	Housing and Residential Engagement	Annually	Resident Student Advisor Staff	Dating Violence, Sexual Assault, and Stalking Discussions
BASICS	TitanWell	Offered Weekly	Students	Alcohol sanctioned evidence-based program. The definition of BASICS is Brief Alcohol Screening and Intervention for College Students.
CASICS	TitanWell	Offered Weekly	Students	Cannabis sanctioned evidence-based informed program. The definition of CASICS is Cannabis Screening and Intervention for College Students.
CHOICES	TitanWell	Semimonthly (twice a month)	Students	Evidence-based alcohol intervention program for sanctioned students
Titan Up the Party	TitanWell	Spring and Fall Semester	Fraternity & Sorority Life New Members	Evidence-informed alcohol intervention presentation
Titan Up the Party/CHOICES	TitanWell	Fall Semester	Incoming Student Athletes	Evidence-informed alcohol intervention presentation
eCHECKUp to go	TitanWell/Fraternity and Sorority Life	Annually	Fraternity & Sorority Life Members	Evidence-based online personal alcohol assessment
eCHECKUp to go	TitanWell	Fall and Spring Semester	Student Athletes	Evidence-based online personal alcohol assessment

## SEXUAL VIOLENCE

The California State University does not discriminate on the basis of sex, gender, including gender identity or expression, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of sex, gender, or sexual orientation in employment, as well as all education programs and activities operated by the University (both on and off campus), and protect all people regardless of their gender from Sex Discrimination, including Sexual Harassment, Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, and Stalking.

The University seeks to provide an education environment free of Sexual Misconduct/Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence and Stalking. Every member of the University community shall be aware that Sexual Misconduct, and/or acts of violence with a sexual nature directed toward another person will not be tolerated and are prohibited by federal and state law and University policy. As members of the University community, students shall comply with University policies and guidelines in addition to federal, state, and local laws whether on or off campus. The University will discipline persons identified as responsible for Sexual Misconduct/Sexual Assault Dating or Domestic Violence, or Stalking as described in this report and University policy.

In an ongoing effort to prevent Sexual Misconduct/Sexual Assault Dating Violence, Domestic Violence and Stalking, the University provides education and prevention programs, investigates complaints, dispenses corrective or disciplinary action where appropriate, provides referrals for medical care/counseling, modified classes, reduced course loads, campus housing changes, work assignment assistance, stay away orders, leaves of absence, and more. The University also provides information to victims on pursuing criminal action and obtaining protective orders if needed. University officials who are responsible for investigating and/or adjudicating cases of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, and Stalking receive annual training for compliance with federal, state and CSU system regulations.

The University is committed to empowering victims of Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking by providing ample supportive services, and encouraging their choice of action, regardless of their decision to seek criminal prosecution of offender(s). If requested by the victim, University personnel will assist the victim in notifying the appropriate law enforcement authorities.

#### PREVENTION, EDUCATION, AND AWARENESS

Cal State Fullerton is dedicated to providing students and employees programming and training geared toward educating and increasing awareness on sexual assault, dating violence, domestic violence, and stalking to prevent such incidents. Multiple departments on campus including Title IX, TitanWell, and University Police actively implement these programs and trainings throughout campus. Educational programming and trainings are completed by all students and employees.

Preventative and educational programming cover the following:

- A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking.
- Crime definitions for the local jurisdiction for dating violence, domestic violence, sexual assault, stalking, and of consent, in reference to sexual activity, in the applicable jurisdiction.
- A description of safe and positive options for bystander intervention through workshops provided by TitanWell like Step Up 1.0 and Violence Prevention 101. These workshops draw on a community-focused bystander intervention framework that teaches safe, low-level intervention skills when encountering troubling sexual encounters, romantic dynamics, and other high-tension situations. They also provide an overview of sexual assault and harassment, stalking, interpersonal violence, consent, bystander intervention, campus, and community resources and how to help a friend. Additionally, they discuss the three D's of intervention, direct-distract-delegate.
- Information on risk reduction and prevention tips is included on our [website](#) and referenced in programming and education.
- Information on procedures the institution follows when one of these crimes is reported and rights within disciplinary proceedings.

<b>Name of Program</b>	<b>Department Provider</b>	<b>Frequency</b>	<b>Audience</b>	<b>Description of Program</b>
Eliminate Sexual Misconduct	Employee training center	Annually	Staff	Online training covering Sexual Assault / Stalking
Workplace Violence Prevention	Employee training center	Annually	Staff	Online training covering Dom Viol / Dating Viol / Sex Assault / Stalking
Step Up 1.0	TitanWell	By Request & Open Sessions	Housing Students, Humanities 100 classes, HSS Housing Theme Floor, Active Minds, IPV Class, University 100 Classes	A structured presentation for small to large sized groups. Using a short video and interactive activity, students will learn about the common characteristics of sexual assault, consent and bystander intervention strategies. Student will also learn how language and jokes contribute to a culture that minimizes sexual violence. Confidential resources and reporting options will also be discussed.
Violence Prevention Conference	TitanWell	Annually	Open to all students, employees, and community members	Annual conference, which is open to campus and the community. Topics vary each year, however always focus on various aspects of violence prevention in specific populations or communities.
Student Organization Leadership Online Training	Student Life & Leadership	Annually	Student Organization Presidents & Treasurers	Mandatory online training for Student Organizations Presidents and Treasurers that addresses the prevention of sexual assault and sexual violence.
California State University Fullerton – Campus Leaders for Student Organizations 20-21	Student Life & Leadership / Title IX and Gender Equity	By Request	Student Organization Members	Supplemental education for students involved with athletics, Greek life, and other campus organizations.
Student Organization Advisor Meetings	Student Life & Leadership	Every Semester	Student Organization Advisors	Updates from Title IX regarding student organization conduct trends related to sexual violence and best practices.

Title IX for Campus Leaders	Fraternity & Sorority Life / Title IX and Gender Equity	Annually	All Fraternity and Sorority Life Students	Annual Title IX training for Fraternity and Sorority Life students
Not Anymore	Title IX and Gender Equity	First semester of enrollment	All incoming students	This training focuses on identifying behaviors and recognizing situations that could potentially result in sexual violence, bystander intervention, building healthy relationships, defining "consent," and helping students understand and overcome the cultural contributors to sexual assault. The training includes information on risk reduction strategies, the procedures the institution follows when a crime is reported, and rights within disciplinary proceedings.
Not Anymore Refresher	Title IX and Gender Equity	Annually	All students	This is a shortened version of the Not Anymore training that still covers the above described topics.
Residential Engagement Student Staff Training	Title IX and Gender Equity	Every semester	Resident Advisors & Peer Mentors	Applicable policies and definitions for prohibited conduct. Rights and options for those that experience sexual assault, dating/domestic violence, stalking and sexual harassment. Procedures followed when a report is received. Rights within disciplinary proceedings.

<p>New Employee Orientation</p>	<p>Title IX and Gender Equity</p>	<p>Monthly</p>	<p>Non-faculty employees attend once upon hire</p>	<p>Applicable policies and definitions for prohibited conduct. Rights and options for those that experience sexual assault, dating/domestic violence, stalking and sexual harassment. Procedures followed when a report is received. Rights within disciplinary proceedings</p>
<p>Unit 11 New Employee Orientation</p>	<p>Title IX and Gender Equity</p>	<p>4-5 times at the beginning of each semester</p>	<p>Unit 11 employees attend annually (Graduate Assistants, Teaching Assistants, and Instructional Support Assistants)</p>	<p>Applicable policies and definitions for prohibited conduct. Rights and options for those that experience sexual assault, dating/domestic violence, stalking and sexual harassment. Procedures followed when a report is received. Rights within disciplinary proceedings.</p>

Gender Equity and Title IX	Title IX and Gender Equity	Annually	All employees	<p>This course provides practical training for identifying, reporting, and preventing campus sexual violence, as well as assisting victims of sexual assault. Interactive case studies and videos provide engaging educational content that explains how to respond to known or suspected sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking. Examples are based on real cases that teach important concepts to build a safe campus community and create a culture that does not tolerate sexual violence. The course teaches employees valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence. It also helps post-secondary institutions comply with the employee training requirements of Title IX and the Campus Sexual Violence Elimination Act (Campus SaVE Act).</p> <p>This course trains employees on how to recognize sexual misconduct, report incidents to campus authorities, and prevent sexual misconduct from occurring in the first place. This course also provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings.</p>
Campus Leaders for Athletes	Title IX and Gender Equity	Annually	All Student Athletes	<p>With content specific to student athletes, this course addresses sexual assault, dating/domestic violence, stalking and sexual harassment. Covered topics include social pressures, gender roles, alcohol, how to report, bystander intervention and applicable CSU policies.</p>

Campus Leaders for Student Organizations	Title IX and Gender Equity	Annually	All members of fraternities, sororities, sports clubs, and members of other identified at-risk student organizations	With content specific to student organizations, this course addresses sexual assault, dating/domestic violence, stalking and sexual harassment. Covered topics include social pressures, gender roles, alcohol, how to report, bystander intervention and applicable CSU policies.
Title IX and Gender Equity at CSUF	Title IX and Gender Equity	Annually	Employees of Athletics and Student Wellness	Applicable policies and definitions for prohibited conduct. Rights and options for those that experience sexual assault, dating/domestic violence, stalking and sexual harassment. Procedures followed when a report is received. Rights within disciplinary proceedings.
Title IX Federal Regulation Update	Title IX and Gender Equity	Upon Request	Employees and students from multiple departments and divisions (20+ presentations held in fall 2020)	Applicable policies and definitions for prohibited conduct. Rights and options for those that experience sexual assault, dating/domestic violence, stalking and sexual harassment. Procedures followed when a report is received. Rights within disciplinary proceedings.

#### DEFINITIONS PER EXECUTIVE ORDERS 1095-1097

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

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

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

### SEX DISCRIMINATION

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

### SEXUAL HARASSMENT

ADDENDUM B: Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

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

EXECUTIVE ORDER: Sexual Harassment is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:

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

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

### 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. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Persons of all genders can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

#### SEXUAL ASSAULT (ADDENDUM B):

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

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

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

**STATUTORY RAPE:** is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.

#### AFFIRMATIVE CONSENT

- An informed, affirmative, conscious, voluntary, and mutually agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean consent. Affirmative Consent must be voluntary, and given without coercion, force, threats, or intimidation.
- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.
- Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual

activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

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

## DOMESTIC VIOLENCE

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

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

reasonable apprehension of imminent serious bodily injury to self, or another. Abuse does not include non-physical, emotional distress or injury.

### DATING VIOLENCE

ADDENDUM B: Physical violence or threat of physical violence committed by a person—

1. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
2. where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship.
  - b. The type of relationship.
  - c. The frequency of interaction between the persons involved in the relationship.

EXECUTIVE ORDER: 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 self or another. Abuse does not include non-physical, emotional distress or injury.

### STALKING

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

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

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

### DEFINITIONS PER LOCAL JURISDICTION

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

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

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

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

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

(A) Was unconscious or asleep.

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

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

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

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

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

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

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total

circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

(k) As used in this section:

(1) “Sexual penetration” is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant’s or another person’s

genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.

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

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

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

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

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

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

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

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

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

(e)(1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Abuse: (CA Family Code, 6203 (definitions) and 6211)**

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

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

(2) Sexual assault.

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

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

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

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

(a) A spouse or former spouse.

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

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

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

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

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

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

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

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

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

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

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

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

**CA Penal Code 243**

(e)

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

**Stalking**

**CA Penal Code, Chapter 2, Section 646.9**

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

**CA Penal Code, Chapter 2, Section 653m**

(a) Every person who, with intent to annoy, telephones or makes contact by means of an electronic communication device with another and addresses to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person addressed or

any member of his or her family, is guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith.

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

### **Consent to Sexual Activity (CA Penal Code, Chapter 1, section 261.6)**

In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, in which consent is at issue, “consent” shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 287, or 289, or former Section 288a.

## **PROCEDURES FOR REPORTING A CRIME OF SEXUAL VIOLENCE/SEXUAL MISCONDUCT**

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

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

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

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

The University's primary concern is the safety and well-being of every member of the campus community. The use of alcohol or drugs never makes the victim at fault. If a campus community member has experienced Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking they should not be deterred from reporting the incident out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies. A person who participates in investigations or proceedings involving Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking will not be subject to discipline for related violations of the Student Conduct Code or other University policies at or near the time of the incident unless the University determines the conduct places the health and safety of another person at risk, or is otherwise egregious.

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

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

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

## PRIVILEGED AND CONFIDENTIAL REPORTS

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

professionals must report to local law enforcement agencies. These confidential professionals should explain these limited exceptions to victims, if applicable.

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

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

## EXCEPTIONS TO CONFIDENTIALITY

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

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

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

See more about voluntary confidential reporting in the Voluntary Confidential Reporting section above.

## PRESERVATION OF EVIDENCE

In cases of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking, the preservation of physical evidence is important to facilitate the identity and successful prosecution of the offender. The victim should not change clothes, bathe, douche, or shower following the attack. Sexual Assault Response Team (S.A.R.T.) medical personnel are trained to collect, process, and preserve physical evidence of Sexual Misconduct, and are committed in their assistance to the victim. Victims may request a S.A.R.T. exam to preserve forensic evidence without completing a police report. This evidence may be used in the case a victim wishes to report the assault at a later date. Victims are not financially responsible for S.A.R.T. exams and the cost will be the responsibility of the local law enforcement jurisdiction.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not to make a complaint regarding an incident, nevertheless should consider speaking with University Police or other law enforcement to preserve evidence in the event that they change their mind and wish to report the assault at a later date.

A victim has the right to have a confidential advocate present when reporting to law enforcement and during examinations. With the victim's consent, the confidential advocate will assess the victim's immediate needs and provide support and referral as appropriate. This confidential assistance may include: counseling, information concerning rape trauma syndrome; information on the collection of medical evidence and available health services to test for injuries, sexually transmitted diseases, and/or pregnancy. Assistance is also available with access to other resources and services, including assistance in obtaining emergency protection orders and restraining orders.

## REPORTING OPTIONS

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

### REPORTING TO THE POLICE

Reporting to University Police and/or local police is an option at any time. Victims who choose not to report to the police immediately following a Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, or Stalking incident, can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on the victim's behalf.

As soon after the incident as possible, victims of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking are strongly encouraged to report the incident to the police. Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking may be reported to the University Police Department by dialing 911. The University Police will support all victims of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking regardless of their decision to seek criminal prosecution of the

offender or not. Victims have the option to report anonymously to the police and the decision to seek criminal prosecution remains with the victim. University Police will protect the confidentiality of the victim to the extent permitted by applicable California State law.

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

#### REPORTING TO A CSA

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

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

#### REPORTING TO A TITLE IX COORDINATOR OR RESPONSIBLE EMPLOYEE

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

Those wishing to file a Formal Complaint should contact the Title IX and Gender Equity department at 657-278-2121 or [titleix@fullerton.edu](mailto:titleix@fullerton.edu). More information about reporting options can be found at <http://www.fullerton.edu/titleix/process/index.php>.

Most University employees have a duty to report disclosed incidents of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking when they are on notice of it. When a victim tells the Title IX Coordinator or another non-confidential University employee about a Sexual Misconduct/Sexual Assault,

Dating Violence, Domestic Violence, or Stalking incident, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the University strongly encourages victims to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking directly to the campus Title IX Coordinator.

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

To the extent possible, information reported to the Title IX Coordinator or other University employees will be kept private and shared only with individuals responsible for handling the University's response to the incident. Any Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures. The University will protect the privacy of individuals involved in a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident except as otherwise required by law or University policy. A Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section on Privileged and Confidential Communications above, no University employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

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

The Title IX Coordinator will provide the written explanation of Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking (Attachment C in Executive Order 1095) which includes written information to victims about supportive measures. This includes information on preservation of evidence, how and to whom to report the alleged offense, the options available regarding and involving law enforcement and campus authorities (including notification of law enforcement authorities, being assisted by campus authorities in notifying law enforcement if the victim chooses, and declining to notify the authorities), and notification of the rights of victims to seek orders of protection and request "no-contact"

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

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

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures. The Title IX Coordinator remains available to assist the victim and provide reasonable Supportive Measures requested throughout the reporting, investigative, and disciplinary processes, and thereafter.

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

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

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

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

## NON-REPORTING

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

## CIVIL LAWSUIT

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

## RESTRAINING ORDERS

Victims may also choose to obtain a protective or restraining order (such as a Domestic Violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking. The campus Title IX Coordinator or Sexual Assault Victim's Advocate can offer assistance with obtaining a protective or restraining order.

Those interested in obtaining a restraining order in Orange County should contact the Orange County Superior Court. More information about restraining orders in general is available at <https://www.occourts.org/self-help/restrainingorders/>. Specific court locations to request restraining orders is available at <https://www.occourts.org/self-help/restrainingorders/#locationhours>.

## DISCIPLINARY PROCEDURES

### COMPLAINTS MADE BY STUDENTS

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

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

Executive Order 1096, entitled "Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Staling Against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual

Misconduct, Domestic Violence, Dating Violence, and Stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party.

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

### COMPLAINTS MADE BY STUDENT-EMPLOYEES

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

The following is a description of the CSU's disciplinary procedures for matters involving allegations of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, and Stalking. Full policies and procedures are contained within [CSU Executive Order 1095](#), [CSU Executive Order 1096](#), and [CSU Executive Order 1097](#). Any questions about CSU Title IX-related policy should be directed to the campus Title IX Coordinator.

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

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

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

### STANDARD OF EVIDENCE

The standard of evidence that will be used during all CSU disciplinary proceedings arising from allegations of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, and Stalking is the Preponderance of the Evidence. 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.

## SUPPORTIVE MEASURES

Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent regardless of whether a complaint is filed under CSU Executive Order 1096 or 1097 (including Addendum A or Addendum B) or with campus police or local law enforcement. Supportive Measures are designed to restore or preserve equal access to CSU Education Programs or Activities without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational environment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escorts, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

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

After receiving a report of Sexual Misconduct/Sexual Assault, Domestic Violence, Dating Violence, or Stalking, the Title IX Coordinator will contact the Complainant promptly to discuss the availability of Supportive Measures. During the discussion, the Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a complaint, and explain the process for filing a complaint.

## COMPLAINT PROCEDURES

The CSU has adopted and published complaint procedures that provide for prompt, impartial, and equitable resolution of complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct/Sexual Assault, Domestic Violence, Dating Violence, and Stalking. The complaint procedures that will apply in a particular case will depend on certain factors described below. There are three sets of procedures that could apply:

### EXECUTIVE ORDER 1096 OR 1097 SINGLE INVESTIGATOR PROCESS

Executive Order 1096 is the applicable policy and procedure for a complaint made by an employee or third party. Executive Order 1097 is the applicable policy and procedure for a complaint made by a student. The complaint procedures under Executive Orders 1096 and 1097 are called a "single investigator process." This means that an Investigator interviews the Parties and witnesses, and gathers any documentary evidence. The Parties have an opportunity to review the evidence gathered, request that additional evidence be gathered, and respond to the evidence gathered. Once the evidence is reviewed by the parties, the Investigator makes a determination as to whether the policy was violated. The single investigator process will be used in response to complaints of Sexual Misconduct/Sexual Assault, Domestic Violence, Dating Violence, and Stalking that are not mandated to be addressed under either Addendum A: State Mandated Hearing Addendum, or Addendum B: Federal Mandated Hearing Addendum (see below).

### ADDENDUM A: STATE MANDATED HEARING ADDENDUM

In January 2019, a California Court of Appeal ruled that students accused of Sexual Misconduct who face severe discipline (expulsion or suspension) at any California university have the right to a hearing to cross-examine (question), directly or indirectly, their accusers and other witnesses if witness credibility is "central" to the case. To implement the new requirements, the CSU created an addendum to Executive Orders 1096 and

1097. This addendum is known as Addendum A: State Mandated Hearing Addendum (“Addendum A”), and it describes the investigation and resolution process for cases that meet the above requirements. Cases that proceed under Addendum A **do** involve a hearing (where the case is not resolved through Informal Resolution).

#### ADDENDUM B: FEDERAL MANDATED HEARING ADDENDUM

On May 6, 2020, the United States Department of Education, Office for Civil Rights (OCR) issued and amended Title IX Regulations implementing Title IX of the Education Amendments of 1972. The Regulations are titled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance* (34 C.F.R. 106).

To implement the requirements of the Title IX Regulations, the CSU created a further addendum to Executive Orders 1096 and 1097. This addendum is known as Addendum B: Federal Mandated Hearing Addendum (“Addendum B”), and it describes the investigation and resolution process for cases covered by the Title IX Regulations. Addendum B applies to cases involving allegations that are defined by the Title IX Regulations as Sexual Harassment in an Education Program or Activity against a person (including, but not limited to students and employees) in the United States. Cases processed under Addendum B **do** involve a hearing (where the case is not resolved through Informal Resolution).

#### UNIVERSITY RESPONSE TO REPORTS OF SEXUAL MISCONDUCT/SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

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

Complaints alleging Sexual Misconduct/Sexual Assault, Sexual Assault, Domestic Violence, Dating Violence, and Stalking will initially be assessed to determine if they meet the requirements for the case to proceed under Addendum B.

When the Title IX Coordinator receives a Formal Complaint,<sup>1</sup> the Title IX Coordinator will simultaneously provide both Parties a written Notice of Allegations. The Notice of Allegations includes the factual allegations and policy violations alleged.

---

<sup>1</sup> A Formal Complaint is defined as a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature or a document signed by the Title IX Coordinator alleging Sexual Harassment (as defined under Addendum B) against a Respondent and requesting an investigation of the allegation of Sexual Harassment. At the time that the Formal Complaint is filed, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the CSU. A Formal Complaint may exist even without a signature where something otherwise indicates that the complainant is the person filing the formal complaint. An e-mail from the Complainant would be sufficient.

## MANDATORY AND DISCRETIONARY DISMISSAL OF A FORMAL COMPLAINT

When the Title IX Coordinator receives a Formal Complaint, or information from a third party, the Title IX Coordinator will assess whether the Formal Complaint meets the requirements of the Federal Regulations to move forward under the process in Addendum B to Executive Order 1096 (if the Complainant is an employee or a third party) or Executive Order 1097 (if the Complainant is a student). A determination that allegations in a Formal Complaint do not meet the requirements of Addendum B will result in a dismissal of the allegations in the Formal Complaint that do not meet the requirements and, in some cases, a referral of the allegations to another process as the University may have an obligation to address the matter under other laws and policies. During the process, a Formal Complaint or any allegation in the Formal Complaint, may be dismissed under the circumstances listed below.

The Federal Regulations, Addendum B, require that there be two types of dismissals: mandatory and discretionary.

### MANDATORY DISMISSAL/REFERRAL

AA Formal Complaint must be dismissed as to any conduct alleged that:

1. would not meet the definition of Sexual Harassment even if proved;
2. did not occur in an Education Program or Activity; or
3. did not occur in the United States.

### DISCRETIONARY DISMISSAL

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

1. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any part of it;
2. the Respondent is no longer a Student or Employee; or
3. if the specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

### WRITTEN NOTICE

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

### APPEAL OF A FORMAL COMPLAINT DISMISSAL/REFERRAL

Either Party may appeal from a dismissal of a Formal Complaint or any part of the Complaint to the Chancellor's Office (CO) Systemwide Title IX Unit. The appeal must be filed within **10 Working Days** from the date of the Notice of Dismissal. The appeal will be in writing and will be based only on one or more of the following grounds: a procedural irregularity occurred that affected the dismissal of the Formal Complaint;

new evidence that was not reasonably available at the time the dismissal decision was made that could affect the decision to dismiss the Formal Complaint; or the Title IX Coordinator (or designee) who dismissed the Formal Complaint had a conflict of interest or bias for or against the Complainant or Respondent in this case or complainants or respondents in general.

Appeals will be filed with the Chancellor's Office (CO) Systemwide Title IX Unit. and will be addressed to:

Systemwide Title IX Unit

Systemwide Human Resources

Office of the Chancellor

[TIX-Dismissal-Appeals@calstate.edu](mailto:TIX-Dismissal-Appeals@calstate.edu)

If you are Any individual who is unable to file an appeal or a response to an appeal electronically, please should contact the Campus Title IX Office for assistance.

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

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

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

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

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

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

If new allegations are raised during the investigation that were not included in the Notice of Allegations, a revised Notice of Allegations will be issued Simultaneously to the Parties.

If the Notice of Allegations also serves as notice of a Respondent's expected attendance at an interview, it will include details of the date, time, location, participants, and purpose of that interview. The Notice of Allegations must be provided to a Respondent at least 5 Working Days prior to the interview.

If a Respondent requests to meet sooner than 5 Working Days after receipt of the Notice of Allegations, they should verbally confirm at the start of the meeting that they are aware that they were provided notice of at least 5 Working days and this confirmation should be documented by the Title IX Coordinator or investigator.

## INVESTIGATIVE PROCEDURES

The Title IX Coordinator will either promptly investigate a complaint or assign this task to another Investigator.

### ADVISORS

During the investigations the Parties may be accompanied by Support Advisors. During Addendum B hearings, the Parties must also have a Hearing Advisor to conduct cross-examination.

Support Advisor-The Complainant and the Respondent may each elect to be accompanied by a Support Advisor to any meeting, interview, or proceeding regarding the allegations that are the subject of a complaint. The Support Advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or, in the case of the Complainant, a Sexual Assault Victim's Advocate. The Support Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent or speak on behalf of a Complainant or Respondent. However, the Support Advisor may observe and consult with the Complainant or Respondent.

### HEARING ADVISORS – ADDENDUM B Hearings ONLY

In matters proceeding under Addendum B, the Complainant and Respondent must each have a Hearing Advisor at the hearing. A Hearing Advisor will be responsible for asking the other Party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility, during the hearing.

### GATHERING OF EVIDENCE

The Complainant and the Respondent shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation. The Investigator will take reasonable steps to gather all relevant evidence from the Parties, other witnesses or other sources. The Investigator will document the steps taken to gather evidence, even when those efforts are not successful

### REVIEW OF EVIDENCE

After gathering evidence and before issuing a Final Investigation Report, the Investigator will share with the Complainant and Respondent,<sup>2</sup> all evidence (including, in an Addendum B case, evidence upon which the University does not intend to rely) obtained as part of the investigation that is Relevant (single investigator

---

<sup>2</sup> For an Addendum B matter, this information will also be sent to the Parties' respective Support Advisors, if any.

process or Addendum A) or Directly Related (Addendum B) to the allegations raised in the Formal Complaint (Preliminary Investigation Report). In matters proceeding under Addendum A or Addendum B, the Preliminary Investigation Report will also identify the material facts – disputed and undisputed, with explanations as to why any material fact is disputed.

Each Party will be given a minimum of **10 Working Days** for the initial Review of Evidence to respond to the list of disputed facts and evidence and submit additional questions for the other Party and witnesses. During the Review of Evidence, each Party may:

- meet again with the Investigator to further discuss the allegations;
- identify additional disputed facts;
- respond to the evidence in writing;
- request that the Investigator ask additional specific questions to the other Party and other witnesses;
- identify additional relevant witnesses; or
- request that the Investigator gather additional evidence.

The Investigator will share with the Parties the answers to questions posed during the Review of Evidence. If additional disputed material facts are identified or evidence is gathered, it will be included in the Preliminary Investigation Report (or in a separate addendum) and shared with all Parties, who will be given a reasonable opportunity to respond to the new evidence and submit additional questions to the other Party and other witnesses about the new evidence only. The Investigator determines when it is appropriate to conclude the Review of Evidence.

#### FINAL INVESTIGATION REPORT

After the Review of Evidence phase is concluded, the Parties will receive a Final Investigation Report that will summarize all Relevant evidence, including any additional Relevant evidence received during the Review of Evidence. Any Relevant documentary or other tangible evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator will be attached to the Final Investigation Report as exhibits.

#### WRITTEN RESPONSE TO FINAL INVESTIGATION REPORT – ADDENDUM B ONLY

Under Addendum B, the Parties and their Support Advisors will be provided 10 Working Days to review and provide a written response to the Final Investigation Report for an Addendum B matter.

#### TIMEFRAME FOR COMPLETION OF INVESTIGATION

##### EXECUTIVE ORDER 1096 OR 1097 SINGLE INVESTIGATOR

An investigation conducted under the Executive Order 1096 or 1097 single investigator process shall be completed no later than **60 Working Days** after the intake interview, unless the timeline has been extended pursuant to Article V. E. of EO 1096 and EO 1097. The timeline should not be extended for a period longer than an additional 30 Working Days from the original due date.

##### ADDENDUM A OR ADDENDUM B

Absent a determination of good cause made by the Investigator or Title IX Coordinator (of which the Parties will receive written notice): (i) an Addendum A or Addendum B investigation should be concluded within **100**

**Working Days** from the date that the Notice of Allegations is provided to the Parties; and (ii) the Final Investigation Report should be completed and provided to the Parties within **10 Working Days** after the Review of Evidence has concluded. Extensions may be granted, and notice to the Parties given, as set forth in Article V. E. of EO 1096 and EO 1097. Within **10 Working Days** after the Parties have been provided the Final Investigation Report, the Parties will be informed of the timelines that will apply to the pre-hearing and hearing processes described below. Under Addendum B, the Parties will be required to provide the name and contact information for their Hearing Advisor within **5 Working Days** after notice of the hearing timeline.

## HEARING PROCEDURES

The following will only apply to cases that proceed under Addendum A or Addendum B to Executive Order 1096 or 1097. Differences between the hearing processes under Addendum A and Addendum B are indicated where applicable.

After the investigation and Review of Evidence, there will be a hearing to determine if the policy was violated.

The Parties will be given written notice of the date, time, location, participants, the identity of the Hearing Officer and, for an Addendum B hearing, the purpose of the hearing. The hearing will not be set sooner than **20 Working Days** after the date of notice of hearing.

The Parties can object to the appointed Hearing Officer in writing to the Hearing Coordinator within **5 Working Days** after notice of the identity of the Hearing Officer has been communicated to the Parties. The objection may only be based on an actual conflict of interest. A conflict of interest exists if the Hearing Officer has a personal relationship with one of the Parties or witnesses or has demonstrated actual bias towards a Party or witness. The fact that a Hearing Officer has previously served as a Hearing Officer in a University proceedings will not constitute a conflict of interest. The Hearing Coordinator will determine if a conflict of interest exists.

No later than **15 Working Days** before the hearing, each Party will, under Addendum A: a. Provide to the Hearing Coordinator a proposed witness list that includes the names of, and current contact information for, that Party's proposed witnesses as well as an explanation of the relevance of each proposed witness's testimony and the disputed issue to which the witness's testimony relates. Under Addendum B, the Parties may, but are not required to provide this information. No later than **10 Working Days** before the hearing, the Hearing Coordinator will share a final witness list with the Parties and notify each witness of the date, time and location of the hearing.

No later than **5 Working Days** prior to the hearing, the Parties will under Addendum A, and may under Addendum B, submit a list of proposed questions to the Hearing Coordinator. The questions will be provided to the Hearing Officer. The proposed questions will not be shared with the other Party.

Live hearings will be conducted using videoconferencing technology, unless circumstances are such that videoconferencing would not be appropriate. Neither Party will be required to be physically present in the same room as the Hearing Officer, each other, or witnesses. CSU will utilize technology that ensures that Parties will be able to simultaneously see and hear all of the proceedings and testimony.

The Complainant and Respondent may be present (physically or virtually) at all times during the hearing.

The hearing will begin with an overview of the hearing process given by the Hearing Officer, after which the Parties will be given an opportunity to ask questions about the hearing process. Each Party will be given an opportunity to make an opening statement that may not last longer than 10 minutes. Only the Parties themselves will be permitted to make opening statements. Hearing Advisors and any Support Advisors, where present, are not permitted to make the opening statement. The Support Advisor may not speak during an Addendum A or Addendum B hearing. Closing arguments will not be made.

Generally, the Hearing Officer will start the questioning of witnesses and Parties. The Investigator or the Title IX Coordinator (if not the Investigator) will be the first witness and will describe the complaint, investigation process, and summarize the evidence. The Hearing Officer may ask questions of any Party or witness who participates in the hearing.

#### QUESTIONING BY A HEARING OFFICER DURING AN ADDENDUM A HEARING ONLY

As set forth above, under Addendum A, the Parties will give the Hearing Coordinator a written list of any questions that they would like the Hearing Officer to ask the witnesses. The Parties may also propose follow-up questions to the Hearing Officer during the hearing, at appropriate times designated by the Hearing Officer.

The Hearing Officer will ask the questions proposed by the Parties except for questions that:

- i. seek information about the Complainant's sexual history with anyone other than the Respondent (unless such evidence about the Complainant's sexual behavior is offered to prove that someone other than the Respondent committed the alleged misconduct);
- ii. seek information about the Respondent's sexual history with anyone other than the Complainant, unless such information is used to prove motive or pattern of conduct;
- iii. seek information that is unreasonably duplicative of evidence in the Hearing Officer's possession; or
- iv. the Hearing Officer determines are not relevant to material disputed issues, are argumentative or harassing or unduly intrude on a witness's privacy.

The Hearing Officer has discretion to modify or change the wording of a question proposed by a Party (for example, when a question is unclear or inappropriate in tone) as long as the substance of the question is preserved.

Absent extenuating circumstances, the Hearing Officer will not rely on prior statements made by the Parties or witnesses during the investigation whose credibility is central to the determination unless those Parties or witnesses make themselves available for examination by the Hearing Officer.

#### QUESTIONING BY HEARING ADVISORS DURING AN ADDENDUM B HEARING ONLY

Under Addendum B, Hearing Advisors will be permitted to ask Relevant questions once the Hearing Officer has concluded their questioning of the other Party and each witness. Parties themselves may not directly ask questions of each other and witnesses.

Each Party's Hearing Advisor is permitted to ask all Relevant questions of the other Party, the Investigator, and any witnesses, and is also permitted to ask follow-up questions, including those questions challenging credibility. A Party may not be directly questioned by their own Hearing Advisor. The Hearing Officer controls the hearing and determines whether a question is Relevant.

A question is not considered Relevant if it relates to the Complainant's sexual predisposition or prior sexual behavior, unless such question about the Complainant's prior sexual behavior is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the question concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and is asked to prove consent.

Even if a question relates to a Relevant subject or issue, the Hearing Officer may determine that the Party or witness being asked the question is not required to answer if the question is repetitive or duplicative of prior questions.

The Hearing Officer has the discretion to request information from the Parties or Hearing Advisors regarding questions prior to making a determination about the Relevancy of the question. Neither the Parties nor Hearing Advisors may assert objections to questions.

Immediately after each question is asked by the Hearing Advisor, and before the question is answered, the Hearing Officer will indicate whether the question is Relevant, and if it is not, provide an explanation as to why the question is excluded as not Relevant. A Complainant, Respondent, or witness will only answer questions posed by a Hearing Advisor that the Hearing Officer determines are Relevant.

In reaching a determination, the Hearing Officer will not rely on statements made by the Parties or any witness unless those Parties or witnesses make themselves available for questioning. The Hearing Officer may not draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the hearing or refusal to answer questions.

#### IN RELATION TO HEARINGS UNDER ADDENDUM A AND ADDENDUM B

Abusive or otherwise disorderly behavior that causes a material disruption will not be tolerated. The Hearing Officer may excuse from the hearing anyone (including either Party or their Hearing Advisor/Support Advisor/Support Person) whose behavior causes a material disruption. Should a Hearing Advisor be removed from a proceeding, the University will provide a Hearing Advisor. The Hearing Officer, in their discretion, may postpone the hearing. In making a determination whether to postpone the hearing, the Hearing Officer will consider the equity of postponement as to both Parties.

Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing.

#### **DETERMINATION REGARDING RESPONSIBILITY**

After the hearing, the Hearing Officer will make written findings of fact and conclusions about whether the Respondent violated University policy.

The Hearing Coordinator will simultaneously send the Hearing Officer's Report promptly to the Parties, the Title IX Coordinator, and the appropriate University Administrator, usually within **10 Working Days** (Addendum A) or **15 Working Days** (Addendum B) of the close of the hearing.

If no violation is found, the president (or designee) will be notified along with the Parties. The notification will include the outcome of the hearing, a copy of the Hearing Officer's Report (redacted as appropriate or as otherwise required by law) and notice of the Complainant's and Respondent's right to appeal to the Chancellor's Office.

If a violation is found, within **5 Working Days** of receiving such finding the Parties may submit to the Hearing Coordinator an impact statement or other statement regarding discipline that is no more than 2000 words in length. The document is an opportunity for the Parties to suggest disciplinary outcomes and to provide information that they believe is important for the Hearing Officer to consider. The Student Conduct Administrator and/or appropriate University Administrator responsible for discipline and Title IX Coordinator may also submit a written statement regarding aggravating and mitigating factors that provides a recommendation regarding the disciplinary outcome, including information regarding prior disciplinary outcomes for similar conduct and whether the Respondent was previously found to have violated university policy.

Within **5 Working Days** after receiving and considering any impact or other statements submitted by the Parties and other statements described above, the Hearing Officer will submit the Hearing Officer's Report to the president (or designee). The Hearing Officer's Report will be amended to include a statement of, and rationale for, any recommended disciplinary sanctions to be imposed on the Respondent ("Final Hearing Officer's Report"). The Final Hearing Officer's Report will attach the Final Investigation Report.

In cases where the Hearing Officer has found a violation of policy, the president (or designee) will review the Final Investigation Report and the Final Hearing Officer's Report and issue a decision ("Decision Letter") concerning the appropriate sanction or discipline within **10 Working Days** of receipt of the Final Hearing Officer's Report.

#### PRESIDENT'S SANCTION DECISION/NOTIFICATION

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

The president will simultaneously send the Decision Letter electronically to the Respondent and Complainant. . The decision letter will also be sent to the Student Conduct Administrator or other appropriate University Administrator responsible for Employee discipline and the Hearing Officer.

The president will also send the Decision Letter to the Title IX Coordinator so that they may determine whether any additional Remedies (or other supportive measure) will be provided or undertaken in order to maintain a safe and nondiscriminatory University environment.

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

#### NOTICE OF INVESTIGATION OUTCOME – SINGLE INVESTIGATOR PROCESS ONLY

The following applies only in relation to an investigation conducted under CSU Executive Order 1096 or 1097 in which an Investigator, as opposed to a Hearing Officer determines whether or not there is a violation of university policy.

Within **10 Working Days** of issuance of the Final Investigation Report, the Title IX Coordinator will notify the Complainant and Respondent in writing of the outcome of the investigation. The notice will advise the Complainant and Respondent of their right to file an appeal under the Executive Order.

Where a Complaint is made against another Student and the Executive Order is found to have been violated, the Title IX Coordinator will 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.

## INFORMAL RESOLUTION

### INFORMAL RESOLUTION UNDER EO 1096/1097 SINGLE INVESTIGATOR PROCESS

To initiate the Informal Resolution Process under the EO 1096/1097 single investigator process, the Complainant should contact the Title IX Coordinator who shall promptly meet with the Complainant to discuss their concern and possible resolutions as appropriate.

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

Participation in the Informal Resolution process 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 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 Title IX Coordinator shall meet with the Complainant, the Respondent, and any other persons or witnesses they may determine to be necessary.

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 Title IX Coordinator shall inform the Student Conduct Administrator of the outcome of the Informal Resolution process, including any Supportive Measures 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 Informal Resolution process is terminated, and the termination effective date. The Title IX Coordinator shall also determine whether the matter is appropriate for investigation, and so notify the parties in writing. The Complainant shall be provided written notification of the right to file a complaint.

The Complainant shall be notified that the Complainant or the Campus may at any time elect to terminate the Informal Resolution process. In that event, the Title IX Coordinator shall promptly notify the Complainant and

the Respondent in writing that the Informal Resolution process has terminated, the effective date thereof, and inform the Complainant of the right to file a complaint.

#### INFORMAL RESOLUTION UNDER ADDENDUM A

If the Title IX Coordinator or either Party believes that it may be possible to resolve a complaint processed under Addendum A in a prompt, fair, and reasonable manner without a hearing, the Title IX Coordinator may suggest that the Parties consider an Informal Resolution subject to the following:

1. both Parties must agree to engage in the Informal Resolution process;
2. any agreed-upon remedies and disciplinary sanctions will have the force and effect of sanctions imposed following a Hearing;
3. the terms of any resolution must be memorialized in writing and signed by the Parties and the Title IX Coordinator; and
4. the resolution will be final and not appealable by either Party.

#### INFORMAL RESOLUTION UNDER ADDENDUM B

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

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

Once the Title IX Coordinator determines that Informal Resolution is appropriate, the Parties should simultaneously be provided written notice regarding Informal Resolution.

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

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

#### WRITTEN PRELIMINARY ASSESSMENT – ADDENDUM B ONLY

As part of an Informal Resolution under Addendum B, at the request of both Parties, Campuses will provide a written preliminary assessment of the evidence by the Title IX Coordinator. Neither the fact nor the substance of the assessment will be shared with the Hearing Officer or considered relevant at the Hearing.

## EMPLOYEE DISCIPLINE

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

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

## STUDENT SANCTIONS

The following sanctions as defined in Article V, California State University Executive Order 1098 may be imposed for violation of the Student Conduct Code:

### 1. LOSS OF FINANCIAL AID

Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, cancelled or denied.

### 2. EDUCATIONAL AND REMEDIAL SANCTIONS

Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities' misconduct or as deemed appropriate based upon the nature of the violation.

### 3. DENIAL OF ACCESS TO CAMPUS OR PERSONS

A designated period of time during which the student is not permitted: (i) on University Property or specified areas of campus; or (ii) to have contact (physical or otherwise) with the complainant, witnesses or other specified persons.

### 4. DISCIPLINARY PROBATION

A designated period of time during which privileges of continuing in student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate the Student Conduct Code or any University policy during the probationary period.

## 5. SUSPENSION

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

- A student who is suspended for less than one academic year shall be placed on inactive student (or equivalent) status (subject to individual campus policies) and remains eligible to re-enroll at the University (subject to individual campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
- A student who is suspended for one academic year or more shall be separated from student status but remains eligible to reapply to the University (subject to individual campus application policies) once the suspension has been served. Conditions for readmission may be specified.
- Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the student's transcript permanently without exception; this requirement shall not be waived in connection with a resolution agreement.

## 6. EXPULSION

Permanent separation of the student from student status from the California State University system. Expulsion, withdrawal in lieu of expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the student's transcript permanently, without exception; this requirement shall not be waived in connection with a resolution agreement.

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

### OTHER CONSIDERATIONS RELATED TO SANCTIONS:

**ADMINISTRATIVE HOLD AND WITHOLDING A DEGREE:** The University may place an administrative hold on registration transactions and release of records and transcripts of a student who has been sent written notice of a pending investigation or disciplinary case concerning that student, and may withhold awarding a degree otherwise earned until the completion of the process, including the completion of all sanctions imposed<sup>3</sup>.

**RECORD OF DISCIPLINE:** A record of disciplinary probation or suspension is entered on a student's transcript, with beginning and end date, for the duration of the sanction. A record of expulsion or suspension for one academic year or more shall note the effective date of discipline and remains on the transcript permanently, without exception. A record of withdrawal in lieu of suspension or expulsion and withdrawal with pending misconduct investigation or disciplinary proceeding remains on the transcript permanently, without exception<sup>4</sup>. These requirements shall not be waived in connection with any resolution agreement.

**INTERIM SUSPENSION:** A president may impose an interim suspension pursuant to Title 5, California Code of Regulations section 41302 where there is reasonable cause to believe that separation of a student is

---

<sup>3</sup> This is not applicable in matters that fall under Addendum B.

<sup>4</sup> This is not applicable in matters that fall under Addendum B.

necessary to protect the personal safety of persons within the University community or University property, and to ensure the maintenance of order.

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

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

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

## APPEALS

### CSU EXECUTIVE ORDER 1096 OR 1097

Any Complainant or Respondent who is not satisfied with a Campus investigation outcome may file an appeal with the CSU Chancellor's Office (CO) no later than 10 Working Days after the date of the Notice of Investigation Outcome.

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

### ADDENDUM A

Any Complainant or Respondent who is not satisfied with a Campus hearing outcome may file an appeal with the Chancellor's Office (CO) no later than **10 Working Days** after the date of the Decision Letter.

The appeal must be in writing and may be based only on one or more of the grounds for appeal listed below:

### APPEAL GROUNDS

1. The hearing outcome is not supported by substantial evidence (in other words, there was no reasonable basis for such findings or conclusions);
2. Prejudicial procedural errors impacted the hearing outcome to such a degree that the hearing did not comply with this Executive Order;

3. New evidence that was not reasonably available at the time of the hearing and would have affected the Hearing Officer's decision about whether the Respondent violated CSU policy; or
4. The sanction(s) imposed constituted an abuse of discretion based on the substantiated conduct.

#### ADDENDUM B

Any Complainant or Respondent who is not satisfied with a Campus hearing outcome may file an appeal with the Chancellor's Office (CO) no later than **10 Working Days** after the date of the Decision Letter.

The appeal must be in writing and may be based only on one or more of the grounds for appeal listed below:

#### APPEAL GROUNDS

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

#### ISSUES AND EVIDENCE ON APPEAL: EXECUTIVE ORDER 1096 AND 1097

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.

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 Title IX Coordinator.

If an investigation is to be reopened, 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.

A copy of the final CO Appeal Response shall be forwarded to the Complainant and Respondent, as well as the Campus Title IX Coordinator. The CO will 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. of EO 1096 and 1097.

ISSUES AND EVIDENCE ON APPEAL: ADDENDUMS A & B: The issues and evidence raised on appeal will be limited to those raised and identified during the Campus hearing, unless new evidence becomes available that was not reasonably available at the time of a Campus hearing that could affect the outcome of the matter and is submitted by the appealing party. The CO may communicate, at the CO's discretion, with the appealing party, the responding party, and/or the Campus to clarify the written appeal.

The CO will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide prompt written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the Campus Title IX Coordinator. The notice will include the right of the non-appealing Party and the Campus to provide a response to the appeal within **10 Working Days** of the date of the notice.

In relation to an appeal under Addendum B, the appeal and appeal response shall be limited to 3,500 words, excluding exhibits.

If a matter is to be reopened, the CO will return the matter to the Campus and will specify in writing the timeline by which a reopened hearing must be completed. The CO will simultaneously notify the Parties of the reopening of the hearing and the timeline for completion of the reopened hearing. The Campus will complete the reopened hearing and provide the CO with an amended Hearing Officer's Report. The Campus will also provide the Parties with amended Notices of Hearing Outcome, and such Notices will provide the Parties the opportunity to appeal any new or amended findings, in accordance with the Executive Order. Upon receipt of the amended hearing report, the CO will contact the appealing party to determine whether that Party wishes to continue with the appeal.

If the hearing outcome (determination regarding policy violation) is not supported by the facts as determined by the Hearing Officer, the CO may vacate and reverse the Hearing Officer's decision, but only with respect to whether University policy was violated. The CO may reverse the Hearing Officer's decision under extremely limited circumstances, and the factual findings will remain intact

A copy of the final CO Appeal Response will be sent simultaneously to the Complainant and Respondent, as well as the Campus Title IX Coordinator. The CO Appeal Response is final and concludes the Complaint and CO review process under the Executive Order. The CO will 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. of EO 1096 and 1097.

Additional detail about the processes described above can be found in the following university policies governing complaints made by students; employees, former employees, third parties, and applicants for employment; and student-employees, respectively.

## REGISTERED SEX OFFENDERS

California's sex offender registration laws require convicted sex offenders to register their status with the University police department if they are enrolled, residing, attending, carrying on a vocation (i.e. contractor or vendor on campus for more than 30 days in the year), or working with or without compensation for the institution. All public information available in California about registered sex offenders, to include the ability to look-up offenders by name, residence address, and zip code, is on the California Department of Justice Megan's law web site at <http://www.meganslaw.ca.gov/>

## EMERGENCY NOTIFICATION POLICY

The primary intent of this policy is to provide uniformity in the manner in which emergency notifications required under the Clery Act are processed. The systemwide Emergency Notification Policy shall serve as the authoritative statement of policy on Emergency Notifications for each campus. This policy outlines the procedures campuses will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees occurring on the campus.

Any member of the campus community with information believed to constitute a significant emergency or dangerous situation that poses an imminent or immediate threat shall report the information to UPD and/or by calling "911." Examples include, but are not limited to, the following types of incidents:

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

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

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

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

### CONTENTS OF THE EMERGENCY NOTIFICATION

The emergency notification shall contain the following information:

- A statement as to what the emergency or dangerous situation is, in specific terms (e.g., chemical spill, active shooter, building fire)

- A statement providing direction as to what actions the receiver of the message should do to take precautions for their own safety
- A statement as to where or when additional information may be obtained

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

#### METHODS OF DISTRIBUTION

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

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

#### TESTING AND EVACUATION SYSTEM

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

Students and employees who need information on how to add contact information to be included for emergency notification or to remove information and “opt out” of notifications should visit <https://police.fullerton.edu/programs/prepare/> or call the Emergency Management Coordinator for the CSUF Police Department at (657) 278-3572 for assistance.

## MISSING STUDENT NOTIFICATION

For purposes of this policy, a student may be considered a “missing person” if the person’s absence is contrary to their usual pattern of behavior and/or unusual circumstances may have caused the absence. Individuals having reason to believe that a resident has been missing should immediately notify CSUF’s Police Department (CSUF PD) at (657) 278-2515.

Missing student reports should be made directly to CSUF PD. However, these reports may also be made to Housing and Residential Engagement, by calling either the Housing & Residential Engagement Office at (657) 278-2168 during published office hours or by contacting the Resident Advisors On-Duty at (714) 681-6918. The Office of the Dean of Students can also be contacted at (657) 278-3211 during the published office hours of 8:00am to 5:00pm Monday through Friday, excluding holidays. If the missing person report is made to staff or organizations other than CSUF PD, said individual(s) or entity must contact CSUF PD immediately.

### I. Contact Procedures:

- Every student who lives in on-campus student housing, regardless of age, will register at least one individual to be a contact for emergency purposes. Housing and Residential Engagement will collect the emergency contact information during the student housing license application process. The contact person will be notified not later than 24 hours after the official missing person’s report has been filed with CSUF PD.
  - A. Contact information provided by the student will be registered confidentially. This information will be accessible only to authorized campus officials and will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. This contact information will be stored in StarRez.
  - B. If the student is under 18 years of age, and not an emancipated individual, CSUF PD is required to notify a custodial parent or guardian no more than 24 hours after the student is determined missing in addition to any additional contact person designated by the student. Per our policy, we will take a missing person report at any time and then take into consideration all of the related circumstances: Missing person – any person who is reported missing to a law enforcement agency until the person is located or determined to be a voluntarily missing adult. It also includes any child who is missing voluntarily or involuntarily, or under circumstances not conforming to his or her ordinary habits or behavior and who may be in need of assistance.
  - C. Within 24 hours of the determination that the student is missing, CSUF PD will initiate the On-Campus Housing Missing Student procedures in accordance with the resident’s designation and will notify local law enforcement.
  - D. Housing and Residential Engagement and the Dean of Students Office shall be informed on the progress of any investigation, as much as is legally possible, so that they may ensure members of the student housing community are provided with support services which may be necessary (e.g. counseling).

### II. Official Notification Purposes

- A. Any individual on campus who has information that a resident may be a missing person must notify CSUF PD as soon as possible.
- B. Once a report is filed with CSUF PD, appropriate departments and individuals on campus should be notified that a student has been reported missing. CSUF PD is responsible for immediate notifications to the Dean of Students Office, Clery Director, and Housing and

Residential Engagement. The Dean of Students Office will coordinate additional communications to campus departments and individuals including the Vice President of Student Affairs, Strategic Communications, the Office of the President, and Campus General Counsel. Should circumstances develop into something more serious, additional departments will be notified including but not limited to Student Health Services, Counseling and Psychological Services, and others pending a student's on-campus affiliations.

- C. As appropriate, the Dean of Students will contact the student's professors and advisors.
- D. No later than 24 hours after determining that a resident is missing, CSUF PD will notify the Missing Persons Contact (for students 18 and over) and the parent/guardian (for students under the age of 18 and not emancipated) that the resident is believed to be missing.
- E. All formal statements concerning a missing student should be directed to Strategic Communications, including any type of media request.

## FIRE SAFETY ACT

**The 2021 Fire Safety Report is available at the following link:**

[https://www.fullerton.edu/housing/\\_resources/pdfs/fire-safety-report.pdf](https://www.fullerton.edu/housing/_resources/pdfs/fire-safety-report.pdf)