



CALIFORNIA STATE UNIVERSITY, FULLERTON

2022

ANNUAL SECURITY
REPORT

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

Clery Crime Statistics
2019 - 2021

CSUF Main Campus
Grand Central Arts Center
Desert Studies Center

Contents

California State University, Fullerton Annual Security Report	4
Message from the President	4
Preparing the Annual Security Report	5
Clery Crime Statistics 2019 to 2021	7
Fullerton Main Campus Clery Crime Statistics 2019 - 2021	7
Unfounded Crimes – Fullerton Main Campus	10
Hate Crimes – Fullerton Main Campus	10
Grand Central Arts Center Clery Crime Statistics 2019 - 2021	11
Unfounded Crimes - Grand Central Arts Center	14
Hate Crimes - Grand Central Arts Center	14
Desert Studies Center Clery Crime Statistics 2019 - 2021	15
Unfounded Crimes - Desert Studies Center	18
Hate Crimes - Desert Studies Center	18
Procedures for Students and Others to Report Criminal Actions or Other Emergencies on Campus	19
Voluntary and Confidential Reporting	20
Crime of Violence Disclosures	22
California Education Code section 67380(a)(6)(A)	22
Timely Warning Policy.....	22
Additional Considerations	23
Contents of a Timely Warning	24
Methods of Distribution.....	24
Emergency Notification Policy.....	25
Contents of the Emergency Notification.....	26
Methods of Distribution.....	26
Testing and Evacuation System	27
Security of and Access to Campus Facilities, and Security Considerations for the Maintenance of Campus Facilities	27
Security Awareness and Crime Prevention Programs	30
Crime Prevention Programs Students & Employees	35
Prevention, Education, And Awareness	41
Dangers of Drug and Alcohol Abuse.....	46
Substance Abuse Education, Prevention Programs and Assistance Services	47
Penalties and Sanctions	48

CSU System and University Policies.....	49
Drug And Alcohol Abuse Prevention, Education, and Awareness Programs.....	51
Sexual Violence Prevention	52
Training for Employees	53
Prevention and Awareness Programming	53
Information About Campus Reporting, Adjudication, and Discipline Procedures	54
Risk Reduction	57
Bystander Intervention	60
Preservation of Evidence in cases of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking.....	60
Reporting Options.....	61
Disciplinary Procedures.....	65
Applicable Procedures.....	66
The Track System.....	67
Standard of Evidence.....	68
Dismissal/Referral	68
Informal resolution	69
Investigation and Hearing for Track 1	70
Investigation and Hearing (if applicable) for Tracks 2 and 3	74
Sanctions	78
Appeals	79
Registered Sex Offenders.....	80
Missing Student Notification Procedures for On-campus Student Housing Facilities	81
Fire Safety Report	82
Appendix A: Jurisdictional Definitions	83
Rape (CA Penal Code Chapter 1 Section 261)	83
Sodomy (CA Penal Code Chapter 1 Section 286)	84
Oral Copulation (CA Penal Code Chapter 1 Section 287).....	86
Bigamy, Incest, and the Crime against Nature (CA Penal Code Chapter 1 Section 285 and Section 289)	89
Fondling (CA Penal Code Chapter 9. Section 243.4, Assault and Battery)	91
Statutory Rape (CA Penal Code, Chapter 1, Section 261.5)	93
Incest (CA Penal Code, Chapter 1, Section 285).....	93
Abuse: (CA Family Code, 6203 (definitions) and 6211)	93
Domestic Violence/Dating Violence (CA Penal Code, Chapter 2, Section 273.5 and Section 243)	94

CA Penal Code 243(e)	94
Stalking: CA Penal Code, Chapter 2, Section 646.9	94
Stalking: CA Penal Code, Chapter 2, Section 653m	95
Consent to Sexual Activity (CA Penal Code, Chapter 1, section 261.6 and section 261.7)	95

CALIFORNIA STATE UNIVERSITY, FULLERTON ANNUAL SECURITY REPORT

Message from the President

Dear Titan Family:

Over the past two years, Cal State Fullerton has centered all decisions around three North Stars — the health and safety of our campus community, unobstructed pathways to degrees, and a commitment to inclusive excellence. These core tenets continue as we navigate our safe return to in-person learning and community while doubling down our efforts to identify and pursue solutions to our nation's true plague of systemic racism.



As these three touchstones continue to direct our pathway, they also serve as a guidepost for our future plans. The three North Stars will illuminate a more effective path forward; a path that better meets the needs of our campus community. And as our future glows brightly, we will center our commitment to build an affirmatively 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 stronger and brighter — is this Annual Security Report that is prepared in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act. It is a report compiled of incidents that occurred on or around university property and 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 or activity 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 thoroughly to develop a fulsome understanding of the processes and resources in place to keep our campus safe and welcoming. Working together, we can and we must provide an uplifting academic environment where all Titans and their visitors feel safe, secure, welcomed, and valued.

That is, after all, how we will navigate our future with our North Stars, and by reading this Annual Security Report, you are doing your part to ensure those stars illuminate a positive, 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 that reads "Framroze Virjee". The signature is fluid and cursive, written in a professional style.

Framroze Virjee

President

Preparing the Annual Security Report

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 (UPD), Housing & Residential Engagement, Office of Student Conduct, Student Wellness, Student Life and Leadership, International Programs, Titan Athletics, Title IX & Gender Equity, 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. It 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.

CSAs must promptly report allegations of Clery crimes that occur within a Campus' Clery Geography that are reported to them. A report may be a written or verbal disclosure made by any person to the CSA, including information shared with the CSA by witnesses or other third parties. CSA reports must include the following, if known: The crime that was reported and the information provided, the exact location where the reported crime occurred, The date and time the reported crime occurred, Any witness and perpetrator information. Victim information, unless the victim requests confidentiality (Employees may be required to share this information with other offices if they have responsibilities under other laws and policies including, but not limited to, Mandatory Reporting of Child Abuse and Neglect, and Interim CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation). In the event the victim does request confidentiality, enough information must be obtained and provided by the CSA about the criminal incident to prevent over-reporting or "double-counting" of the incident.

All contributing partners are asked to provide crime statistics on an ongoing basis and/or information on their educational efforts and programs to comply with the Clery 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 Clery Compliance Team meets monthly to ensure the above-mentioned process is completed. In addition, the University Police Department conducts outreach and establishes collaborative relationships with local and state law enforcement agencies to encourage statistical Clery reporting by those agencies serving the public property areas as we identified non-campus properties where UPD does not patrol or provide primary law enforcement response.

All students and every paid part-time, full-time, and intermittent employee receive an annual notice in an 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.

To comply with the federal law, the Clery Director and 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
- 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.

Clery Crime Statistics 2019 to 2021

FULLERTON MAIN CAMPUS CLERY CRIME STATISTICS 2019 - 2021

Murder/NonNegligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	1	0	0
2020	0	0	0	0
2021	0	0	0	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	5	6	3	0
2020	3	4	0	0
2021	4	5	1	1

Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	1	2	0	0

Incest

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Statutory Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	2	2	0	0
2020	1	1	0	0
2021	0	0	0	0

Robbery

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	1

Aggravated Assault

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	4	1	0
2020	0	10	2	0
2021	1	9	0	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	2	1	0
2020	0	2	0	0
2021	0	3	0	0

Arson

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	1	0	0

Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	1	0	0
2020	0	0	0	0
2021	0	0	0	0

Dating Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	3	0	0
2020	3	4	0	0
2021	0	1	0	0

Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	5	28	0	0
2020	2	10	0	0
2021	5	13	0	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	1	0	0
2020	0	2	0	0
2021	0	2	0	2

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	20	1	3
2020	1	6	0	0
2021	0	8	0	6

Arrests for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	1	0	0
2020	0	1	0	0
2021	0	1	1	0

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	22	24	0	0
2020	51	51	0	0
2021	12	17	0	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	63	63	1	0
2020	124	124	0	0
2021	1	28	2	0

Unfounded Crimes – Fullerton Main Campus

Year	Unfounded Crimes
2019	0
2020	0
2021	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, noncampus buildings or property, and public property.

- 2019-There were (0) hate crimes reported.
- 2020- There were (0) hate crimes reported.
- 2021- There were (0) hate crimes reported.

GRAND CENTRAL ARTS CENTER CLERY CRIME STATISTICS 2019 - 2021

Murder/NonNegligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Incest

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Statutory Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Robbery

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Aggravated Assault

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Arson

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Dating Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Arrests for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Unfounded Crimes - Grand Central Arts Center

Year	Unfounded Crimes
2019	0
2020	0
2021	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, noncampus buildings or property, and public property.

- 2019 -There were (0) hate crimes reported.
- 2020 - There were (0) hate crimes reported.
- 2021 - There were (0) hate crimes reported.

DESERT STUDIES CENTER CLERY CRIME STATISTICS 2019 - 2021

Murder/NonNegligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Incest

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Statutory Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Robbery

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Aggravated Assault

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Arson

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Dating Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Arrests for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

Unfounded Crimes - Desert Studies Center

Year	Unfounded Crimes
2019	0
2020	0
2021	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, noncampus buildings or property, and public property.

2019-There were (0) hate crimes reported.

2020- There were (0) hate crimes reported.

2021- There were (0) hate crimes reported.

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

Cal State Fullerton (CSUF) Police Department (also commonly known as University 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 Department 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 suspected 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 CSUF Police Department

Facilities such as the 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:

- 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, please call 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.

Voluntary and Confidential Reporting

Crimes, suspicious behavior, or situations of concern can always be reported by any person to the University Police Department 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 Department’s website at 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 Health Services 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/. An appointment with a Campus Counselors can be done by calling 657-278-3040.

Students can seek assistance and support from these on-campus counselors and advocates or outside professional - physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates - without triggering a University investigation that could reveal their identity or that their disclosed an incident to them. However, there are limited exceptions regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to you, if applicable.

Exceptions to Confidentiality

Under California Law, professionals described are subjected to the corresponding reporting options based on the following circumstances:

- Any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a physical condition to a patient/victim who he or she knows or reasonably suspects is suffering from:

(1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including sexual misconduct and dating and domestic violence).

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

- All professionals described before (i.e., physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to you, if applicable.
- Some or all of these professionals may also have reporting obligations under California law to:

(1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the incident.

If applicable, these professionals will explain this limited exception to you.

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 Health Services and Counseling and Psychological Services 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 University Police Department 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.

Crime of Violence Disclosures

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

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

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

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

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

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

- The timing of the report: shortly after the occurrence of the crime vs. days or weeks 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 University Police Department (UPD) about crimes reported to local law enforcement that occur in Clery Geography.

Nothing in this policy precludes Campuses from maintaining a Campus policy about informing, re-publicizing and/or sharing with the Campus community crimes or other informational notices, (e.g., traffic advisories, events, prevention information) the Campus deems may be of interest to the Campus community. Such a policy is separate and distinct from the Timely Warning Policy. Such notices must differ in appearance or be distributed in a manner that assures that 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 Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the Campus community to aid members from becoming the victim of a similar crime."
- Identify the Clery reportable crime that occurred (i.e., rape, burglary, motor vehicle theft, arson, etc.)
- The date, time, and location the crime occurred
- The date the Timely Warning Bulletin is issued
- Description of the suspect when deemed appropriate, and if there is sufficient detail. Only include a description of the suspect when the descriptors provided by the reporting party could reasonably lead to conclusive identification of the perpetrator(s)
- At least three preventative tips or points of information specifically related to the circumstances of the crime which occurred that could help others from becoming the victim of a similar crime
- The phone number of UPD and a statement encouraging community members to report all information about crimes to UPD
- If appropriate, the phone number of support services

The Timely Warning shall not include, under any circumstances, the name of the victim, or information so specific (i.e., specific address or dorm room number or floor) that would or likely could identify the victim of the crimes of Sexual Violence, Rape, Dating Violence, Domestic Violence, or Stalking. Timely Warning Bulletins should use gender-inclusive and culturally appropriate language and avoid victim blaming and bias language.

Methods of Distribution

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

- All employee and student email distribution
- 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 the methods of distribution for timely warnings and include said list in the Campus's Annual Security Report.

Emergency Notification Policy

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

Any member of the Campus community with information believed to constitute a significant emergency or a dangerous situation that poses an imminent or immediate threat shall report the information to University Police Department (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 any appropriate public official (e.g., fire chief, health department) and any Campus officials responsible for managing the on-campus emergency, if available, to confirm both: 1) a legitimate emergency or dangerous situation exists impacting on-Campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community. This confirmation process may include, but is not limited to, visual observation, officer investigation, the assistance of key Campus administrators, local or Campus first responders, and/or official government reporting through agencies such as the National Weather Service.

If both of the above factors are not met, no emergency notification is required. If it is determined that both of the above factors are met, then an emergency notification as described below shall be issued. The Chief of Police (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 take to ensure their own safety
- A statement as to where or when additional information may be obtained

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

Methods of Distribution

Emergency Notifications will be distributed as quickly as possible in a manner that will likely reach the segment(s) of the on-campus community threatened by the emergency. Segmentation will be considered by the Chief of Police (or management designee) by evaluating which persons are likely to be at risk based on the circumstances at the time 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, which campuses shall disclose in their ASRs as applicable.

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, the campus emergency response and evacuation procedures will be publicized in conjunction with at least one test per calendar year. Each Test will be documented to include a description of the exercise, the date of the Test, the start and end times of the Test, and whether the Test was announced or unannounced. The California State University Emergency Management policy describes these Tests and defines responsibility for their completion. A copy of the documentation will be provided to the Clery Director.

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 police.fullerton.edu/programs/prepare or call the Emergency Management Coordinator for the CSUF Police Department at (657) 278-3572 for assistance.

Security of and Access to Campus Facilities, and Security Considerations for the Maintenance of 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 by calling (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

Systemwide Law Enforcement Policy, Law Enforcement Authority

Persons employed and compensated as members of a California State University police department, when so appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their powers or authority¹ except (a) at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University, or by trustees or the state on behalf of the California State University, and (b) as provided in Section 830.2 of the Penal Code.

¹ Including the authority to make arrests

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

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

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

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

California State University encourages accurate and prompt reporting of crime. All members of the Campus community are encouraged to promptly contact the UPD and/or other appropriate police agencies when they have been the victim of, or have witnessed criminal actions, including when the victim of crime elects to or is unable to make such a report.

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 Awareness and Crime Prevention Programs

The following are security awareness programs offered to the campus community that address university campus security policies, procedures, and practices and also encourages students and employees to be responsible for their personal safety and the safety of others. Included are the name of the program, sponsoring department(s)/areas(s), frequency, audience, and the description of the program. Sponsors range from CSUF Police Department, Title IX & Gender Equity, Housing & Residential Engagement, LGBTQ Resource Center, Student Life & Leadership, and TitanWell.

SECURITY PROCEDURES AND PRACTICES

STUDENTS & EMPLOYEES (in separate sections)

Security awareness programs for STUDENTS in 2021:

PROGRAM	AREA(S)	AUDIENCE	FREQUENCY	DESCRIPTION
Clarifying Consent	Title IX and Gender Equity	Students	Annually	Clarifying Consent explores in-depth the concept of consent and its key role in a healthy relationship. This reality-driven course explores what consent is and why it's so important; how consent is asked for/given/withheld/withdrawn; how consent is handled in healthy vs. unhealthy relationships, and much more. Testimonials about consent from real students convey the key importance of the topic.
CSUF PD: Who Are We?	CSUF Police Department	Students and Parents	Annually	Participated virtually in "Experience CSUF" with a video about CSUF PD that included safety and Rape Aggression Defense (RAD) information.
Is it Assault?	Title IX and Gender Equity	Students Athletes	Annually	Society and media cause warped perceptions of what constitutes sexual assault and harassment. We'll dive into sexual assault, sexual harassment, consent, rape culture and brainstorm how as a campus we can build a safer campus.
LGBTQ Ally Training	LGBT Queer Resource Center	Staff, Faculty, & Students	Semesterly	The mission of Cal State Fullerton's LGBTQ+ Ally Training program, hosted by the LGBT Queer Resource Center, is to educate university staff

				and faculty about sexual/romantic orientation and gender identity. The training program provides participants with the opportunity to learn more about social identities, current issues, LGBTQ affirming practices, and skills to take action to create more equitable and inclusive spaces on our campus and in their everyday.
New Member Education	Student Life & Leadership	Fraternity & Sorority Life Students	Biannually	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.
Resident Advisor Training: Campus Advocate	Housing and Residential Engagement	Resident Advisor Student Staff	Semesterly	A review of confidential resources and how the Campus Advocate may collaborate with RAs.
Sexual Violence Prevention Essentials for Campus Organizations	Title IX and Gender Equity	All members of fraternities, sororities, sports clubs, and members of other identified at-risk student organizations.	Annually	Sexual Violence Prevention Essentials for Campus Organizations is a reality-driven course designed to provide critical supplemental education for students involved in Greek life, athletics and other campus organizations. Clients and students tell us that group-specific courses (such as one just for Greeks) are often seen by viewers as unfairly blaming their group for interpersonal violence. That's why Sexual Violence Prevention Essentials for Campus Organizations addresses ALL at-risk groups in one course – focusing on the similar circumstances and cultures within organizations that can lead to higher rates of

				interpersonal violence.
Sexual Violence Prevention for Students	Title IX and Gender Equity	Students	Annually	Sexual violence in higher education is pervasive, and no institution is immune to the harm caused by sexual assault; dating and relationship violence; sexual harassment; and stalking. However, all students have a part to play in reducing sexual violence on their campus. This course discusses the finer points of consent, provides an overview of sexual violence, and empowers students to take action to prevent further harm. Using presenter-led content, personal accounts of interpersonal violence, interactive elements, and scenarios that demonstrate key concepts, this course illustrates how sexual violence prevention goes beyond victims and perpetrators: It affects everyone and requires all of us to take action.
Step Up	TitanWell	By Request	Clubs, Organizations, departments	Draws on community-focused bystander intervention framework that teaches safe, low-level intervention skills when encountering sexual encounters, romantic dynamics, and other high-tension situations.
Student Organization Leadership Online Training	Student Life & Leadership	Annually	Student Organization Presidents & Treasurers	Online training Sexual Violence Prevention & Awareness Programs
UndocuAlly Training	Titan Dreamers Resource Center	Every Semester	Staff, Faculty, & Students	The mission of Cal State Fullerton's UndocuAlly Training program is to educate students, staff, and faculty about the immigrant experience and how to support undocumented students on campus. The UndocuAlly Training program allows individuals to gain in-depth knowledge about the undocumented community by learning about the history and policies that impact our students.

Violence Prevention 101	TitanWell	By Request	Clubs, Organizations, departments	An overview of sexual assault, harassment, stalking, interpersonal violence, consent, bystander intervention, campus and community resources and how to help a friend.
Who is watching you?	TitanWell	By Request	Clubs, Organizations, departments	Through the analysis of popular media, explores impacts of societies' views on stalking, discusses prevalence, stalking behavior, and the impact on victims

Security awareness programs for all EMPLOYEES in 2021:

PROGRAM	AREA(S)	AUDIENCE	FREQUENCY	DESCRIPTION
Gender Equity and Title IX	Title IX and Gender Equity	Employees	Annually	<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 2021:

PROGRAM	AREA(S)	AUDIENCE	FREQUENCY	DESCRIPTION
Athletics Safety Information	CSUF Police Department	Students & Staff within Titan Athletics	Upon Request	General police department information to include RAD and sexual assault awareness.
Behind Closed Doors	TitanWell	Clubs, Organizations	Upon Request	Teaches the difference between an unhealthy, healthy, and abusive relationship. Explores the deeper underpinnings of intimate partner violence and our role as a community to address this epidemic.
Campus Safety	CSUF Police Department	EIP-University Semester Abroad & Exchange Program	Upon Request	Presentation covering Campus Safety
Clarifying Consent	Title IX and Gender Equity	All returning students	Annually	Clarifying Consent explores in-depth the concept of consent and its key role in a healthy relationship. This reality-driven course explores what consent is and why it's so important; how consent is asked for/given/withheld/withdrawn; how consent is handled in healthy vs. unhealthy relationships, and much more. Testimonials about consent from real students convey the key importance of the topic.
Domestic Violence / Intimate Partner Violence / RAD	CSUF Police Department	Student Organizations, Housing & Residential Engagement, and Fraternity & Sorority Life	Upon Request	Presentation covering Domestic Violence/ Dating Violence / Sex Assault / Stalking
Gender Equity and Title IX	Title IX and Gender Equity	All student employees	Annually	This course provides practical training for identifying, reporting, and preventing campus sexual violence, as well as assisting victims

				<p>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.</p> <p>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>
Health & Human Services Safety Information	CSUF Police Department	Students within Health & Human Services	Upon Request	Law enforcement response to interpersonal violence and sexual assault.
Is it Assault?	Title IX and Gender Equity	Student Athletes	Annually	<p>Society and media cause warped perceptions of what constitutes sexual assault and harassment. We'll dive into sexual assault, sexual harassment, consent, rape culture and brainstorm how as a campus we can build a safer campus.</p>
Is it Assault?	TitanWell	Student Athletes	Upon Request	Prohibited Conduct, rape culture, consent, support, and services
RA Spring Training: Title IX Review	Housing and Residential Engagement	Resident Advisor Student Staff	Annually	A review of Dating Violence, Sexual Assault, and Stalking Discussions
Resident Advisor Training: Behind Closed Doors	Housing and Residential Engagement	Resident Advisor Student Staff	Semesterly	Dating Violence, and Sexual Assault Discussions

Resident Advisor Training: Title IX, Mandated Reporting, Harassment & Alcohol Abuse Prevention	Housing and Residential Engagement	Resident Student Advisor Staff	Annually	Dating Violence, Sexual Assault, and Stalking Discussions
Risk Management	CSUF Police Department	Fraternity & Sorority Life: Delta Sigma Pi Fraternity, Zeta Tau Alpha, & Gamma Phi Beta	Upon Request	Presentation covering Drug/Alcohol Awareness and Sexual Assault
Sexual Violence Prevention Essentials for Campus Organizations	Title IX and Gender Equity	All members of fraternities, sororities, sports clubs, and members of other identified at-risk student organizations	Annually	Sexual Violence Prevention Essentials for Campus Organizations is a reality-driven course designed to provide critical supplemental education for students involved in Greek life, athletics, and other campus organizations. Clients and students tell us that group-specific courses (such as one just for Greeks) are often seen by viewers as unfairly blaming their group for interpersonal violence. That's why Sexual Violence Prevention Essentials for Campus Organizations addresses ALL at-risk groups in one course – focusing on the similar circumstances and cultures within organizations that can lead to higher rates of interpersonal violence.

Crime prevention programs offered for EMPLOYEES in 2021:

PROGRAM	AREA(S)	AUDIENCE	FREQUENCY	DESCRIPTION
<p>CSU's Discrimination, Harassment and Retaliation Prevention Program for Supervisors</p>	<p>Title IX and Gender Equity / Employee Training Center / CSU Office of the Chancellor</p>	<p>All employees who supervise other employees</p>	<p>Every 2 years</p>	<p>Supervisors must identify, discourage, eliminate, and remedy any illegal discrimination, harassment, or retaliation that they know of or simply suspect. Carrying out this responsibility requires a thorough understanding of anti-discrimination laws and harassment itself so that supervisors can address problems effectively. Knowing the development and purpose of these laws provides a solid foundation for understanding them. This course explains the development and purpose of workplace harassment and anti-discrimination laws, and fosters a clear understanding of their importance and application. It educates employees on inappropriate conduct so that they can apply what they learn to everyday situations.</p>
<p>CSU's Discrimination, Harassment and Retaliation Prevention Program for Non-Supervisors</p>	<p>Title IX and Gender Equity / Employee Training Center / CSU Office of the Chancellor</p>	<p>All employees who do not supervise other employees</p>	<p>Every 2 years</p>	<p>This course is designed to raise awareness about workplace harassment and discrimination, and to foster a clear understanding of anti-discrimination laws. It educates employees on inappropriate conduct so that they can apply what they learn to everyday situations. Federal law requires all colleges and universities that participate in federal financial aid programs to train faculty and staff on how to prevent, identify and report incidents of sexual misconduct to campus authorities. This course provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings. 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). Through interactive case studies, videos and real-world examples, this course 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</p>

				<p>cases that teach important concepts to build a safe campus community and create a culture that does not tolerate sexual violence. Employees will build valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence.</p>
Gender Equity and Title IX	Title IX and Gender Equity	Employees	Every 2 years	<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>Sexual assault is an epidemic affecting college students. Federal law requires all colleges and universities that participate in federal financial aid programs to train their faculty and staff 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> <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</p>

				strategies, and school disciplinary proceedings.
LGBTQ Ally Training	LGBT Queer Resource Center	Staff, Faculty, & Student Workers	Every 2 years	The mission of Cal State Fullerton's LGBTQ+ Ally Training program, hosted by the LGBT Queer Resource Center, is to educate university staff and faculty about sexual/romantic orientation and gender identity. The training program provides participants with the opportunity to learn more about social identities, current issues, LGBTQ affirming practices, and skills to take action to create more equitable and inclusive spaces on our campus and in their everyday.
Safety Plan Space Walkthrough	CSUF Police Department	Staff	Every 2 years	Walk through office space, advise on safety issues, active shooter education, and panic button review.
Safety Plan Space Walkthrough	CSUF Police Department	Staff	Every 2 years	Walk through office space, advise on safety issues, active shooter education, and panic button review.
Student Organizations Advisor Training	Student Life & Leadership	Staff & Faculty	Every 2 years	Mandatory online training for Student Organizations Advisors that addresses Student Conduct, Title IX, Report Requirements and Resources.
Supporting Transgender Employees @ CSUF	Human Resources Diversity & Inclusion (HRDI)	Staff & Faculty	Every 2 years	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.
UndocuAlly Training	Titan Dreamers Resource Center	Staff, Faculty, & Student Workers	Every 2 years	The mission of Cal State Fullerton's UndocuAlly Training program is to educate students, staff, and faculty about the immigrant experience and how to support undocumented students on campus. The UndocuAlly Training program allows individuals to gain in-depth knowledge about the undocumented community by learning about the history and policies that impact our students.

PREVENTION, EDUCATION, AND AWARENESS

PROGRAM	AREA(S)	AUDIENCE	FREQUENCY	DESCRIPTION
Behind Closed Doors	TitanWell	Clubs, Organizations, departments	By Request	Teaches the difference between an unhealthy, health and abusive relationship. Explores the deeper underpinnings of intimate partner violence and our role as a community to address this epidemic.
CSU's Discrimination, Harassment and Retaliation Prevention Program for Supervisors	Title IX and Gender Equity / Employee Training Center / CSU Office of the Chancellor	All employees who supervise other employees	Every 2 years	Supervisors must identify, discourage, eliminate, and remedy any illegal discrimination, harassment, or retaliation that they know of or simply suspect. Carrying out this responsibility requires a thorough understanding of anti-discrimination laws and harassment itself so that supervisors can address problems effectively. Knowing the development and purpose of these laws provides a solid foundation for understanding them. This course explains the development and purpose of workplace harassment and anti-discrimination laws and fosters a clear understanding of their importance and application. It educates employees on inappropriate conduct so that they can apply what they learn to everyday situations.
CSU's Discrimination, Harassment and Retaliation Prevention Program for Non-Supervisors	Title IX and Gender Equity / Employee Training Center / CSU Office of the Chancellor	All employees who do not supervise other employees	Every 2 years	This course is designed to raise awareness about workplace harassment and discrimination, and to foster a clear understanding of anti-discrimination laws. It educates employees on inappropriate conduct so that they can apply what they learn to everyday situations. Federal law requires all colleges and universities that participate in federal financial aid programs to train faculty and staff on how to prevent, identify and report incidents of sexual misconduct to campus authorities. This course

				<p>provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings. 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). Through interactive case studies, videos and real-world examples, this course 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. Employees will build valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence.</p>
<p>Fraternity & Sorority Life and Sports Clubs Presidents and Treasurers Online Training</p>	<p>Student Life & Leadership</p>	<p>Fraternity & Sorority Life and Sports Clubs Presidents and Treasurers</p>	<p>Annually</p>	<p>Mandatory online training for Fraternity & Sorority Life and Sports Clubs Presidents and Treasurers that addresses the prevention of sexual assault and sexual violence.</p>
<p>Gender Equity and Title IX</p>	<p>Title IX and Gender Equity</p>	<p>All employees</p>	<p>Annually</p>	<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</p>

				<p>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>Sexual assault is an epidemic affecting college students. Federal law requires all colleges and universities that participate in federal financial aid programs to train their faculty and staff 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> <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>
Is it Assault?	TitanWell	Student Athletes	Upon Request	Prohibited Conduct, rape culture, consent, support and services
Is it Assault?	Title IX and Gender Equity	Student Athletes	Annually	<p>Society and media cause warped perceptions of what constitutes sexual assault and harassment. We'll dive into sexual assault, sexual harassment, consent, rape culture and brainstorm how as a campus we can build a safer campus.</p>
New Employee Orientation	Title IX and Gender Equity	Non-faculty employees attend once upon hire	Monthly	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
Sexual Violence Prevention Essentials for Campus Organizations	Title IX and Gender Equity	All members of fraternities, sororities, sports clubs, and members of other identified at-risk student organizations.	Annually	Sexual Violence Prevention Essentials for Campus Organizations is a reality-driven course designed to provide critical supplemental education for students involved in Greek life, athletics, and other campus organizations. Clients and students tell us that group-specific courses (such as one just for Greeks) are often seen by viewers as unfairly blaming their group for interpersonal violence. That's why Sexual Violence Prevention Essentials for Campus Organizations addresses ALL at-risk groups in one course – focusing on the similar circumstances and cultures within organizations that can lead to higher rates of interpersonal violence.
Step Up	TitanWell	Clubs, Organizations & departments	Upon Request	Draws on community-focused bystander intervention framework that teaches safe, low-level intervention skills when encountering sexual encounters, romantic dynamics and other high-tension situations.
Student Organization Advisor Meetings	Student Life & Leadership	Student Organization Advisors	Every Semester	Updates from Title IX regarding student organization conduct trends related to sexual violence and best practices.
Title IX and Gender Equity at CSUF	Title IX and Gender Equity	Employees of Athletics and Student Wellness	Annually	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.
Unit 11 New Employee Orientation	Title IX and Gender Equity	Unit 11 employees attend annually (Graduate)	4-5 times at the beginning of each semester	Applicable policies and definitions for prohibited conduct. Rights and options for those that experience sexual assault, dating/domestic

		Assistants, Teaching Assistants, and Instructional Support Assistants)		violence, stalking and sexual harassment. Procedures followed when a report is received. Rights within disciplinary proceedings.
Violence Prevention 101	TitanWell	Clubs, Organizations, departments	Upon Request	An overview of sexual assault, harrassment, stalkng, interpersonal violence, consent, bystander intervention, campus and community resources and how to help a friend
Who is watching you?	TitanWell	Clubs, Organizations, departments	Upon Request	Through the analysis of popular media, explores impacts of societies' views on stalking, discusses prevalence, stalking behavior, and the impact on victims.

Monitoring and Recording Crime 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.

Possession, Use, Sale and Enforcement of Federal and State Alcohol and Drug laws

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 with Counseling & Psychological Services. 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
 - 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.
- 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. Visit: <http://president.fullerton.edu/directives/directive1.aspx>
- President's Directive No. 7: University Policy Regarding the Marketing of Alcoholic Beverages on Campus. Visit: <http://president.fullerton.edu/directives/directive7.aspx>
- University Policy Statement 330.231: Policy Regarding the Illegal Use of Drugs by Students. Visit: 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. Visit: http://www.fullerton.edu/senate/publications_policies_resolutions/ups/UPS%20300/UPS%20330.232.pdf

The following are drug and alcohol abuse prevention, education, and awareness programs offered to the campus community required by the Drug-Free Schools and Communities Act (DFSCA). Included are the name of the program, sponsoring department, frequency, audience, and the description of the program. Sponsors range from CSUF Police Department, Title IX & Gender Equity, Housing & Residential Engagement, Student Life & Leadership, and TitanWell.

DRUG AND ALCOHOL ABUSE PREVENTION, EDUCATION, AND AWARENESS PROGRAMS

PROGRAM	AREA(S)	AUDIENCE	FREQUENCY	DESCRIPTION
BASICS	TitanWell	Students	Weekly	Alcohol sanctioned evidence-based program. The definition of BASICS is Brief Alcohol Screening and Intervention for College Students.
CASICS	TitanWell	Students	Weekly	Cannabis sanctioned evidence-based informed program. The definition of CASICS is Cannabis Screening and Intervention for College Students.
CHOICES	TitanWell	Students	Semi-Monthly	Evidence-based alcohol intervention program for sanctioned students
eCHECKup to go	TitanWell	Student Athletes	Biannually	Evidence-based online personal alcohol assessment
eCHECKup to go	TitanWell & Fraternity and Sorority Life	Fraternity & Sorority Life Members	Annually	Evidence-based online personal alcohol assessment
New Member Education	Student Life & Leadership	Fraternity & Sorority Life Students	Biannually	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.

Resident Advisor Training: Title IX, Mandated Reporting, Harassment & Alcohol Abuse Prevention	Housing and Residential Engagement	Resident Student Advisor Staff	Annually	Dating Violence, Sexual Assault, and Stalking Discussions
Student Organization Leadership Online Training	Student Life & Leadership	Student Organization Presidents & Treasurers	Annually	Mandatory online training for Student Organization Presidents and Treasurers that addresses drug and alcohol abuse, prevention, and awareness.
Titan Up the Party	TitanWell	Fraternity & Sorority Life New Members	Semesterly	Evidence-informed alcohol intervention presentation
Title IX/Drug and Alcohol	Athletics	Incoming Student Athletes	Annually	Prohibited Conduct, Policy, Reporting Options and Resources

Sexual Violence Prevention

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

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

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

Campus programs must include primary prevention and awareness training: (1) for all new Students²; and new Employees; (2) refresher programs at least annually for all Students; (3) twice a year for all Students who serve as advisors in residence halls; (4) annually for all Student members of fraternities and sororities; (5) annually for all Student athletes and coaches; and (6) annually for all Employees consistent with their role in responding to and reporting incidents. Ongoing prevention and awareness campaigns for all Students and Employees will also be conducted. The CSU system will provide online training for all Employees and each campus will provide online training for all Students. All training must be consistent with the applicable CSU policy and state and federal regulations.

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

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

Training for Employees

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

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

Prevention and Awareness Programming

California State University campuses provide primary prevention programs to all incoming students and new employees. California State University campuses provide ongoing prevention programs to all students and employees during their time at the institution. To comply with CSU

² This includes incoming transfer, graduate, online, and extended education Students. The programs should occur no later than the first few weeks of the semester.

Policy and 34 C.F.R. §668.46., campus-specific programs to prevent dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking will include:

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

Information about reporting, adjudication, and disciplinary procedures as required by 34 C.F.R. §668.46 and as described in the procedures under the CSU Nondiscrimination Policy.

Information About Campus Reporting, Adjudication, and Discipline Procedures

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

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

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

- A statement explaining that the campus' primary concern is the safety of members of the campus community; that the use of alcohol or drugs never makes the victim/survivor at fault for sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking; that Students who experience or witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking should not be deterred from reporting incidents out of a concern that they might be disciplined for related violations of drug, alcohol, or other CSU policies; and that Students who experience or

witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking shall not be subject to discipline for related violations of conduct policies at or near the time of the misconduct unless the violation is egregious (including actions that place the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.)

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

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

Risk Reduction

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

Sexual Misconduct / Sexual Assault

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

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

[Source: [Love Is Respect](#)]

Dating / Domestic Violence

Common signs of abusive behavior in a relationship

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

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

If you notice warning signs in your relationship or that of someone you care about, remember there are support resources available on your campus, including individuals with whom you can speak confidentially and who can assist you with making a safety plan. A good starting place for a list of resources is your campus Title IX webpage. You can also contact the National Domestic Violence Hotline at 1.800.799.SAFE (7233), which is free and confidential.

[Source: [National Domestic Violence Hotline](#)]

- Abusive behaviors can be difficult to recognize in a relationship, even if you are the one engaging in them. In addition to some of the common signs of abusive behavior outlined above, ask yourself if your partner:
 - Seems nervous around you,
 - Seems afraid of you,
 - Flinches, cringes, or retreats when you are emotional,
 - Seems scared, or unable to contradict you or speak up around you, and/or
 - Restricts their own interactions with friends, family, coworkers, or others in order to avoid upsetting you

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

You could consider contacting the psychological counseling center on your campus to speak with a counselor confidentially, or you could contact the National Domestic Violence Hotline at 1.800.799.SAFE (7233), which is free and confidential.

[Source: [National Domestic Violence Hotline](#)]

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[Source: [National Domestic Violence Hotline](#)]

Stalking

Respecting boundaries

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

Recognizing stalking behaviors

A person who engages in stalking may:

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

[Source: [Victim Connect Resource Center](#)]

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

- Trust your instincts – if you/someone feels they are in immediate danger or fear a threat of harm, call 911

- Keep a record or log of each contact with the stalker
- Save evidence when possible, such as emails, text messages, postings on social media, etc.

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

Bystander Intervention

The California State University and the campuses provide training on safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Information about bystander intervention is included in a variety of prevention, outreach, and awareness programs across the CSU.

This training encourages employees and students to:

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

CSU Policy Definitions

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

Preservation of Evidence in cases of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking

It is important that you take steps to preserve and collect evidence; doing so preserves the full range of options available to you, be it through the University’s administrative complaint procedures or criminal prosecution. To preserve evidence: (1) do not wash your face or hands; (2) do not shower or bathe; (3) do not brush your teeth; (4) do not change clothes or straighten up the area where the assault took place; (5) do not dispose of clothes or other items that were present

during the assault, or use the restroom; and, (6) seek a medical exam immediately. If you already cleaned up from the assault, you can still report the crime, as well as seek medical or counseling treatment. You should preserve text messages, social media postings, or notes that demonstrate the course of conduct. Contemporaneous photos of bruises or other injuries are helpful. You may consult with the campus Title IX Coordinator or Sexual Assault Victim's Advocate for assistance as well.

Reporting Options

The University's primary concern is your safety and the safety of the campus community. The use of alcohol or drugs never makes the victim at fault for sexual misconduct/sexual assault. If you have experienced sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking you should not be deterred from reporting the incident out of a concern that you might be disciplined for related violations of drug, alcohol, or other University policies. A person who participates in investigations or proceedings involving sexual misconduct/sexual assault 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. You have several reporting options, and you may pursue one or more of these options at any time. It is your right to have a friend, family member, Sexual Assault Victim's Advocate, or other representative present with you while reporting the incident. You also have the right to have a sexual assault counselor, Sexual Assault Victim's Advocate and/or support person of your choice present with you during a rape examination. You are strongly encouraged to report any incidents to the police and/or campus Title IX Coordinator so that steps may be taken to protect you and the rest of the campus community. However, non-reporting is also an option.

Reporting to university police and/or local police is an option at any time. If you choose not to report to the police immediately following an incident, you can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on your behalf. The campus Title IX Coordinator or Sexual Assault Victim's Advocate can assist you in notifying the police if you choose.

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

Protective Orders

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

Students or employees that are interested in filing for a domestic violence restraining order or a civil harassment restraining order are encouraged to work with a CSUF [or whatever abbreviation for CSUF you are using in the ASR] Campus Advocate who can provide assistance with this process.

Information about obtaining a domestic violence restraining order in Orange County is available at <https://www.occourts.org/self-help/restrainingorders/domesticviolence.html>. Below are the locations in Orange County to go to obtain a domestic violence restraining order in Orange County:

Domestic Violence Assistance Program Office located in room 705, 7th floor, at the Superior Court of Orange County, Lamoreaux Justice Center

341 The City Drive S.

Orange, CA 92868

(714) 935-7956

Orange County Family Justice Center: Offers comprehensive services

150 W. Vermont Ave.

Anaheim, CA 92805

(714) 765-1645

<http://www.anaheimfamilyjusticecenter.org>

Santa Ana Family Justice Center (located inside the Santa Ana Police Department)

60 Civic Center Plaza – Third Floor

Santa Ana, CA 92701

(714) 245-8278

FamilyJusticeCenter@santa-ana.org

<https://www.santa-ana.org/family-justice-center/>

Information about obtaining a civil harassment restraining order in Orange County is available at <https://www.occourts.org/self-help/restrainingorders/civilharassment.html>. Below is the location in Orange County to go to obtain a civil harassment restraining order in Orange County:

Central Justice Center

700 Civic Center Drive West

Santa Ana, CA 92701

657-622-5720 or 657-622-5756

Legal Resources Information Sheet from the Superior Court of California, County of Orange:
<https://www.occourts.org/forms/local/l1172.pdf>

Other helpful links for domestic violence restraining orders and civil harassment orders in Orange County:

- Can a Domestic Violence Restraining Order Help Me?
<https://www.courts.ca.gov/documents/dv500info.pdf>
- How Do I Ask For a Temporary Restraining Order?
<https://www.courts.ca.gov/documents/dv505info.pdf>
- Guide to Protective Orders (Orange County Superior Court):
<https://www.occourts.org/forms/local/l779.pdf>

If students or employees have obtained a domestic violence restraining order and/or a civil harassment restraining order, they may, but are not required, to provide a copy to the CSUF Police Department which is located at the corner of N State College Blvd and Gymnasium Drive. The Title IX and Gender Equity department may also assist with providing a copy of a domestic violence restraining order and/or a civil harassment restraining order to the CSUF Police Department.

Supportive Measures

Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether a Formal Complaint is filed. Supportive Measures are designed to restore or preserve equal access to CSU education programs or activities, or the workplace without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational or work environment. Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, 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/DHR Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures.

Written Notification

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

This written notifications states that the Campus and Title IX Coordinator will provide supportive measures, if they are reasonably available, regardless of whether [the victim] chooses to report sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking to Campus or local police; and also that they will:

- Assist [the victim] in accessing other 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 other 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; and
- Inform you of your right to report a crime to university or local police – and provide you with assistance if you wish to make such a report.

The Title IX Coordinator is the person to contact to request supportive measures. Below is the contact information for Title IX Coordinator:

Sarah Bauer
Title IX Coordinator
2600 Nutwood Ave Suite 205 (College Park)
Fullerton, CA 92831
sarahbauer@fullerton.edu
(657) 278-2929
<https://www.fullerton.edu/titleix/>

Attachment D also informs victims that disciplinary procedures for sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking will:

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

This same information is provided in writing to all students and employees within the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence,

Domestic Violence, Stalking, and Retaliation, and as part of annually assigned training.

Disciplinary Procedures

The following statements are excerpts from the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \("the Policy"\)](#). As required by law, the excerpts in this Annual Security Report capture the steps, decisionmakers, and anticipated timelines for both formal and informal resolution processes, as applicable. For details beyond the steps, decisionmakers, and anticipated timelines, please see the policy.

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

Below is the contact Information for the Title IX Coordinator:

Sarah Bauer
Title IX Coordinator
2600 Nutwood Ave Suite 205 (College Park)
Fullerton, CA 92831
sarahbauer@fullerton.edu
(657) 278-2929
<https://www.fullerton.edu/titleix/>

Reports may be submitted online Gender Discrimination, Sexual Harassment & Misconduct, Dating/Domestic Violence & Stalking Report form at https://cm.maxient.com/reportingform.php?CSUFullerton&layout_id=9.

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

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

After receiving a report, the Title IX Coordinator will assess the report and provide outreach to the possible Complainant named in the report. This outreach will include information regarding potential Supportive Measures, where applicable. The Title IX Coordinator will describe and offer Supportive Measures to Complainants during the initial assessment (even if the Complaint is ultimately not investigated). Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, campus escorts, mutual restrictions on contact between the parties, changes in work or housing

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

locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

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

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

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

Applicable Procedures

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

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

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

- occurred on campus; or
- involved or impacted a campus program or activity (including campus employment); or

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

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

The Track System

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

Prior to a Notice of Investigation being sent to the Complainant and the Respondent, the Title IX Coordinator/DHR Administrator will determine which Track applies.

- Track 1 applies when the alleged conduct:
 - Meets the definition of Sexual Harassment as defined in Article VII.C of the Policy; and
 - Occurred in the United States; and
 - Occurred in an education program or activity at the university, as defined in Track 1
- Track 2 applies when:
 - The Complaint is against a student; and
 - The Complaint is one of Sexual Misconduct, Dating Violence, or Domestic Violence; and
 - The credibility of one (or both) of the Complainant and the Respondent ("the Parties"), or any witness is central to the determination as to whether the student violated the policy; and
 - The student is facing a severe disciplinary sanction (expulsion or suspension) if found to be in violation of university Policy.

⁴ A Complaint against a Student-Employee where the alleged conduct arose out of the Respondent's status as an Employee and not their status as a student, should be made using the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-Party.

- Track 3 applies to all other Complaints under these procedures that allege a Policy violation.

Under Track 1 or 2, the campus will conduct an investigation, and the Complaint will proceed to a hearing unless otherwise resolved. An Investigator will first interview the Complainant, the Respondent, and any witnesses, and gather any documentary evidence. The hearing will occur once an investigation has finished. During the hearing, a hearing officer listens to the witnesses, including the Complainant and the Respondent, and analyzes the evidence, before deciding whether or not the Respondent violated the Policy.

Under Track 3, an Investigator interviews the Complainant, the Respondent, and any witnesses, gathers any documentary evidence, analyzes the evidence, and decides whether or not the Respondent violated the Policy. There is no hearing in Track 3 cases.

Standard of Evidence

The Preponderance of the Evidence based on the facts available at the time of the decision is the standard for demonstrating facts and reaching conclusions in an investigation and hearing that uses the Procedures. 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.

Dismissal/Referral

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

At any time after a Complaint has been accepted for investigation, it is within the discretion of the Title IX Coordinator/DHR Administrator to dismiss a Complaint, or any part of a Complaint, if the Complainant notifies the Title IX Coordinator/DHR Administrator in writing that they would like to withdraw the Complaint or any part of it, or if the specific circumstances prevent the campus from gathering evidence necessary to reach a determination as to the Complaint or part of the Complaint.⁵

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

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

Either Party may appeal from a dismissal of a Complaint or any part of the Complaint. The appeal must be filed within 10 Working Days from the date of the notice of dismissal.

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

Systemwide Title IX Unit
Systemwide Human Resources
Office of the Chancellor
TIX-Dismissal-Appeals@calstate.edu

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

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

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

Informal resolution

The CSU recognizes some Parties may desire resolution of their matter through an Informal Resolution process ("Informal Resolution"), instead of through the formal resolution process (described below). Accordingly, Parties may mutually agree, with the agreement of the Title IX Coordinator, to resolve a Complaint through an Informal Resolution process, instead of undergoing the formal resolution process⁶. The Informal Resolution process is entirely voluntary and will not occur unless both Parties agree in writing to participate in an Informal Resolution process.

The Title IX Coordinator/DHR Administrator will oversee the Informal Resolution process, conduct an initial and on-going assessment as to whether the Informal Resolution process should continue, and make the final determination on all Informal Resolutions facilitated by the Title IX Coordinator

⁶ Track 1, a Formal Complaint must be filed before the informal resolution process may take place and that under Track 1, informal resolution cannot be used to resolve allegations that an employee sexually harassed a student

or designee regarding whether the terms agreed to by the Parties are appropriate in light of all of the circumstances of the Complaint. In some circumstances, depending on the nature and/or severity of the allegations, an Informal Resolution may not be appropriate, and the Title IX Coordinator/DHR Administrator will not approve an Informal Resolution. Prior to approving an Informal Resolution, the Title IX Coordinator/DHR Administrator will consult with the appropriate administrator in human resources or faculty affairs.

Prior to engaging in an informal resolution process, the campus will obtain the Parties' voluntary, written consent. Parties who choose to participate in the voluntary Informal Resolution process will be sent a notice of agreement to engage in Informal Resolution.

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

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

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

Investigation and Hearing for Track 1

Supportive Measures

After receiving a report of Sexual Harassment, the Title IX Coordinator will contact the Complainant promptly to discuss the availability of Supportive Measures. The Title IX Coordinator will conduct an intake meeting with any Complainant who responds to outreach communication, or otherwise makes a report of a potential Policy violation to discuss the Complainant's options, explain the process, and provide information about Supportive Measures. During the discussion, the Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint⁷, and explain the process for filing a Formal Complaint.

Notice of Allegations

When the Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator will Simultaneously provide both Parties a written notice of allegations. If new allegations are raised during the investigation that were not included in the notice of allegations, a revised notice of allegations will be issued Simultaneously to the Parties. If the notice of allegations also serves as

⁷ Formal Complaint means a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature¹⁵ or a document signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting an investigation of the allegation of Sexual Harassment. At the time that the Formal Complaint is filed, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the CSU.

notice of a Respondent's expected attendance at an interview, it will include details of the date, time, location, participants, and purpose of that interview. The notice of allegations must be provided to a Respondent at least 5 Working Days prior to the interview. If a Respondent requests to meet sooner than 5 Working Days after receipt of the notice of allegations, they should verbally confirm at the start of the meeting that they are aware that they were provided notice of at least 5 Working Days and this confirmation should be documented by the Title IX Coordinator or Investigator.

Investigation of a Formal Complaint

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

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

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

Parties will be provided written notice of the date, time, location, names of participants, and purpose of all meetings and investigative interviews at which their participation is expected. This written notice should be provided with at least 3 Working Days for the Party to prepare to participate in the meeting or interview. This requirement will not apply where a Party themselves requests to meet with the Title IX Coordinator or Investigator or as addressed in Article VI of Track 1.

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

Review of Evidence

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

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

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

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

Final Investigation Report

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

Timeframe

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

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

Track 1 Hearing

The Parties will be given written notice of the date, time, location, participants, and purpose of the hearing, as well as the identity of the hearing officer. Notification of the hearing will be sent to the designated CSU campus email address, unless the recipient has specifically requested in writing to the hearing coordinator that notice be given to a different email address. Communications from

the hearing coordinator will be deemed received on the date sent. The hearing will not be set sooner than 20 Working Days after the date of notice of hearing. Any objections to an appointed hearing officer must be made in writing to the hearing Coordinator within 5 Working Days after notice of the identity of the hearing officer has been communicated to the Parties.

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

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

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

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

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

Determination Regarding Responsibility Under Track 1

After the hearing, the hearing officer will make written findings of fact and conclusions about whether the Respondent violated the Policy with respect to the definition of Sexual Harassment⁸. The hearing coordinator will Simultaneously send the hearing officer's report promptly to the Parties, the Title IX Coordinator, and the appropriate campus administrator, usually within 15 Working Days of the close of the hearing.

If no violation of the Policy is found, the president (or designee) will be notified along with the Parties. The notification will include the outcome of the hearing, a copy of the hearing officer's

⁸ See definition of Sexual Harassment in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#)

report (redacted as appropriate or as otherwise required by law) and notice of the Complainant's and Respondent's right to appeal to the Chancellor's Office.

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

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

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

The president (or designee) will simultaneously send the decision letter electronically to the Respondent and Complainant at the campus-assigned or other primary email address linked to their campus accounts.⁹ The decision letter will include:

- The outcome of the hearing, including any sanction imposed, and the name of the Respondent(s).
- Information regarding the procedures and permissible bases for the Complainant and Respondent to appeal to the Chancellor's Office.
- If a finding of responsibility is made against the Respondent, a statement as to whether Remedies will be provided to the Complainant that are designed to restore or preserve equal access to the campus's education program or activity. The specifics of any such Remedies may be discussed separately between the Complainant and the Title IX Coordinator and need not be included in the decision letter.
- A copy of the final hearing officer's report will be attached to the decision letter, redacted as appropriate or as otherwise required by law.

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

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

⁹ Communication with Parties who are neither Students nor Employees will be sent to an email address that they designate.

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

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

In matters where a hearing is not required (Track 3 cases)¹⁰, a final investigation report will be provided to the Parties along with a notice of investigation outcome. The final investigation report will include a summary of the allegations, the investigation process, the Preponderance of the Evidence standard, a detailed description of the evidence considered, analysis of the evidence including relevant credibility evaluations, and appropriate findings. Relevant exhibits and documents will be attached to the written report. The final investigation report will be attached to a notice of investigation outcome. The notice may be delivered to the Parties electronically. If the notice includes a determination that the Policy was violated, the Title IX Coordinator/DHR Administrator will notify the campus student conduct administrator (where the Respondent is a student)/appropriate campus administrator (where the Respondent is an employee) of the investigation outcome and provide a copy of the final investigation report.

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

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

Track 2 Hearing process:

As stated above in the explanation of Track 2, a hearing will be required (unless the case is resolved by way of Informal Resolution). Below are the steps, decision-makers, and anticipated

¹⁰ Under Track 2, the process will proceed to a hearing, as outlined below, and the final investigation report will include all of the information included in the preliminary investigation report as well as additional relevant evidence received during the review of evidence. Any relevant evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator, will be attached to the final investigation report, or made available for review by the Parties. Evidence offered by the Parties or any other witnesses that the Investigator concluded is not relevant will be noted but not included in the final investigation report and should be available at the time of the hearing such that it can be provided to the hearing officer if requested.

timelines for a Track 2 hearing process that commences after the issuance of the final Investigative report.

Prior to a hearing:

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

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

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

Parties must provide the name of, and contact information for, the Party's Advisor and Support Person (if any) to the hearing coordinator 15 Working Days before the hearing.

No later than 10 Working Days before the hearing, the hearing coordinator will share a final witness list with the Parties, and notify each witness of the date, time, and location of the hearing. Witnesses will be instructed to attend the hearing and to promptly direct any questions or concerns about their attendance at the hearing to the hearing coordinator. No later than 5 Working Days before the hearing, the Parties will submit to the hearing coordinator any objections to, or questions about, the witness list.

At the hearing:

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

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

1. Seek information about the Complainant's sexual history with anyone other than the Respondent (unless such evidence about the Complainant's sexual behavior is offered to prove that someone other than the Respondent committed the alleged misconduct).
2. Seek information about the Respondent's sexual history with anyone other than the Complainant, unless such information is used to prove motive or pattern of conduct.
3. Seek information that is unreasonably duplicative of evidence in the hearing officer's possession.

4. The hearing officer determines are not relevant to material disputed issues, are argumentative or harassing or unduly intrude on a witness' privacy.

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

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

After the hearing:

After the hearing, the hearing officer will make written findings of facts and conclusions about whether the Respondent violated the Policy. The Title IX Coordinator will review the hearing officer's report to ensure compliance with the Policy. The hearing coordinator will forward the hearing officer's report promptly to the Parties, the Title IX Coordinator, and the student conduct administrator, usually within 15 Working Days of the close of the hearing.

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

If a violation is found, the Parties may submit to the hearing coordinator an impact statement or other statement regarding discipline. The statement may not be more than 2000 words in length and will be submitted no later than 5 Working Days after the hearing officer's report is sent to the Parties. The statement is an opportunity for the Parties to suggest disciplinary outcomes and to provide information that they believe is important for the hearing officer to consider. The student conduct administrator and the Title IX Coordinator may also submit a written statement regarding aggravating and mitigating factors no later than 5 Working Days after the hearing officer's report is sent to the Parties.

Within 5 Working Days after receiving and considering the statements described above, the hearing officer will submit the hearing officer's report to the president (or designee), including recommended sanctions (as defined in Executive Order 1098 Student Conduct Procedures¹¹) if a Respondent has been determined to have violated university Policy.

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

¹¹ See Sanctions, below

Sanctions

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

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

The following sanctions may be imposed for violation of the Student Conduct Code:¹²

- **Restitution.** Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.
- **Loss of Financial Aid.** Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, canceled or denied.⁸
- **Educational and Remedial Sanctions.** Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities and sororities), and/or University events, or other remedies intended to discourage similar misconduct or as deemed appropriate based upon the nature of the violation.
- **Denial of Access to Campus or Persons.** A designated period of time during which the Student is not permitted: (i) on University Property or specified areas of Campus,⁹ or (ii) to have contact (physical or otherwise) with the Complainant, witnesses or other specified persons.
- **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.
- **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

¹² Found in Article V, Executive Order 1098 Student Conduct Procedures

permanently without exception; this requirement shall not be waived in connection with a resolution agreement.

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

Appeals

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

Equal Opportunity and Whistleblower Compliance Unit

Systemwide Human Resources

Office of the Chancellor

401 Golden Shore

Long Beach, California 90802

eo-wbappeals@calstate.edu

The Chancellor's Office will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the campus Title IX Coordinator/DHR Administrator. The notice will include the right of the non-appealing Party and the campus to provide a response to the appeal within 10 Working Days of the date of the notice. The appeal response will be limited to 3,500 words, excluding exhibits. Any response to the appeal received by the Chancellor's Office will be provided to the appealing Party for informational purposes only.

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

If the Chancellor's Office review determines that an issue raised on appeal would have affected the investigation outcome or hearing outcome, the investigation or hearing will be remanded back to the campus and the investigation or hearing reopened at the campus level. The Chancellor's Office will return the matter to the campus and will specify in writing the timeline by which a reopened

investigation or hearing must be completed. The Chancellor's Office will notify the Parties of the reopening of the investigation or hearing and the timeline for completion of the reopened investigation or hearing. The campus will complete the reopened investigation or hearing and provide the Chancellor's Office with an amended final investigation report/final decision. The campus will also provide the Parties with amended notices of investigation outcome/final decision, and such notices will provide the non-prevailing Party the opportunity to appeal. Upon receipt of the amended final investigation report/final decision, if the outcome remains unchanged, the Chancellor's Office will contact the original appealing Party to determine whether that Party wishes to continue with the appeal. If the outcome is reversed by the campus, the non-prevailing Party will be given an opportunity to appeal.

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

The Chancellor's Office will respond to the appealing Party no later than 30 Working Days after receipt of the written appeal unless the timeline has been extended

¹³

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/>

¹³ The Chancellor's Office has discretion to extend the timelines for the appeal process for good cause or for any reasons deemed to be legitimate by the Chancellor's Office. This includes the time for filing an appeal, the time for a reopened investigation or hearing to be completed, and the time for the Chancellor's Office to respond to the appeal. The Chancellor's Office will notify the Parties and the Title IX Coordinator of any extensions of time granted pertaining to any portion of the appeal process.

Missing Student Notification Procedures for On-campus Student Housing Facilities

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 Report

The 2022 Fire Safety Report is available at the following link:

<http://www.fullerton.edu/deanofstudents/resources/pdfs/Fire-Safety-Report-2022.pdf>

Appendix A: Jurisdictional Definitions

Rape (CA Penal Code Chapter 1 Section 261)

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

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

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

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

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

(A) Was unconscious or asleep.

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

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

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

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

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

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

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

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

(c) Menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.

Sodomy (CA Penal Code Chapter 1 Section 286)

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

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

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

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

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

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

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

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

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim’s will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable

possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

(g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years.

Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by

imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

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

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

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

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

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

Oral Copulation (CA Penal Code Chapter 1 Section 287)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

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

Section 285

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

Section 289

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

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

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

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

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

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

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

(k) As used in this section:

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

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

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

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

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

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

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

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

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

(\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Sexual assault.

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

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

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

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

- (a) A spouse or former spouse.
- (b) A cohabitant or former cohabitant, as defined in Section 6209.
- (c) A person with whom the respondent is having or has had a dating or engagement relationship.
- (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).
- (e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.
- (f) Any other person related by consanguinity or affinity within the second degree.

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

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

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

- (1) The offender’s spouse or former spouse.
- (2) The offender’s cohabitant or former cohabitant.
- (3) The offender’s fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship.
- (4) The mother or father of the offender’s child.

CA Penal Code 243(e)

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

Stalking: CA Penal Code, Chapter 2, Section 646.9

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

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

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

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

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

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

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

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