

California State University, Northridge

# 2017 ANNUAL SECURITY REPORT

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

CLERY CRIME STATISTICS 2014-2016



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## MESSAGE FROM PRESIDENT DIANNE F. HARRISON

California State University, Northridge (CSUN) is committed to the safety and security of all members of the CSUN community. This document has been compiled by the Department of Police Services on behalf of the University in compliance with the following federal laws:

- the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act;
- the 2008 Revision to the Higher Education Opportunity Act;
- California Education Code section 67380, which informs members of the community of institutional policies concerning campus security (including University Police law enforcement authority, crime reporting policies, alcohol and drug use, crime prevention, sexual assault and other matters of related importance);
- the Violence Against Women Reauthorization Act of 2013 (VAWA), which amends the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, commonly known as the Clery Act, under the Campus Sexual Violence Elimination Act provision (i.e., Campus SaVE Act).

This report contains statistics of the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by CSUN or any of its recognized student organizations; and on public property within or immediately adjacent to and accessible from the CSUN campus. This report is available to the CSUN community both online at <http://www.csun.edu/sites/default/files/clery-report.pdf> and in person. Interested parties can request a hard copy of the report via: (a) in person at the CSUN Department of Police Services office at the corner of Darby Ave. and Prairie St.; (b) by phone—dial 818-677-5343 to reach Records Unit; or (c) by email to [erika.breazile@csun.edu](mailto:erika.breazile@csun.edu).

Notice of the availability of this report is made by October 1<sup>st</sup> of each year to enrolled and prospective students, and current and prospective employees as follows:

- Notice to prospective students is made through information included with application materials provided by the Admissions and Records office.
- Enrolled students annually will receive an email notice from the Vice President of Student Affairs directing them to the “University Notice of Required Disclosures” page at <http://www.csun.edu/admissions-records/your-right-to-know>, which includes information about the Annual Security Report and other important required disclosures, summary descriptions and information on how to obtain a detailed copy of each disclosure.
- Current employees receive a notice included with the September pay warrants. Our prospective employees are informed by the Office of Human Resources website for Recruitment Services at <http://www.csun.edu/careers/employee-notices> and on the Faculty Openings webpage at <http://www.csun.edu/faculty-affairs/faculty-openings>.

## PREPARING THE ASR

The Clery Director within the Office of the Vice President Administration and Finance prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. Individuals within the Department of Police Services (DPS), University Housing, Division of Student Affairs/Dean of Students, Human Resources, Faculty Affairs, Athletics, International Student Programming, Counseling Services, Student Health Center, and the Office of Equity and Diversity assist in the report’s preparation. The above listed partners provide crime statistics and policy related information for Clery Act reportable crimes, hate crimes, and violations of state and local drug, liquor, and weapons laws occurring within Clery Geography where arrests or referrals for discipline were made. The Clery Director works with Campus Security Authorities (CSAs) for the collection of reports and statistics. In addition, the Clery Director conducts outreach and establishes collaborative relationships with local and state law enforcement agencies (i.e., Los Angeles Police Department and Los Angeles County Sheriff’s Department) to encourage statistical Clery reporting by those agencies serving the public property areas as well as identified non-campus properties that DPS does not patrol or provide primary law enforcement response.

CRIME STATISTICS

CLERY CRIME STATISTICS 2014 – 2016					
OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Murder	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Manslaughter by negligence	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Rape	2014	2	1	0	0
	2015	5	5	0	1
	2016	14	13	1	0
Fondling	2014	4	0	1	1
	2015	4	1	0	0
	2016	3	2	0	1
Incest	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Statutory Rape	2014	1	1	0	0
	2015	0	0	0	0
	2016	0	0	0	0
Robbery	2014	3	0	0	2
	2015	3	1	0	0
	2016	7	0	0	3
Aggravated Assault	2014	1	0	0	0
	2015	1	0	0	1
	2016	3	1	0	1
Burglary	2014	14	11	0	0
	2015	15	7	0	0
	2016	17	10	0	0
Motor vehicle theft	2014	7	0	0	4
	2015	8	0	0	12
	2016	16	0	0	7
Arson	2014	0	0	0	0
	2015	0	0	0	0
	2016	0	0	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2014	5	3	0	0
	2015	20	11	0	0
	2016	10	6	0	1
Domestic Violence	2014	2	1	1	0
	2015	2	2	0	0
	2016	13	11	0	0
Stalking	2014	14	4	0	0
	2015	20	5	0	0
	2016	17	1	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor law arrests	2014	4	0	1	0
	2015	3	0	0	0
	2016	1	0	0	0
Liquor law referrals	2014	263	262	0	0
	2015	250	242	0	0
	2016	236	233	0	0
Drug law arrests	2014	23	4	0	6
	2015	27	8	0	5
	2016	30	8	0	0
Drug law referrals	2014	175	161	0	0
	2015	172	169	0	0
	2016	260	258	0	0
Weapons law arrests	2014	0	0	1	1
	2015	1	0	0	0
	2016	1	0	0	0
Weapons law referrals	2014	4	4	0	0
	2015	1	1	1	0
	2016	3	3	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2014	N/A
	2015	2
	2016	2

## HATE CRIMES

A **hate crime** is a criminal offense committed against a person or property, which is motivated in whole or in part by the offender's bias. Hate crime includes any offense in the following group: murder and non-negligent manslaughter, forcible sex offenses, non-forcible sex offenses, robbery, aggravated assault, burglary, motor vehicle theft arsons, larceny-theft, simple assault, intimidation, destruction/damages/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.

**2014** – There were no reported hate crimes.

**2015** – There was one (1) hate crime reported. The crime was vandalism on the CSUN campus and indicated bias based on race.

**2016** – There were no reported hate crimes.

## REPORTING CRIMINAL ACTIONS & EMERGENCIES

Criminal actions and other emergencies occurring on campus should be reported immediately to the Department of Police Services by calling (818) 677-2111 or dialing 911 from campus or cellular phone. Other methods include “blue light” emergency telephones, yellow TTY enabled emergency call boxes, visit the Department of Police Services facility located at the corner of Prairie and Darby; or by contacting a police officer on patrol. A confidential "We Tip" line is also available at (818) 677-TIPS (8477). Crimes should be reported to the CSUN Department of Police Services for the purpose of making timely warning reports to the community and for disclosure in the annual crime statistics.

The Department will respond by taking the following action(s) as necessary:

- Dispatch a police officer(s) and/or the Los Angeles City Fire Department to the scene of the reported incident.
- Investigate the incident.
- Take appropriate action(s) to identify, apprehend, and prosecute the person(s) responsible.
- Notify or request the assistance of other law enforcement and/or other agencies and university resources when necessary.
- Take action(s) and/or make appropriate notifications.

Crime Log:

The department maintains a publicly available “Daily Crime Log” (<http://www.csun.edu/police/daily-crime-log>) which is available on the Department of Police Services web site at: <http://www.csun.edu/police/>.

## TIMELY WARNINGS

The university will issue a timely warning as soon as pertinent information is available when a Clery reportable crime is reported to UPD or a designated campus security authority, occurred in a Clery defined geographical area, and a case by case analysis of pertinent facts known is completed and a determination is made an on-going or continuing threat to the community exists.

The Chief of Police is responsible for the decision to issue a timely warning (or a management designee in the absence of the Chief) and will confer with the Clery Director if one is designated by the campus and available, upon receiving a report of an incident reported to a CSA and/or UPD. The Chief of Police, with the Clery Director if one is appointed and is available, will complete a case by case analysis utilizing open communication and collaboration analyzing the reported crime, the known

pertinent facts of a reported incident, and determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the community.

If it is determined that any of the three factors are not met, then no timely warning will be issued.

If it is determined that all three factors are met, the Chief of Police (or management designee in the absence of the Chief) will determine the content of the timely warning bulletin, disseminate the timely warning expeditiously in a manner likely to reach the entire campus community utilizing one or more, and not limited to, the following methods to issue the timely warning bulletin:

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

For clarity to the community when a timely warning is issued it will be titled "Timely Warning Crime Bulletin" and include the following:

- A statement that the 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.
- The Clery Act reportable crime that occurred
- The date, time, and location the crime occurred
- The date the Timely Warning Bulletin is issued
- A description of the suspect, and name if known, when the suspect is at large and evading apprehension and/or law enforcement is seeking assistance from the public to locate
- Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime

The Timely Warning Bulletins will not include, under any circumstances, the name of the victim, or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime.

#### VOLUNTARY CONFIDENTIAL REPORTING

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

#### SECURITY OF AND ACCESS TO CAMPUS FACILITIES

##### Statement of Policy for Addressing Security and Access

The CSUN Department of Police Services provides 24-hour patrol of university property including academic and administrative buildings, parking lots, and residence halls. All state laws and applicable federal codes are enforced on the campus. Security and safety conditions on campus are continually evaluated by members of the Department of Police

### Services, Environmental Health and Safety, and Physical Plant Management

Officers patrol the campus on a regular basis and are responsible for reporting and investigating crimes, issuing traffic citations, responding to medical emergencies, traffic accidents, reports of fire, as well as other incidents that require police assistance.

Most campus educational facilities are open to the public during business hours (8:00am to 10:00pm). Certain facilities, including buildings, offices, and other areas of the campus may be restricted as to hours or access requirements. These restrictions are posted at each location. Access to campus residence buildings operated by Residential Life is restricted to residents, their guests, and university officials. Access to University Park Apartments is controlled by electronic card-keys.

### Maintenance of Campus Facilities

Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. The CSUN Department of Police Services regularly patrols the campus and reports malfunctioning lights and other unsafe physical conditions to Physical Plant Management for correction.

Under the direction of Environmental Health and Safety, members of the campus community, including representation from the Department of Police Services, conduct an annual night safety walk. The purpose of this walk is to find safety concerns that appear on the campus at night. Documentation is made of the findings and repairs/corrections are initiated and tracked through to completion.

The campus community is encouraged to report any safety concerns, exterior lighting, or emergency telephone malfunctions to Physical Plant Management at 818-677-2222 or to the Department of Police Services at 818-677-2111. In University housing areas, the housing maintenance department should be notified at 818-677-2234.

### Statement Regarding Firearms and Weapons

Any person who brings or possesses a firearm on the grounds of the university, without the prior written permission of the Department of Police Services Chief of Police, or as otherwise provided by law, is in violation of state law (California Penal Code, Section 626.9) and university regulations (Policy No. 800-01), and is punishable by imprisonment, university disciplinary action, or both. Additional California weapon laws affecting the possession of firearms, dirks, daggers, knives, batons, clubs, BB guns, etc. on California State University property are delineated within California Penal Code sections 626 through 626.11, 25400, 25850, and 26350. The Student Housing Rules and Regulations prohibiting all weapons, firearms, and ammunition are located at <https://www.csun.edu/sites/default/files/student-housing-rules-and-regulations.pdf>.

## LAW ENFORCEMENT AUTHORITY

CSUN Department of Police Services' Officers are vested with full law enforcement powers of arrest and meet or exceed training mandated by the California Commission on Peace Officers Standards and Training, as well as training designed to meet the needs of the university community. As state peace officers, their police authority extends throughout the state, including concurrent jurisdiction with the Los Angeles Police Department on the adjacent streets in the surrounding community. California Penal Code 830.2 (c) states the following persons are peace officers whose authority extends to any place in the state: A member of the California State University Police Departments appointed pursuant to Section 89560 of the Education Code, provided that the primary duty of the peace officer shall be the enforcement of the law within the area specified in Section 89560 of the Education Code. Department of Police Services' police officers enforce California State University policies, California state laws as well as Federal laws.

It is the policy of the CSUN Department of Police Services to comply with applicable federal, state and local laws. In keeping with this requirement, a memorandum of agreement (MOA) has been crafted with the Los Angeles Police Department to meet the requirements of the Kristen Smart Campus Safety Act of 1998. This law mandates that university police departments enter into written agreements with local law enforcement agencies in order to clarify operational



responsibilities for investigation of Part 1 violent crimes occurring on campus. The Act was amended in 2015 to include violent crime reporting procedures within the university as well as the forwarding of said reports to the local law enforcement agency with which the campus has an operational agreement or MOU (i.e., LAPD – Devonshire Division). The CSUN Department of Police Services also has a letter of agreement with the Los Angeles Sheriff’s Office (LASO) and California Highway Patrol (CHP) to provide a formal mechanism for the Department of Police Services to request assistance to augment university police resources. This assistance would normally be requested for such situations as demonstrations, marches, rallies, parties, dances or other situations as determined by the Chief of Police.

The Department prepares and submits a monthly Uniform Crime Report to the California Department of Justice and the Federal Bureau of Investigation. The Department also enters reported stolen vehicles and property with serial numbers into the National Crime Information Center computer, allowing for recovery throughout the United States.

As an active member of the criminal justice system, the Department of Police Services interacts and cooperates with other state and local law enforcement agencies. Cases are filed with both the Los Angeles City Attorney and the Los Angeles County District Attorney. Information may also be given to the Office of the Vice President for Student Affairs for internal judicial process involving students.

The University requests that all crimes or suspected crimes be reported accurately and promptly to the Department of Police Services and/or the appropriate law enforcement agency where the crime occurred, to include when the victim elects to or is unable to make a report. Crimes occurring on University properties leased by Metronic Inc. should be reported to the Los Angeles Police Department. Crimes occurring on University properties leased by Northridge Academy High School should be reported to the Los Angeles Unified School District Police or the Los Angeles Police Department. Should there be a question as to whom a crime should be reported to, contact the CSUN Department of Police Services for assistance.

Two police investigators are assigned full-time to follow up on crime and incident reports. They are responsible for follow-up investigations, apprehending suspects, recovering property, preparing cases for filing, and making crime prevention recommendations or referring people to the Department of Police Services Crime Prevention Unit to reduce the chance of criminal activity.

There are very limited circumstances in which investigators of the Department of Police Services may remove reports of crime that have been determined as “unfounded.” “Report Unfounded” shall only be indicated within the department’s records management system when:

- The crime or incident alleged in the original report did not occur, or did not occur in the Department’s jurisdiction.
- The same crime or incident has been reported more than once. (The most accurate and thorough crime report shall be retained. Any additional report should be unfounded).
- "Specific intent" is a necessary element of the original crime, and the district attorney, city attorney or Investigations Unit commander determines that investigative efforts have failed to prove that specific intent exists. **NOTE:** Even if the incident, absent the element of specific intent, is still a crime, the original report shall be reclassified to that crime.

All reported Clery crimes determined as “unfounded” and subsequently withheld from the reported crime statistics are disclosed within the Crime Statistics section of this Annual Security Report.

## SECURITY PROCEDURES AND PRACTICES

Members of the CSUN community must take responsibility for their own personal safety, the safety of others, and their property (when possible), as they do when away from the University. Members of the community are strongly encouraged and constantly reminded by the Department of Police Services throughout the year to:

- Promptly report all crimes and suspicious persons or activity to University Police.

- Always be aware of your personal safety and your surroundings.
- Never leave your property unattended and lock bicycles and doors and windows to your car, office, and residence.
- Always double check your doors and windows to ensure they are completely closed and locked before you go to sleep or leave your room or residence.
- Keep all valuables with you or leave them at home.
- Walk on well-traveled pathways and in well-lit and populated areas. Walk with friends or groups when possible.
- Call the Department of Police Services for a safety escort if you feel afraid or need to walk in isolated areas or at times when areas are unpopulated or closed.
- Get to know people in and around your place of residence. Do not invite or let unknown people into your residential building, nor go with them to an unfamiliar place. If you know someone by their first name only or met them on the internet, consider them a stranger.
- Engrave owner identification numbers onto electronics and items of value, keep a list of serial numbers and description of property, and provide it to the Police in the event your property is stolen.
- Use the internet wisely and never send money or provide personal identifying information, credit card information, or bank information to someone you do not know or to a company or person you did not initiate contact with on your own (such as Airlines, Department Stores, Amazon, etc.).
- Use good bicycle theft prevention measures. Use a combo or flat key U-lock. Most cable locks can be and are easily cut. Lock both the front and rear wheels when possible and make sure to put your lock(s) through a closed part of the bike frame. Wheels can easily be taken off. Register your bike with the Department of Police Services and use the campus bicycle compounds. Although all bikes are prone to theft, the newer and more expensive a bike is, the more of a target it will be.

CSUN through the Department of Police Services offers other programs to enhance the security awareness and safety of its campus community. Such programs include, but are not limited to:

- **Analytic Closed Caption Television (CCTV)** – the university uses a state of the art video surveillance system on campus which incorporates video analytics, allowing the University to further enhance its security/safety efforts while “future proofing” their investment.
- **Amber Light Patrol** – Parking enforcement officers patrol parking lots and structures with their amber lights on to be visible to those who need assistance with vehicle lock-outs and jumpstarts. *Wallet cards are available at the Department of Police Services.*
- **Personal Safety Escort Program** – Personal Safety escorts are provided to locations on campus during hours of darkness. For a night safety escort, please call 818-677-5042 or 5048. *There were 8,142 safety escorts provided in 2016.*
- **Security Surveys** – Departments can request a security survey be conducted and the Department of Police Services will evaluate the concerns and make recommendations.
- **Intrusion and Duress Alarm Assessments** – Departments can request a site survey/assessment be conducted and the Department of Police Services will evaluate the concerns and needs of a security alarm system making recommendations where needed.
- **Matador Bicycle Compound** - fully enclosed and more secure locations to park bicycles on campus. Cyclists are given access to the bicycle compounds located in the B3, B5 and G3 parking structure and in Student Housing. For more information and to enroll in the program, call 818-677-3946 or visit the Department of Police Services at the corner of Darby Avenue & Prairie Street.

See the below Crime Prevention Programs section for information on both security and public safety programming provided to the campus community in 2016.

## CRIME PREVENTION PROGRAMS

CSUN provided community wide or audience specific outreach and program efforts that included in person presentations and tabling events from campus police officers, student health center professional and student staff, Residential Life professional and student staff, as well as Greek and other Student Life representatives. Education programming in 2016 was comprehensive and intentional; integrating programming initiatives, strategies, and campaigns intended to inform the campus community about safety procedures and ways to prevent crime.

Details on these and other crime prevention topics are available from the Department of Police Services (DPS) in separate publications at the Department of Police Services or the Department's website <http://www.csun.edu/police/>. Presentation requests for current programs, or a request for one not shown in the above list to meet a specific need, may be made by calling the Department of Police Services Crime Prevention Unit at 818-677-4997.

The DPS Crime Prevention Unit maintains a highly visible presence within the community providing quality services, crime prevention programs, resources and educational opportunities that promote personal safety and the protection of property. Among the Crime Prevention programs listed below are the Security Awareness programs listed in the previous section for the CSUN community.

Crime prevention and safety workshops, classes, tabling events, (and the frequency by which they were offered to the community) included:

- **RAD Self- Defense for Women** - The Rape Aggression Defense System is a program of realistic, self-defense tactics and techniques. The R.A.D. System is a comprehensive course for women that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. In addition, aerosol and key chain defense options are provided. This program was provided three times during the year and was available to faculty, staff, and students.
- **RAD Self-Defense for Men** - The Rape Aggression Defense System is a program of realistic, self-defense tactics and techniques. The R.A.D. System is a comprehensive course for men that begins with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. This program was provided two times during the year and was available to faculty, staff, and students.
- **radKIDS Self-Defense** - This class educates children with the tools, knowledge and power to recognize and avoid danger as well as to resist and protect themselves from physical abuse. This program was provided two times during the year and was available to the children of faculty, staff, students, and the neighboring city community groups.
- **Pepper Spray for Citizen Training** - This workshop covers citizen's possession/use, chemical properties and effects of pepper spray, and a hands on demo. This workshop was provided three times and was available to faculty, staff, and students.
- **Workplace Violence** - This workshop covers information on university resources and what to do if ever dealing with a situation on campus. This workshop was provided two times and was available to faculty and staff.
- **Identity Theft** - This workshop covers how you can avoid scams, fraud and having your identity stolen. This workshop was provided once and was available to faculty, staff, and students.
- **Cyber Safety** - This workshop covers how to be cyber safe while still enjoying social networking. This workshop was provided once and was available to faculty, staff, and students.
- **General Crime Prevention & Personal Safety Events** - These workshops cover information on basic crime prevention and personal safety tips. These workshops were provided twelve times and were available to faculty, staff, and students.
- **Community Relations Events (tabling)** - DPS staff go to different events on campus passing out information regarding the wide variety of safety programs and resources available through the department's crime prevention unit. Twenty resource tabling events were offered to faculty, staff, and students.

- **Emergency Preparedness** - These workshops cover information on how to develop an emergency plan, prepare emergency supplies and other valuable information to help during an emergency and the recovery process. Five workshops were provided to faculty, staff, and students.
- **STOP Anti-Theft Program** - This workshop covers information about computer security and the STOP security plate for electronics items. This workshop was offered two times, however the crime prevention unit facilitated the application of 539 STOP plates to both personal and state property items.
- **Bicycle Safety and Theft Prevention** - This workshop covers information on registering your bicycle & use of Matador Bicycle Compound. This workshop was offered two times, however the crime prevention unit facilitated the application of 117 bicycle registrations through the Department of Police Services.
- **New Student and New Employee Orientation** – DPS staff along with other campus personnel cover information regarding personal safety, campus programs, safety escorts, dorm room safety, and for new employees crime reporting requirements and procedures. 12 presentations were provided to new students at their orientations, while 5 presentations were provided to new staff and faculty members.

## CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS

The Los Angeles Police Department, 10250 Etiwanda Ave., Northridge, CA 91325 (Devonshire Division 818-832-0633/818-832-0665 TDD/TTY) is the primary responding law enforcement agency to the Meridian Pointe apartments (formerly known as the Northridge Campus Residence), as well as officially recognized non-campus fraternities, sororities, and other student organizations controlling residences and/or property(s) located within the city of Los Angeles. The Department of Police Services requests crime reports and statistics about crimes occurring at these locations from the Los Angeles Police Department. The Department of Police Services may also respond to crimes in progress at these locations, depending upon the nature of the crime and the proximity to the campus. Crime reports and statistics for these locations are maintained by the Los Angeles Police Department; however, they are included in this report as required by law.

In 2015, the Department of Police Services was the primary responding agency for the non-campus CSUN San Fernando Solar Observatory in Sylmar (since moved to the CSUN campus in August 2016). Crimes at other University owned or operated locations, including the Aquatic Center in Castaic, and classes held at non-campus locations are the responsibility of the law enforcement agency in those areas. Statistics for these locations are included in this report under "non-campus property."

## ALCOHOL AND DRUGS

Consistent with its mission of enabling students to reach their educational goals, California State University, Northridge (CSUN) is committed to maintaining a safe and healthy environment for the university community. Alcohol and other drugs should not interfere with the University's educational mission. All CSUN students, faculty, and staff are subject to local, state, and federal laws regarding the unlawful possession, distribution, or use of alcohol and illegal drugs. Violators are subject to University discipline, criminal prosecution and/or removal from University housing. The unlawful manufacture, distribution, dispensing, possession or use of illegal drugs on the University campus or at any University-sponsored event off-campus is also prohibited. A complete description of these regulations is contained in the University Alcohol and Illicit Drugs Policy (#900-06) which can be viewed at [http://www.csun.edu/sites/default/files/900-06-policy\\_1.pdf](http://www.csun.edu/sites/default/files/900-06-policy_1.pdf) or obtained in hard copy at the offices of Student Affairs, University Hall 310. This policy is a significant component of the University's overall compliance with the Drug-Free Schools and Campuses Regulations, which implement the Drug-Free Schools and Communities Act of 1989. A campus contact for students interested in programs and resources is Marianne Link, MPH, CHES, Assistant Director, Health Promotion ([marianne.link@csun.edu](mailto:marianne.link@csun.edu)) located at the Klotz Student Health Center on campus. Students can be referred to off campus referral resources via the Klotz Student Health Center or University Counseling Services. Employees can contact the Employee Assistance Program (EAP) via their website for information <http://www.csun.edu/enrichment/employee-assistance-program>. This is a free service that can refer individuals to external resources for themselves and their family members.

The University respects the right of individuals within the University community to determine whether to engage in the lawful consumption of alcohol under circumstances authorized by the University policy. Members of the campus community, particularly students, who elect not to use alcoholic beverages, or not to include alcohol as a part of sponsored events and activities, will be fully supported in that choice.

The CSUN Department of Police Services strictly enforces federal and state laws, as well as the University zero-tolerance policy, for underage drinking and the use and sale of illegal drugs. No one may use illegal substances, or abuse legal substances, including alcohol. Students engaging in the sale of illegal drugs may be arrested and face University discipline, up to and including expulsion. Students found in violation of University alcohol, drug, and weapons policies may also be subject to arrest and are subject to academic probation, suspension or expulsion. Parents or guardians may be notified by the Office of Judicial Affairs about any university disciplinary violation involving alcohol or a controlled substance that has been committed by a student who is under the age of 21.

Employees in violation of the University alcohol and drug policies may be subject to arrest, corrective action, or dismissal. Employees may also be requested to participate fully in an approved counseling or rehabilitation program. Applicable legal sanctions under federal, state, and local statutes for the unlawful possession or distribution of illicit drugs and alcohol range from probation, diversion, imprisonment in the county jail, to imprisonment in State Prison. A police officer can confiscate the driver license from any person suspected of driving under the influence of alcohol and drugs, who refuses to take a blood alcohol test.

The use of alcoholic beverages must comply with California State Law and is strictly limited to persons 21 years of age or older. The possession, transportation, and consumption of alcoholic beverages by individuals younger than 21 years of age are strictly prohibited. Alcoholic beverages may only be consumed by persons over the age of 21. CSUN provides useful and informative prevention education programs throughout the year. CSUN Department of Police Services enforces violations proactively through education and community contacts. Officers and residential life staff regularly make residents aware of the policies regarding drug/alcohol use and abuse as well as personal safety and crime prevention information. Drug and alcohol prevention presentations and information are provided throughout the year at orientations, upon request for departments and areas, and in conjunction with sponsored campus activities (Please see crime prevention and personal safety section).

Campus drug and alcohol educational programming included:

- **ATOD – Alcohol, Tobacco, and Other Drugs** – Monthly (10) seminars offered by the Student Health Center reviewing the awareness and prevention of alcohol and drugs amongst students and associated student groups. These events also provided education on the applicable campus policies and bystander intervention strategies.
- **Alcohol Awareness** – University Police and the Student Health Center provided 6 educational events to student groups regarding the use and abuse of alcohol to include bystander intervention strategies.
- **Alcohol and Drug Awareness** – University Police and the Student Health Center provided a total of 26 events to students, faculty, and staff regarding alcohol and drug awareness, including bystander intervention strategies.
- **Aware Awake Alive and RADD** – The Student Health Center “Peers and Health Educators” presented 3 times to student groups regarding alcohol awareness, providing the information through the use of mocktails.
- **DUI – Impaired Driving** – University Police Officers conducted one presentation on DUI and impaired driving to a student group.
- **TIPS – Alcohol Awareness** – The Student Health Center provided 5 events to student groups educating them on basic alcohol awareness including, underage drinking prevention, intoxication factors, and bystander intervention.
- **5 P’s – Prior Planning Produces Powerful People and Parties** – The Student Health Center provided 6 events to student groups educating them on alcohol and substance use/abuse while providing tools for dealing with such issues during parties and events.
- **DUI Checkpoint** – University Police established one DUI checkpoint designed to promote the education of driving under the influence of alcohol and to detect impaired drivers.

## SEXUAL VIOLENCE

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

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

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

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

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## PREVENTION, EDUCATION, AND AWARENESS

The University engages in comprehensive, integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual misconduct and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Educational programming consists of primary prevention and awareness programs for all incoming students and new employees (i.e., faculty and staff) and ongoing awareness and prevention campaigns for students and employees that:

- a. Identifies domestic violence, dating violence, sexual misconduct, and stalking as prohibited conduct;
- b. Defines what behavior constitutes domestic violence, dating violence, sexual misconduct, and stalking using definitions set forth by California State University Executive Orders 1096 and 1097 (in compliance with federal and state law);
- c. Defines what behavior and actions constitute consent to sexual activity as set forth within California State University

Executive Orders 1096 and 1097 (in compliance with state law);

- d. Provides safe and positive options for bystander intervention. Bystander intervention means safe and positive option that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual misconduct, or stalking against a person other than the bystander. 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.
- e. Provides information on risk reduction.
- f. Provides information on procedures for institutional response and disciplinary processes.
- g. Provides an overview of other information contained within the Annual Security Report in compliance with the Clery Act.

The University has numerous primary prevention and awareness programs that include the distribution of educational materials to new students and new employees at such events as Freshman Orientation and New Employee orientations held throughout the year. In addition, ongoing prevention and awareness events are presented throughout the year for students and/or employees, which include such events as: Rape Aggression Defense for Women and Men, Project DATE, Take Back the Night, and CSUN Scholar Athlete training.

CSUN communicates to its first-time freshmen students that they are required to attend New Student Orientation. During this orientation, first-time freshmen received a New Student Handbook that provided an explanation of CSUN's policy prohibiting sex discrimination, including sexual harassment and sexual violence. The Student Handbook also includes information about the Campus Title IX Coordinator, examples of acts that may constitute sexual violence and links to on and off campus resources, some of which are confidential. Additionally, the New Student Orientation included a theatrical performance by TAKE, which demonstrated powerful transitional issues incoming students may face, including sexual misconduct. Education on sexual harassment and sexual violence is also presented at other new student orientations, including transfer students and international students.

CSUN also provides education to all incoming students about CSUN's policy prohibiting sexual harassment, sexual misconduct, dating and domestic violence, and stalking, how to file a Title IX complaint regarding sexual misconduct, dating and domestic violence, and stalking by way of its "Title IX Notice of Non-Discrimination," victim's rights and options, myths and facts about sexual violence and prevention and risk reduction tips, which can be found in printed materials located in the Office of Equity & Diversity ("E&D"), on E&D's website (<http://www.csun.edu/eqd>) and on CSUN's Department of Police Services website. Information regarding CSUN's policy prohibiting sexual harassment and sexual misconduct and how to file a Title IX complaint is also contained in CSUN's Schedule of Classes/Online University Catalog.

Additionally, CSUN's President sends an email at the beginning of every semester to all students which provides information related to CSUN's policies and procedures regarding sexual misconduct, dating and domestic violence, stalking and sexual harassment. Significantly, the email directs students to the Title IX Notice of Non-Discrimination, the Office of Equity & Diversity and the Department of Police Services for both on-campus and off-campus resources for sexual violence emergencies and CSUN's procedures for filing related complaints.

Students reporting sexual misconduct, dating and domestic violence, and stalking may also receive information about filing a complaint from CSUN's Title IX Coordinator, campus law enforcement, University Counseling Center, Office of Student Housing, and the Klotz Student Health Center.

In light of revised system wide policies and legal requirements, CSUN expanded its training to include more specific definitions of the various forms of sexual violence, primary prevention and risk reduction tips, and bystander intervention education. Ongoing campus prevention and awareness programs are provided to the CSUN community throughout the year to include: a statement prohibiting new sexual violence Clery crimes; definition of the new sexual violence Clery crimes; definition of "consent" for sexual activity; options for bystander intervention; information on risk reduction; and applicable administrative and reporting procedures after a sexual violence Clery crime is reported. Awareness programs are those activities, events, and/or campaigns provided by the campus, which inform our community members of potential personal safety risks while providing risk reduction strategies. Risk reduction means options designed to decrease perpetration and

bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

The new freshmen class, incoming transfer students, and student clubs and organizations receive training focused on maintaining healthy relationships, establishing affirmative consent before engaging in sexual activity, the critical role of bystanders in intervening when they see potentially dangerous situations unfolding around them, preventing alcohol from clouding decision-making and other important issues, including how the University responds to reports of sexual violence. As part of New Student Orientation, students are asked to participate in “Classrooms and Community” sessions focused on student safety and well-being and in which they are made aware of CSUN’s policy prohibiting sexual harassment and sexual violence, support resources, and consequences for violations of the policy.

All matriculated undergraduate students (first-time freshmen, transfer, and graduate students) are required to complete mandatory online training on issues of sexual violence. The trainings are entitled “Not Anymore (full course)” or “Every Choice (refresher course)” which are video-based online programs educating students on sexual assault, dating and domestic violence, and stalking. As with any training tool, it is one of many important components of a campaign towards the elimination of sexual violence at CSUN.

All faculty and staff are required to take a similar training program entitled “Eliminate Campus Sexual Misconduct (CSU)” presented by the LawRoom organization through the CSU training portal. 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. Many interactions are based on real cases that teach important concepts to help create 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. The course content also helps postsecondary institutions comply with the employee training requirements of Title IX and the Campus Sexual Violence Elimination Act (Campus SaVE Act). This course also provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings.

In addition to providing in-person training, the Office of Equity and Diversity has distributed to students CSUN’s [Title IX Notice of Non-Discrimination, Rights and Options](#) brochures, and “Student Resources and Reporting Options for Sexual Violence and Relationship Abuse” pamphlets, which provide information on CSUN’s policy and procedures regarding sexual harassment, sexual violence, domestic violence, dating violence, and stalking; myths and facts about sexual violence, risk reduction tips, and confidential and non-confidential resources – both on and off campus. The New Student Handbook has also been updated to reflect the University’s response to incidents of sexual misconduct and includes resources for students.

CSUN also provides a range of programs and activities to students, which are organized directly by students.

Programs / Events included:

- **The Office of Equity and Diversity** - Susan Hua, Interim Chief Diversity Officer serves as the contact and can be reached at (818) 677-2077 / email [equityanddiversity@csun.edu](mailto:equityanddiversity@csun.edu) . In 2016, the Title IX office staff meet with students, staff, and faculty throughout the year presenting information on Sexual Misconduct, Prevention, and Response (includes Title IX and VAWA) as follows:
  - Pride Center – staff on 1/7, 12/3
  - Athletics – students 1/19, 1/21, 2/12, 2/15, 2/21, 10/24, 10/27, 11/7, 11/16
  - Tseng college – staff 2/16
  - Phi Kappa Psi – students 2/21
  - Beta Gamma Nu – students 3/7
  - Residential Life – staff 4/18, 5/23, 8/8, 8/11, 8/23
  - Health Sciences – students 5/6, 9/14, 10/14, 12/2, 12/6
  - Financial Aid – staff 5/11



- Student Affairs – students 7/7
  - Student Conduct – staff 8/19
  - University Counseling Services – students 8/24, 9/29
  - Matador Involvement Center – students – Geek 8/28
  - Delta Delta Delta – students sorority members 10/4
  - Undergraduate Studies – staff 10/11
  - USU – students sports clubs - 10/16
  - Associated students – students 11/14
  - AMC EOP – staff advisors 11/18
- **New Employee Welcome Orientation** – (NEWO) is held monthly. New employees are automatically signed up for attendance. To schedule orientation or confirm your participation, please contact Heather Kennedy in the Office of Human Resources at (818) 677-5168 or email heather.kennedy@csun.edu. Presented to staff on 4/27, 6/23, 8/26, 10/25, and 11/30.
  - **Project D.A.T.E.** - is a peer education, date or acquaintance rape prevention program sponsored by University Counseling Services and Strength United and can be reached at (818) 677-7723. Peer educators of Project D.A.T.E. make classroom presentations and met on 2/10, 3/14, 4/19, 4/21, and 9/14, that are designed to achieve the following:
    - ❖ Educate students of the psychological and cultural issues related to rape
    - ❖ Inform students of the legal and medical issues related to rape
    - ❖ Develop awareness of the issue of rape and ways to prevent rape
  - **MenCARE** - (Creating Attitudes for Rape-Free Environments), a part of Project DATE, is a campus-wide prevention program to end sexual violence through education, cultural change, and leadership development. As with Project DATE, MenCARE is a unique collaboration between Strength United, a center of the Michael D. Eisner College of Education sponsored by the Department of Educational Psychology and Counseling, and University Counseling Services. The centerpiece of Men CARE is peer education for men, by men, through small group discussion, workshops, and outreach events. Men CARE will be driven by male students from every aspect of the campus community including fraternities, athletics, residential advising, and cultural organizations. Objectives include increased awareness about rape and sexual assault, increases in knowledge about the effects of rape and sexual assault, decreases in tendencies towards engaging in behaviors that lead to rape and sexual assault, knowledge about where to receive help in response to a sexual assault, and positive attitudes towards promoting safety in interpersonal relationships. Contact via email: mencare@strengthunited.org or voicemail: (818) 933-9492. Presented on 4/7.
  - **Joint Advocates on Disordered Eating (JADE)** – University Counseling Services (UCS) is the sponsor of Joint Advocates on Disordered Eating (JADE), a peer education program dedicated to the awareness and prevention of eating disorders. Student peer educators receive extensive training in recognizing and articulating causes, symptoms, treatment and referral sources as they prepare to present this information to classes, clubs and organizations on the California State University, Northridge campus. In addition, they teach students how to help their friends and encourage body image acceptance. National Eating Disorder Awareness Week was promoted to promote health relationships with food, celebrate body, diversity, and ED recovery. Contact (818) 677-2366, Option 1 or email coun@csun.edu. For after hours, urgent care assistance (818) 677-2366, Option 3. Presented on 4/28.
  - **Los Angeles Police Department (LAPD)** – Quarterly Meeting Title IX Training - met on 12/15.

#### DEFINITIONS PER EXECUTIVE ORDERS 1095-1097

#### SEX DISCRIMINATION

An adverse action taken against an individual because of gender or sex (including Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking) as prohibited by Title IX; Title IV; VAWA/Campus SaVE Act; California

Education Code § 66250 et seq.; and/or California Government Code § 11135. See also Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act (Cal. Govt. Code § 12940 et seq.), and other applicable laws. Persons of all genders and gender identities can be victims of Sex Discrimination

## SEXUAL HARASSMENT

A form of Sex Discrimination, unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to sexual advances, requests for sexual favors, offering benefits or giving preferential treatment in exchange for sexual favors and any other conduct of a sexual nature where:

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

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<sup>1</sup> As mandated by the Clery Act's Violence Against Women Act (VAWA)/Campus SaVE Act, these policy definitions are derived from the local jurisdiction, and based on the California Penal Code, the California Family Code, and the California Evidence Code. In some instances, these definitions may differ slightly from the federal definitions set forth in the next section for mandatory crime statistic reporting. For reportable crime statistics, the Clery Act regulations mandate definitions from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Handbook.

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

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

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

## SEXUAL MISCONDUCT

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

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any

body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Persons of all genders can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

#### SEXUAL ASSAULT

A form of Sexual Misconduct, an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.

#### SEXUAL BATTERY

A form of Sexual Misconduct, any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex, as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification or abuse.

#### RAPE

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

#### ACQUAINTANCE RAPE

A form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met or; i.e., at a party, introduced through a friend, or a social networking website.

#### AFFIRMATIVE CONSENT

An informed, affirmative, conscious, voluntary, and mutually agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean consent. Affirmative Consent must be voluntary, and given without coercion. Force, threats, or intimidation.

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.
- Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep,

unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions,

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

## DOMESTIC VIOLENCE

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

## DATING VIOLENCE

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

## STALKING

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

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

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

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

Persons who have experienced Sexual Misconduct, including Rape, Dating Violence, Domestic Violence, or Stalking, are encouraged to seek immediate assistance from police and healthcare providers for their physical safety, emotional support and medical care. University or local police can escort victims to a safe place and transport them to a hospital for medical treatment, if needed. University police can also provide access to a Sexual Assault Victim Advocate. Victims who prefer not to notify the police, are strongly encouraged to seek assistance from the campus Title IX Coordinator and/or a Sexual Assault Victim Advocate or counselor who can provide information on options, rights and remedies.

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

The University's primary concern is the safety and well-being of every member of the campus community. The use of alcohol or drugs never makes the victim at fault. If a campus community member has experienced Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking they should not be deterred from reporting the incident out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies. Except in extreme circumstances, University students or employees who are victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking will not be subject to discipline.

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

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

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

#### PRIVILEGED AND CONFIDENTIAL REPORTS

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

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

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

#### EXCEPTIONS TO CONFIDENTIALITY

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

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

explain this limited exception to victims.

## REPORTING OPTIONS

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

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### CRIMINAL

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

### REPORTING TO THE POLICE

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As soon after the incident as possible, victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking are strongly encouraged to report the incident to the police. Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking may be reported to the University Police Department by dialing 911. The University Police will support all victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking regardless of their decision to seek criminal prosecution of the offender or not. Victims have the option to report anonymously to the police and the decision to seek criminal prosecution remains with the victim. University Police will protect the confidentiality of the victim to the extent permitted by applicable California State law.

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

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

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

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

## REPORTING TO A CSA

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

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

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## ADMINISTRATIVE

Victims may report to the campus Title IX Coordinator, who will provide written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident.

The Title IX Coordinator will also provide information regarding resources available to victims, as well as information regarding their rights and options. Contact information for the Title IX Coordinator is listed above.

## REPORTING TO A TITLE IX COORDINATOR OR RESPONSIBLE EMPLOYEE

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

Most University employees have a duty to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incidents when they are on notice of it. When a victim tells the Title IX Coordinator or another non-confidential University employee about a Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incident, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the University strongly encourages victims to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking directly to the campus Title IX Coordinator.

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



To the extent possible, information reported to the Title IX Coordinator or other University employees will be kept private and shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved in a Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incident except as otherwise required by law or University policy. A Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section on Privileged and Confidential Communications above, no University employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

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

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

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

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

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

Under California law, and pursuant to University policy, many University employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to

report the incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

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

#### NON-REPORTING

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

#### CIVIL LAWSUIT

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

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#### RESTRAINING ORDERS

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

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#### DISCIPLINARY PROCEDURES

The University has procedures that provide for an administrative investigation of reports of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking, and written findings based on the preponderance of the evidence standard, provided to the complainant and respondent. Both the complainant and respondent may appeal written findings to the CSU Chancellor's Office, as well as the ultimate sanction for violation of CSU policy in student misconduct cases. The procedure for CSU employees and third parties is separate from but similar to the procedure for CSU students.

When a student or employee reports to the University that the student or employee has been a victim of Sexual Misconduct, Dating Violence, Domestic Violence or Stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of their rights and options.

The investigation process from initial complaint to final result shall be prompt, fair, and impartial. The investigator will meet separately with the complainant and the respondent and other potential witnesses to gather information. The investigation shall be completed no later than 60 Working Days after the intake interview, unless the timeline has been extended. The timeline should not be extended for a period longer than an additional 30 Working Days from the original due date.

Before reaching a final conclusion or issuing a final investigation report, the Investigator shall have: a) advised the Parties, or have offered to do so, verbally or in writing, of any evidence upon which the findings will be based; and, b) given the Parties an opportunity to respond to the evidence, including presenting further relevant evidence, information or arguments that could

affect the outcome. The Investigator will not reach a final conclusion or issue an investigation report until giving careful consideration to any such relevant evidence, information or arguments provided by the Parties. The Investigator retains discretion and authority to determine relevance.

At the conclusion of the University's complaint and investigation procedure, any employee or student found to have violated University policy against Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking will be subject to discipline. For employees, discipline would be administered consistent with applicable collective bargaining agreements, University policies and legal requirements. For students, discipline would be administered in accordance with CSU Executive Order 1098 (discussed below). Victims are not required to participate in any University disciplinary and may choose not to be a part of it. Disciplinary procedures will:

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

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## COMPLAINT PROCEDURES

The CSU has adopted and published complaint procedures that provide for prompt, impartial, and equitable resolution of complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, including Rape and Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

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

## COMPLAINTS MADE BY STUDENTS

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Executive Order 1097, entitled "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Violence, Domestic Violence, Dating Violence, and Stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party. Executive Order 1097 can be viewed at <http://www.calstate.edu/EO/EO-1097-rev-10-5-16.html>

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

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

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

Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Sex Discrimination or Sexual Harassment, including Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking shall use the grievance procedure specified in their collective bargaining agreement. Executive Order 1096 can be viewed at <http://www.calstate.edu/eo/eo-1096-rev-6-23-15.html>

#### COMPLAINTS MADE BY STUDENT-EMPLOYEES

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Executive Order 1096 is the appropriate system-wide procedure for all complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, made by student-employees where the alleged Sex Discrimination, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking arose out of the person's status as an employee and not their status as a student. Executive Order 1096 can be viewed at <http://www.calstate.edu/eo/eo-1096-rev-6-23-15.html>

#### DISCIPLINARY PROCEDURE

The Title IX Coordinator (or designee) is responsible for investigating complaints of Gender Discrimination, Harassment and Retaliation, including Sex Discrimination and Sexual Harassment, as well as Complaints of Sexual Misconduct, Domestic and Dating Violence, and Stalking. (See Executive Orders 1095, 1096 and 1097.) In accordance with Executive Orders 1096 and 1097, the Title IX Coordinator investigates those complaints, determines whether the accused violated the applicable Executive Order(s), and prepares a report that includes findings of facts and conclusions about whether the applicable Executive Order was violated. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.

Where a complaint is made against a student and the applicable Executive Order is found to have been violated, the Title IX Coordinator shall also notify the Student Conduct Administrator of the investigation outcome and provide a copy of the investigation report.

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

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

Unless the Chancellor's Office notifies the campus that an appeal has been filed, investigative findings pursuant to Executive Orders 1096 or 1097 become final 11 working days after the date of the Notice of Investigation Outcome issued pursuant to those Executive Orders. If an appeal is filed, the investigative findings do not become final until the appeal has been exhausted

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#### APPEAL OF FINDING IN INVESTIGATION OUTCOME

Any complainant or respondent who is not satisfied with a campus investigation outcome may file an appeal with the Chancellor's Office (CO) within 10 working days after the date of the Notice of Investigation Outcome. The appeal is limited to one or more of the following issues: 1. The investigation outcome is unsupported by the evidence, based on the preponderance of the evidence standard; 2. Prejudicial procedural errors impacted the investigation outcome to such a degree that the investigation did not comply with the relevant Executive Order; or 3. New evidence not available at the time of the investigation. The CO shall respond within 30 working days. The CO appeal response is final

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#### STUDENT CONDUCT PROCEEDINGS

Where the investigative report finds a violation of Executive Order 1096 or 1097 and any appeal has been exhausted, the report is referred to the Student Conduct Administrator to initiate student conduct proceedings. The Student Conduct Administrator will offer to conduct pre-hearing conferences separately with the complainant and respondent to review information concerning the charges, interim remedies, proposed sanctions or range of sanctions, the nature of further proceedings, and possible disposition without hearing.

The Student Conduct Administrator shall, in consultation with and agreement from the Title IX Coordinator, determine which cases are appropriate for disposition without hearing, taking into consideration the investigation report and any additional information provided during any conferences. If a proposed resolution agreement can be reached, the terms shall be put in writing and signed by the student charged and the University (after a reasonable opportunity to consult with an advisor). Any proposed resolution may be appealed by the complainant and is not final until any such appeal is exhausted.

If not resolved, the Student Conduct Administrator will issue a Notice of Hearing and shall schedule the hearing promptly, but in any event no sooner than 10 working days after, and no later than 20 working days after, the date of the Notice of Hearing. The findings and conclusions of the investigations conducted in accordance with Executive Orders 1096 and 1097, once any appeals are exhausted, are final and binding. The hearing is limited to determining appropriate sanctions; the findings of the investigation are not under review.

The Hearing Officer controls the hearing. The Student Conduct Administrator and the student charged each put on the evidence in their case and may each ask questions of the witnesses in whatever manner the Hearing Officer deems appropriate. The Hearing Officer may ask questions of any witness, the student charged, the complainant, Student Conduct Administrator, or the Title IX Coordinator.

Questions may not be posed to complainants about their past sexual behaviors involving any persons other than the student charged. The Hearing Officer shall ask any questions of the complainant and other witnesses on behalf of the student charged (who shall give the Hearing Officer a written list of questions).

The investigation report and any Chancellor's Office Appeal Response prepared pursuant to Executive Orders 1096 or 1097 shall be entered into evidence at the hearing, redacted as appropriate to protect private (e.g. contact) information or as otherwise required by law. If the student charged fails to appear at the hearing without good cause, the hearing shall nevertheless proceed.

The Hearing Officer shall submit a written report to the president recommending sanctions, if any, as well as any

recommendations regarding additional remedies. The report shall include any mitigating or aggravating factors relied upon by the Hearing Officer in reaching the recommendations. The report shall be submitted within 10 working days after the hearing.

#### PRESIDENT'S SANCTION DECISION/NOTIFICATION

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The president shall review the investigative report and the Hearing Officer's report and issue a decision concerning the appropriate sanction. The president's decision letter shall be issued within 10 working days after receipt of the Hearing Officer's report. The president shall simultaneously send the decision electronically to the student charged and complainant(s).

Unless the Chancellor's Office notifies the campus that an appeal has been filed, the president's sanction decision becomes final 11 working days after the date of the decision letter.

#### STUDENT SANCTIONS

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

1. RESTITUTION.

Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.

2. LOSS OF FINANCIAL AID.

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

3. EDUCATIONAL AND REMEDIAL SANCTIONS.

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

4. DENIAL OF ACCESS TO CAMPUS OR PERSONS.

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

5. 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.

6. SUSPENSION

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

- a. 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.

- b. 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.
- c. Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the student's transcript permanently without exception; this requirement shall not be waived in connection with a resolution agreement.

## 7. 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.

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<sup>2</sup> A student is not considered to be in good standing for purposes of admission to the University while under a sanction of suspension or expulsion, or while admission or re-admission has been disqualified.

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### **MORE THAN ONE SANCTION MAY BE IMPOSED FOR A SINGLE VIOLATION.**

## OTHER CONSIDERATIONS RELATED TO SANCTIONS

### 1. ADMINISTRATIVE HOLD AND WITHOLDING A DEGREE

The University may place an administrative hold on registration transactions and release of records and transcripts of a student who has been sent written notice of a pending investigation or disciplinary case concerning that student, and may withhold awarding a degree otherwise earned until the completion of the process, including the completion of all sanctions imposed.

### 2. RECORD OF DISCIPLINE

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

### 3. INTERIM SUSPENSION

A president may impose an interim suspension pursuant to Title 5, California Code of Regulations section 41302 where there is reasonable cause to believe that separation of a student is necessary to protect the personal safety of persons within the University community or University property, and to ensure the maintenance of order.

An investigative finding of a violation of Executive Orders 1096 or 1097 standing alone may be sufficient to constitute reasonable cause to believe that an interim suspension is necessary to protect the personal safety of persons within the

University community or University property, and to ensure the maintenance of order.

#### 4. DENIAL OF PRESENCE ON CAMPUS DURING INTERIM SUSPENSION

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

#### 5. ADMISSION OR READMISSION

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

#### APPEAL OF PRESIDENT'S SANCTION

The complainant and student charged each may file an appeal of the president's decision of appropriate sanctions to the Chancellor's Office no later than 10 working days after the date of the president's decision letter. The complainant may also appeal any proposed sanctions agreed to as part of a proposed resolution agreement with the student charged.

Sanction appeals are limited to a determination as to whether the sanction is reasonable under the facts and circumstances as determined by the investigation and whether any prejudicial procedural errors occurred during the hearing. The Chancellor's Office appeal review will not involve a new investigation and will not consider evidence that was not introduced during the investigation or hearing. The record will be limited to the record at the hearing.

The Chancellor's Office shall issue a final appeal response no later than 10 working days after receipt of the written appeal.

#### REGISTERED SEX OFFENDERS

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

#### EMERGENCY NOTIFICATION

The University will issue emergency notifications, without delay, in response to a confirmed significant emergency or a dangerous situation, occurring in the Clery defined on campus geography that, in the judgment of the University, constitutes an immediate threat to the health or safety of members of the on-campus community.

Once UPD has received the report, the Chief of Police, (or management designee in the absence of the Chief), will confer with the appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency, if available, to confirm both: 1) an emergency or dangerous situation in fact exists in on-campus geography; and 2) the



emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community.

If both of the above factors are not met, no emergency notification will be issued.

If it is determined that both of the above factors are met, then an emergency notification will be issued to the community. The Chief of Police (or management designee in the absence of the Chief), will confer with the Clery Director if one is designated and if available, to prepare the content of the notification taking into account the safety of the on-campus community. They will also determine, based on the confirmed facts of the emergency, if the entire campus community or only a specific segment of the on campus community is threatened and need to be notified. Examples of emergencies where only a segment might be alerted would be a fire contained in a dorm laundry room where only the residents of that one dorm floor or of that one dorm building are at risk and need to evacuate, or a chemical spill in a lab where only the one room, floor, or the occupants of that one building are at risk and need to evacuate.

Once the notification is prepared, the Chief of Police or the Clery Director if one is designated, or in their absence, the management designee(s) 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.

Distribution methods of emergency notifications may include but are not limited to one or more of the following methods:

- The campus mass notification system, including but not limited to phone, campus email, or text messaging
- Audio/visual message boards
- Audible alarms/sirens
- Campus public address systems
- In person or door-to-door notifications in a building or residence halls
- Other means appropriate under the circumstances

Student 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 MYNORTHRIDGE PORTAL at <https://www.csun.edu/> or call the on campus Information Technology Office at 818-677-1400 for assistance.

The Chief of Police or the Clery Director if one is designated, or in their absence, the management designee(s) will provide follow-up notifications and information until the emergency is mitigated and no longer poses a threat.

If an emergency notification is issued, a timely warning will not be issued to the community for the same incident.

## MISSING STUDENT NOTIFICATION

Individuals having reason to believe that a student who resides in on-campus housing has been missing should immediately notify the CSUN Department of Police Services at 818-677-2111. CSUN Police will initiate an investigation in accordance with the department’s missing person policy and will undertake the emergency contact procedures as appropriate.

Missing student reports should be made directly to the Department of Police Services. However, these reports may also be made to the Residential Life Office in Pacific Willow Hall (Building 6) in the Department of Housing and Conference Services, or the Associate Vice President/Dean of Students in University Hall 310. If the missing person report is made to staff or organizations other than CSUN Police Services, the entity must contact Police Services immediately.

At the beginning of each academic year, CSUN will inform students residing in on-campus housing that CSUN will notify a parent, guardian or an individual selected by the student **not later than 24 hours after the time the student is determined to be missing**. This information will remain confidential only to be used during a missing person investigation by university officials who retain the information and it may not be disclosed except to law enforcement personnel in furtherance of an official missing person investigation. Information will include the following:

- Students have the option of annually identifying an individual to be contacted by CSUN when they sign up for a housing contract.
- If the student is under 18 years of age, and not an emancipated individual, CSUN is required to notify a custodial parent or guardian and any other designated contact within 24 hours after the time that the student is officially determined to be missing.
- When CSUN Police makes an official determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the Department of Police Services will initiate the emergency contact procedures in accordance with the student's confidential contact designation and will also notify local law enforcement that has jurisdiction in the area the student went missing. This will be done within 24 hours, regardless of whether or not the student had a confidential contact, is above the age of 18 or is an emancipated minor.

**POLICE SERVICES ACTIONS:**

The Department of Police Services has a law enforcement missing persons policy that is followed in all such cases. The department may release a photo of the missing student as a tool to assist in locating the individual and may seek information and/or assistance from a variety of campus resources during the course of the investigation.

**FIRE SAFETY ACT**

The 2017 Fire Safety Act Report is available at the following link:

<http://www.csun.edu/sites/default/files/Clery%20Fire%20Report%20-%20Fall%202017.pdf>