



California State University, Monterey Bay



2020

Annual Security Report

Jeanne Clery Disclosure of Campus Security Policies & Campus Crime
Statistics Act (20 U.S.C. § 1092(f))

Clery Crime Statistics 2017-2019

Seaside Campus

Salinas Campus

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California State University, Monterey Bay

Annual Security Report

Message from the President



As an important part of our responsibility to keep the campus community informed and safe, each year Cal State Monterey Bay publishes the Annual Security Report.

I encourage you to read this year's report. It includes statistics regarding crimes committed on and around our campus, as well as important information about crime reporting, crime prevention, victims' rights, and information campaigns. We are focused on raising awareness of how we can create and maintain a supportive campus community.

Our campus administrators – including the University Police Department, Student Housing and Residential Life, the offices overseeing Clery Act compliance and Title IX enforcement and others – work hard to maintain open lines of communication with students, faculty, and staff.

We all share in the task of maintaining a safe campus. Each of us needs to look out for one another, to be alert for potentially unsafe situations, to help prevent crimes before they happen.

I encourage all of you to familiarize yourselves with the resources that are outlined in this report. Working together, we can help keep Cal State Monterey Bay a great place for us all to live, work and learn.

Preparing the ASR

The Cal State Monterey Bay Clery Compliance Office compiles this institutional report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (the Clery Act or the Act), and is a disclosure for the three most recent calendar years concerning the number of specific crimes that occurred on or within the institution's Clery geography. This report is a collaborative and comprehensive effort that includes the cooperation of departments from all divisions within the institution, individuals designated as "Campus Security Authorities" (CSA) under the Clery Act, and local law enforcement agencies with concurrent jurisdiction over the University's Clery geography. Each entity is asked to provide crime statistics and/or information on their educational efforts and programs to comply with the Act.

It's important for readers to know that the Salinas campus, better known as CSUMB at North Salinas, operates under the same institutional policies as the Seaside campus, better known as CSUMB. However, Salinas Police Department is the primary jurisdiction for CSUMB at North Salinas. Preparing this report included identifying any operational distinctions between the campuses.

The policies and procedures within this report are current as of the publication, as the University recognizes this document is an immediate reference to possible current inquiries; however, the statistical data, as previously mentioned, is for the three previous calendar years.

All students and employees receive annual notice by University-wide email that informs them of the Annual Security Report, a brief description of its contents, information regarding the availability of the report on the campus website, the electronic address to access the report, and a statement on how to obtain a paper copy, if desired. Additionally, similar notices are provided to prospective students and employees on the Admissions and University Personnel¹ web pages, respectively.

For more information, see California State University Executive Order (EO) 1107.²

Compiling Crime Statistics

Under the purposes of the Clery Act, counting and disclosing Criminal Offense, Hate Crime, arrest and disciplinary referral statistics are based on definitions³ provided by the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program:

- i. The definitions for *Murder/Non-negligent Manslaughter, Manslaughter by Negligence, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Weapons: Carrying, Possessing, Etc., Law Violations, Drug Abuse Violations, and Liquor Law Violations* are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program.
- ii. The definitions for *Fondling, Incest, and Statutory Rape* are excerpted from the "National Incident-Based, Reporting System (NIBRS) User Manual" from the FBI's UCR Program.
- iii. The definitions for *Larceny-Theft (except Motor Vehicle Theft), Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property* are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.

Under the Clery Act, the following categories are counted and disclosed based on the definitions provided by the *Violence Against Women Act of 1994* and repeated in the Department of Education's Clery Act regulations:

- iv. The definitions for *Dating Violence, Domestic Violence, and Stalking* are from the Department of Education's Clery Act implementing regulations at 34 C.F.R. § 668.46.

The statistics provide an overall picture of crime at CSUMB and CSUMB at North Salinas from January 1 to December 31 for 2017, 2018, and 2019.

Crime statistics are collected annually from law enforcement agencies with concurrent law enforcement jurisdiction(s) surrounding CSUMB and CSUMB at North Salinas, and off-site properties or facilities owned or controlled by either campus.⁴ These law enforcement agencies provide crime statistics they have collected for crimes occurring on on-campus properties or public property immediately adjacent to CSUMB or CSUMB at North Salinas's properties or facilities. The University does not have any off-campus properties owned by student organizations.⁵

¹ University Personnel, formerly known as Human Resources at Cal State Monterey Bay, and refers to the department when capitalized.

² <https://www2.calstate.edu/policies>

³ For a full list of definitions, visit csumb.edu/clery.

⁴ Including but not limited to Marina Police Department, Seaside Police Department, Presidio of Monterey Police Department, Monterey County Sheriff's Office, California Highway Patrol, and Salinas Police Department.

⁵ Non-campus locations are defined as (1) any building or property owned or controlled by a student organization that is officially recognized by CSUMB or CSUMB at North Salinas; or (2) any building or property owned or controlled by CSUMB or CSUMB at North Salinas that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the campus. Although no University recognized student organization owns any

Statistics regarding specific violations of law resulting in student disciplinary actions are collected from but not limited to the offices of Title IX/Discrimination, Harassment & Retaliation Administration (Title IX/DHR), Student Housing & Residential Life, and Student Conduct. Clery Act statistics are also collected from individuals with significant responsibility for students and/or their student activities.

Crime statistics are separated by the following geographical areas:

- On-campus;
- On-campus residential housing facilities⁶;
- On public property (within and immediately adjacent to CSUMB or CSUMB at North Salinas);
- In or on non-campus property (either owned or controlled by CSUMB or CSUMB at North Salinas in direct support of or in relation to its educational purposes; or a building or property owned or controlled by an officially recognized student organization not reasonably contiguous to the core campus)

The following information is important when reviewing CSUMB and CSUMB at North Salinas' crime data.

Counting Hierarchy

When counting multiple offenses in a single incident, Cal State Monterey Bay used the FBI's UCR Hierarchy Rule. Under this rule, when more than one Criminal Offense was committed during a single incident, Cal State Monterey Bay only counted the most serious offense. A single incident means that the offenses were committed at the same time and place. That is, the time interval between the offenses and the distance between the locations where they occurred were insignificant.

Beginning with the most serious offense, the following list shows the hierarchy for Clery Act reporting:

- Murder and Non-negligent Manslaughter
- Manslaughter by Negligence
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft

off-campus properties, student organizations can control properties. For more information, see the section titled "Criminal Activity at Non-campus Locations of Student Organizations."

⁶ CSUMB has a residential community that operates three apartment communities: Frederick Park I, Frederick Park II and Schoonover Park. Frederick Parks I and II are advertised and operated for student housing, whereas Schoonover Park typically houses Cal State Monterey Bay faculty and staff and educational partners. Although these are considered 'East Campus' by students, faculty and staff; for statistical purposes, each community is considered on-campus since they are operated by the University and are within the same reasonably contiguous geographic area as the Seaside campus. Frederick Parks I and II have always been included in the Residential Facilities category. However, Schoonover may or may not be included in the student housing disclosure for any given year. As such, if a student lived in Schoonover Park during a calendar year, Clery-reportable crimes that occurred in any building structure that housed a student, whether or not it involved a student, have been included. Any crimes that occurred in Schoonover Park that did not occur in a building structure that housed a Cal State Monterey Bay student was only included in the on-campus geographical category.

There are exceptions to using the Hierarchy Rule when counting offenses. They apply to Arson, Sexual Assaults, Hate Crimes and Violence Against Women Act (VAWA) Offenses.⁷ When applying these exceptions, Cal State Monterey Bay must:

- Always count Arson regardless of the nature of any other offenses that were committed during the same incident. When multiple offenses are committed during the same distinct operation as the Arson offense, report the most serious offense along with the Arson.
- Include incidents in which persons are killed as a direct result of Arson as Murder and Non-negligent Manslaughter and Arson or Manslaughter by Negligence and Arson.
- Include a Sexual Assault as Fondling only if it is the only Sexual Assault.
- Count both the Sexual Assault and the Murder if Rape, Fondling, Incest or Statutory Rape occurs in the same incident as Murder.

The Hierarchy Rule does not apply to Hate Crimes. Cal State Monterey Bay must count all of the offenses committed in a multiple offense incident that are bias-motivated, and include only the crimes that are bias-motivated as Hate Crimes in a multiple-offense incident. For any Criminal Offense that is also a Hate Crime, statistics will indicate the offense and also the offense with the category of bias. For example, if an Aggravated Assault is a Hate Crime, Cal State Monterey Bay will include one Aggravated Assault in the statistics in the Criminal Offenses category and one Aggravated Assault motivated by (category of bias) in the Hate Crime category. The exception is when the Aggravated Assault is not included in the Criminal Offenses category because of the Hierarchy Rule. For example, for a single incident involving both a Rape and an Aggravated Assault that were both Hate Crimes, Cal State Monterey Bay's statistics would include only the Rape in the Criminal Offenses category and both the Rape and the Aggravated Assault in the Hate Crimes category.

The Hierarchy Rule does not apply to VAWA Offenses (i.e., Dating Violence, Domestic Violence, and Stalking). For any Criminal Offense, Hate Crime, or arrest for Weapons, Drug or Liquor Law Violations that is also a VAWA Offense, statistics reflect the original offense and the VAWA Offense.

Unfounded Crimes

In accordance with 34 C.F.R. § 668.46, Cal State Monterey Bay may only exclude a reported crime from an upcoming annual security report, or remove a reported crime from its previously reported statistics, after a full investigation by sworn or commissioned law enforcement personnel have made a formal determination that the report was false or baseless and the crime report was therefore "unfounded." This does not include a District Attorney who is sworn or commissioned. A Campus Security Authority who is not a sworn or commissioned law enforcement authority cannot "unfound" a crime report either. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with law enforcement or the prosecution, or the failure to make an arrest does not "unfound" a crime. The findings of a coroner, court, jury (either grand or petit), or prosecutor do not "unfound" crime reports of offenses or attempts. Crime reports can be properly determined to be false only if the evidence from full investigation establishes the crime reported was not, in fact, completed or attempted in any manner. Crime reports can only be determined to be baseless if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place. A case cannot be designated "unfounded" if no investigation was conducted by sworn law enforcement personnel or the investigation

⁷ These offenses are Dating Violence, Domestic Violence, and Stalking. Also include is Sexual Assault. Sexual Assault is included by the FBI through the criminal offenses of Rape, Fondling, Statutory Rape, and Incest. The name VAWA is delegated per federal law (Title IV, sec. 40001-40703 of the *Violent Crime Control and Law Enforcement Act*, H.R. 3355); however, reports of this nature are taken regardless of the victim's gender or identity.

was not completed, nor can it be designated “unfounded” merely because the investigation failed to prove the crime occurred; this would be an inconclusive or unsubstantiated investigation.

If a crime is “unfounded”, it will not be included in the Clery Act statistics for the associated crime category, and is removed from any previously reported statistics for that crime category. The “unfounded” crime is included in the total count of “unfounded” crimes for the year in which the crime was originally reported.

Crime statistics concerning this campus and others can also be found on the U.S. Department of Education website.⁸

⁸ <https://ope.ed.gov/campussafety/#/>

Clery Crime Statistics 2017 – 2019: CSUMB (Seaside Campus) *

*Campus Residential crime statistics are an inclusive subset of On-Campus crime statistics. Therefore, the numbers reported in the Campus Residential column must be equal to or lesser than the numbers reported in the On-Campus column and are not added together to reach a total.

Statistics were requested from law enforcement as appropriate. Only the data available in a usable format for Clery reporting was included.

Offense	Year	On-Campus	Campus Residential	Non-Campus Property	Public Property
Murder and Non-Negligent Manslaughter	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Manslaughter by Negligence	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Rape	2017	13	13	0	0
	2018	9	5	0	0
	2019	13	13	2	0
Fondling	2017	9	9	0	0
	2018	4	3	0	0
	2019	3	2	0	0
Incest	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Statutory Rape	2017	1	1	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Robbery	2017	1	1	1	0
	2018	0	0	1	0
	2019	1	0	0	0
Aggravated Assault	2017	6	4	0	0
	2018	5	4	1	0
	2019	10	6	1	0
Burglary	2017	11	5	0	0
	2018	7	4	0	0
	2019	10	6	2	0
Motor Vehicle Theft	2017	1	0	0	0
	2018	1	0	0	0
	2019	1	0	1	0
Arson	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0

Offense	Year	On-Campus	Campus Residential	Non-Campus Property	Public Property
Dating Violence**	2017	0	0	0	0
	2018	0	0	0	0
	2019	0	0	0	0
Domestic Violence**	2017	23	12	0	0
	2018	30	18	0	0
	2019	44	40	0	0
Stalking	2017	10	4	0	0
	2018	12	2	0	0
	2019	21	13	0	0

Offense	Year	On-Campus	Campus Residential	Non-Campus Property	Public Property
Liquor Law Arrests	2017	0	0	0	0
	2018	1	0	0	0
	2019	1	0	0	0
Liquor Law Referrals for Disciplinary Action	2017	48	48	0	0
	2018	20	19	0	0
	2019	39	39	0	0
Drug Law Arrests	2017	10	1	0	0
	2018	14	9	0	0
	2019	17	1	14	1
Drug Law Referrals	2017	16	16	0	0
	2018	7	7	0	0
	2019	22	18	0	0
Weapons Law Arrests	2017	3	2	0	0
	2018	4	0	0	0
	2019	7	1	2	0
Weapons Law Referrals for Disciplinary Action	2017	3	2	0	0
	2018	1	1	0	0
	2019	2	2	0	0

Offense	Year	Total
Unfounded Crimes	2017	1
	2018	3
	2019	3

** For 2017, the Dating Violence statistics were changed from 2 On-Campus and 2 Campus Residential to 0 On-Campus and 0 Campus Residential and the Domestic Violence statistics were changed from 17 On-Campus and 10 Campus Residential to 23 On-Campus and 12 Campus Residential because in California, Family Safety Code 6211(c) includes dating or engagement relationships and 6211(f) includes abuse between persons related by consanguinity or affinity within the second degree. Change made 10/15/2020. For 2018, the Dating Violence statistics were changed from 3 On-Campus and 2 Campus Residential to 0 On-Campus and 0 Campus Residential and the Domestic Violence statistics were changed from 25 On-Campus and 15 Campus Residential to 30 On-Campus and 18 Campus Residential because in California, Family Safety Code 6211(c) includes dating or engagement relationships and 6211(f) includes abuse between persons related by consanguinity or affinity within the second degree. Change made 10/15/2020.

Hate Crimes – Seaside Campus

2017 and 2018 – There were no reported hate crimes.

2019 – One on-campus/on-campus student residential Simple Assault incident characterized by religious bias.

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

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

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

Clery Crime Statistics 2019: CSUMB at North Salinas (Salinas Campus) *

*CSUMB at North Salinas changed from a non-campus property to a separate campus in 2019. Any Clery-reportable crimes that occurred there in 2017 or 2018 are included in the Non-Campus Property category of the Seaside campus disclosures. CSUMB at North Salinas does not have any on-campus student housing or non-campus property. The columns have been omitted from the statistical chart as permitted.

Statistics were requested from law enforcement as appropriate. Only the data available in a usable format for Clery reporting was included.

Offense	Year	On-Campus	Public Property
Murder and Non- Negligent Manslaughter	2019	0	0
Manslaughter by Negligence	2019	0	0
Rape	2019	0	0
Fondling	2019	0	0
Incest	2019	0	0
Statutory Rape	2019	0	0
Robbery	2019	0	0
Aggravated Assault	2019	0	0
Burglary	2019	0	0
Motor Vehicle Theft	2019	0	0
Arson	2019	0	0

Offense	Year	On-Campus	Public Property
Dating Violence			
	2019	0	0
Domestic Violence			
	2019	0	0
Stalking			
	2019	0	0

Offense	Year	On-Campus	Public Property
Liquor Law Arrests			
	2019	0	0
Liquor Law Referrals for Disciplinary Action			
	2019	0	0
Drug Law Arrests			
	2019	0	0
Drug Law Referrals			
	2019	0	0
Weapons Law Arrests			
	2019	0	0
Weapons Law Referrals for Disciplinary Action			
	2019	0	0

Offense	Year	Total
Unfounded Crimes		
	2019	0

Hate Crimes – Salinas Campus

2017, 2018, and 2019 – There were no reported hate crimes.

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

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

Hate crime reporting is considered for all Clery geography pertaining to CSUMB at North Salinas and only includes on-campus and public property.

Reporting Criminal Actions & Emergencies

Each member of the University community has the obligation to report threats or acts of violence to the appropriate University authority. Cal State Monterey Bay will strive to prevent threats and acts of violence through coordinated services for students, faculty, and staff. The University will work to prevent violence from occurring through training, education, awareness, and reporting. When violence or threats of violence have occurred, the University will act promptly to protect victims, potential victims, and witnesses from further threats or acts of violence. The University will work closely with reporters of alleged threats or acts of violence to address concerns of retaliation. Individuals should report acts of violence, threats of violence, or any other behavior which by intent, act, or outcome harms another person by calling 911 in an emergency situation.

When appropriate, criminal investigations will be referred to the Office of the Monterey County District Attorney for prosecution. Criminal matters and other forms of misconduct involving Cal State Monterey Bay students, employees, and residents may also be referred to the appropriate University administrator for administrative review/conduct process. The University encourages the complete, accurate, and prompt reporting of all crimes to UPD or the appropriate law enforcement agency when a victim elects to, or is unable to, because such a report is essential for successful investigation and prosecution. Prompt action can prevent the perpetrator from committing additional crimes.

CSUMB (Seaside Campus)

If no immediate threat exists, individuals should contact the University Police Department. Regarding student matters, the Office of the Vice President for Student Affairs and Enrollment Services should be contacted in addition to the University Police Department.⁹

The University Police Department (UPD), similar to other police agencies, provides 24-hour law enforcement service, throughout the entire calendar year, including all holidays. For all non-emergencies and regular business, call Police Dispatch at 831-655-0268. Students residing in on-campus housing may also report non-emergency crimes to the on-duty Resident Advisor (RA) or Residential Life Coordinator (RLC). In-progress suspicious or criminal acts and all police, fire,¹⁰ or medical emergencies should be reported directly to UPD by dialing 9-1-1 or by pushing the button on a “blue light” campus emergency phone. There are over sixty blue-light campus emergency phones¹¹ strategically located throughout the Seaside campus. Classroom and office phones may be used to dial 9-1-1 in the event of an emergency. When calling in emergencies, be prepared to provide the police dispatcher with your name, telephone number, the nature of the emergency, and location, as well as any pertinent information regarding the emergency (such as suspect and vehicle description, direction of travel, nature of the medical emergency needing assistance, etc.). Always stay on the line until the dispatcher ends the call.

The following are University off-site properties. In the event you need to report a non-emergency, please call the number listed. It will direct you to the police agency with primary jurisdiction.

Soledad Street Community Learning Center, Salinas PD	831-758-7321
CSUMB at Salinas City Center, Salinas PD	831-758-7321
CSUMB at Ryan Ranch, Monterey PD	831-646-3830

⁹ For the University's *Policy on Campus Violence* full content, see <https://csumb.edu/policy/policy-campus-violence>.

¹⁰ For more information on how to report on-campus fires and fire safety, please see the [Fire Safety Report](#).

¹¹ Blue-light phones and emergency call boxes are tested monthly, and if one is not working, it is immediately repaired or replaced.

Criminal complaints and other investigations made directly to UPD will be handled by UPD personnel, and if appropriate and applicable, may include assistance from an outside agency upon request from UPD.

CSUMB at North Salinas (Salinas Campus)

If no immediate threat exists and a Cal State Monterey Bay student or employee is located at CSUMB at North Salinas at the time of the report, individuals should contact the Salinas Police Department. Salinas PD will serve as initial responders to all calls for service to CSUMB at North Salinas. Salinas PD provides 24-hour law enforcement service, throughout the entire calendar year, including all holidays. For all non-emergencies and regular business, dial 831-758-7321 or 831-775-4222 to leave non-emergency crime tips on a voicemail recording. All emergencies should be reported by dialing 9-1-1. When calling in emergencies, be prepared to provide the police dispatcher with your name, telephone number, the nature of the emergency, and location, as well as any pertinent information regarding the emergency (such as suspect and vehicle description, direction of travel, nature of the medical emergency needing assistance, etc.). Always stay on the line until the dispatcher ends the call.

To a Campus Security Authority

The University encourages all members of the campus community to contact the University Police Department (UPD) when they have been the victim of or have witnessed criminal actions.¹² Still, members of the campus community may notify one of the other Campus Security Authorities about a crime. The Clery Act requires certain individuals that are designated as Campus Security Authorities (CSAs) to promptly report allegations of Clery qualifying crimes that occur within a campus' Clery Geography reported to them for inclusion in the ASR and to help inform whether a timely warning or emergency notification to the campus community is warranted.

A CSA is defined as "An official of an institution who has significant responsibility for student and campus activities, including by not limited to, student housing, student discipline, and campus judicial procedures." Individuals may be designated as CSAs if their official job responsibilities involve significant interaction with students and or campus/activities, serve as formal or unofficial mentors to students, serve as a member in an office or of a committee to whom students are instructed or informed to report or discuss crimes, allegations, or crimes and other troubling situations; or have oversight for disciplinary procedures.

At CSUMB, in addition to UPD officers, Campus Security Authorities include, but are not limited to, the Director of Student Housing & Residential Life, CDs, RAs, directors and Athletics coaches, faculty student organization advisors, the Associate Vice President for Student Affairs and Dean of Students, and the Title IX Coordinator. At CSUMB at North Salinas, CSAs include the Director for Events & Contracted Services with University Corporation and the Master of Science Physician Assistant Professor Program Director. For a full listing of CSA-qualified positions, see csumb.edu/csa. For contact information regarding personnel in these various positions, visit the University's Directory at csumb.edu/directory.

University reporting offices, mandated and confidential alike, share resources to encourage victims of crime to report to the structure they feel is best for them. Confidential resources also encourage reporting parties to report crimes to UPD.

¹² CSU Executive Order 1107.

Voluntary Confidential Reporting

Cal State Monterey Bay provides voluntary confidential reporting options through the University Police Department, through pastoral and professional counselors acting in that capacity for the institution, and through the Campus Advocate. All confidential exempt sources (including pastoral and professional counselors) are encouraged to inform individuals they are counseling of all options (including anonymous reporting) and support resources for reporting crimes on campus for administrative or criminal investigation and action. Should you want to make a report confidentially through UPD, you can make a request. However, any request for confidentiality is honored to the extent permitted by law. It is the University's responsibility to weigh any request for confidentiality against its duty to provide a safe environment for all members of the campus community.

Pursuant to California Education Code section 67380(a)(6)(A), CSAs¹³ who receive reports from employees or students of a Part I violent crime, sexual assault or hate crime that occurred in an on or non-campus location, as defined by the Clery Act, may not disclose to UPD or local law enforcement agencies the names of the victims or the alleged assailant, unless the victim consents to disclosing their name after being informed of their right to have their personally identifying information withheld. The name of the alleged assailant may be disclosed, however, if all of the following conditions are met:

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

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

Anonymous Reporting CSUMB (Seaside Campus)

You may also consider making an anonymous report directly with the University Police Department (UPD). Victims or witnesses who wish to inform UPD of crimes on a voluntary, anonymous basis for inclusion in the annual disclosure of crime statistics may do so by calling the Tip Line at 831-582-4747, by calling UPD Criminal Investigations at 831-582-4705, or by filling out an anonymous tip online at csumb.edu/police. The purpose of an anonymous report is to comply with your wish of not having personally identifiable information included while taking steps to ensure your future safety and the safety of others. With such information, CSUMB can keep an accurate record of the number of incidents involving students, employees, and visitors, determine whether there is a pattern of crime with regard to a particular location, methods, or assailant, and alert the campus community to potential dangers. Complaints filed in this manner may be counted and disclosed in the Annual Security Report.

¹³ Per the Clery Act, these CSAs include most non-law enforcement and campus safety officers. Under Title IX, these include individuals who are not professional or pastoral counselors, but work or volunteer in on-campus sexual assault centers, victim advocacy offices, women's centers, or health centers, including front desk staff and students, and provide assistance to students who experience sexual violence. For additional information, see the [White House Task Force to Protect Students from Sexual Assault Intersection of Title IX and the Clery Act document](#).

CSUMB at North Salinas (Salinas Campus)

If you are at the Salinas campus at the time of an incident, you may consider making an anonymous report directly to Salinas Police Department by calling their anonymous tip line at (831) 775-4222 or by completing a Crime Tip form: https://www.salinaspd.com/report_a_problem.

You may also consider making an anonymous report directly with UPD. Victims or witnesses who wish to inform UPD of crimes on a voluntary, anonymous basis for inclusion in the annual disclosure of crime statistics may do so by calling the Tip Line at 831-582-4747, by calling UPD Criminal Investigations at 831-582-4705, or by filling out an anonymous tip online at csumb.edu/police. The purpose of an anonymous report is to comply with your wish of not having personally identifiable information included while taking steps to ensure your future safety and the safety of others. With such information, CSUMB can keep an accurate record of the number of incidents involving students, employees, and visitors, determine whether there is a pattern of crime with regard to a particular location, methods, or assailant, and alert the campus community to potential dangers. Complaints filed in this manner may be counted and disclosed in the Annual Security Report.

Timely Warnings

Cal State Monterey Bay will issue a timely warning as soon as pertinent information is available when a Clery reportable crime is reported to the University Police Department (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 a serious 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 above 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 titled be “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; and
- 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.

Disciplinary Proceeding Results for Violent Crime or Non-Forcible Sex Offenders

Cal State Monterey Bay will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such a victim shall be treated as the alleged victim. Cal State Monterey Bay is obligated to meet this requirement under the Higher Education Opportunity Act (HEOA) Sec. 493(a)(1)(A) as an institution that participates in U.S. federal student financial aid programs.

Security of and Access to Campus Facilities – CSUMB (Seaside Campus)

The following policy and practices for security of and access to campus facilities are specific to the time when the University is under limited operation during the coronavirus international pandemic (COVID-19).

The University Police Department (UPD) provides special access to facilities with prior approval from their manager and proper identification to minimize contamination. Authorized persons having difficulty gaining access to an area or needing assistance securing a building or room should contact UPD at 831-655-0268. Keys and keyless access via electronic access cards are administered by Facilities Services and Operations at 831-582-3700. Persons in unauthorized possession of CSUMB keys or electronic access cards are in violation of the California Penal Code § 469.

University grounds are closed to the public. These temporary restrictions are enforced by UPD.

Normal office hours are Monday - Friday, 8:00 am until 5:00 pm but are incumbent upon the offices, departments and services within and are limited to essential employees only. It is recommended the public email or call offices or persons for assistance. Any student or employee who remains on-campus should adhere to the building closures and hours of operation. Employees who are teleworking during COVID-19 should contact their immediate supervisor for approval before arriving on campus. For information about University Bookstore and Dining Services, the community should go to the COVID-10 banner located on the University home page.

UPD continues to patrol campus grounds and buildings to monitor security conditions and respond to emergencies. However, many parts of the campus will be sparsely populated and students should exercise extra safety precautions while on campus, including requesting escorts from Night Walk Services by calling 831-655-0268. When necessary, UPD makes recommendations concerning the maintenance of campus buildings as they relate to security issues. The recommendations could include, but are not limited to:

- Trimming ground cover, bushes, and trees to provide a greater visibility.
- Repairing and replacing inoperative or vandalized lighting fixtures, windows, doors locks and security hardware.

Of note, there are over 400 security cameras currently deployed throughout the CSUMB campus, including inside campus facilities.

Student Housing

Housing staff and sworn UPD officers patrol student housing facilities as part of their regular duty functions, noting deficiencies, reporting concerns, and responding to incidents.

To maintain rigorous safety measures for the protection of all students, faculty, and staff, on-campus student housing is limited to East Campus only. Residence halls which remain open and operational do so with mandated social distancing. Resident Advisors and professional staff are on duty at all times. Residential Life live-in professional staff continue to be available for assistance and support of students.

Main Campus Housing is closed.

Students living in East Campus (Frederick Parks I and II) apartments have hard-keyed front doors, each with its own entryway. Each student receives four keys, one for the front entrance, one for their individual room and additional keys to the garage and mailbox. The room is keyed differently from the front door.

Providing access to buildings, or rooms within buildings, to those other than residents, staff, or invited guests by any means including, but not limited to: failing to lock or secure doors; propping entrance doors open; lending of room key; or allowing a person entrance into a building and leaving them unattended is not permitted. Students whose licenses have been revoked are not allowed access to any residential facility.

Unauthorized use, possession, provision, or duplication of access key/cards is prohibited, including having duplicate keys made for individuals who are not listed on the License Agreement. East Campus residents are required to notify Student Housing on the Main Campus and the Greystar Property Management Company for East Campus, within 24-hours. In either situation, the student is responsible for any fees that accompany a re-key of the room/apartment, and/or replacement of the temporary ID card.

To review the Student Housing & Residential Life (SHRL) Community Standards in full, visit <https://csumb.edu/housing/student-housing-residential-life-community-standards>.

Security of and Access to Campus Facilities – CSUMB at North Salinas (Salinas Campus)

The following policy and practices for security of and access to campus facilities are specific to the time when the University is under limited operation during the coronavirus international pandemic (COVID-19).

The CSUMB at North Salinas campus is located at 1450 North Main Street, Salinas, CA 93906. The building is closed to personnel and the public. Courses are held and the building's staff are working virtually.

Law Enforcement Authority – CSUMB (Seaside Campus)

The University Police Department (UPD) headquarters is located at 100 Campus Center, Valley Hall, Suite F. UPD is a fully certified and accredited law enforcement agency and not a branch of any other law enforcement agency. UPD employs sworn peace officers who are vested with full arrest authority in the State of California, pursuant to California Penal Code, Section 830.2(c) and Education Code, Section 89560. The police officers' arrest authority may extend to any place within the State of California and maintain primary law enforcement jurisdiction for all crimes occurring in or on all properties owned and operated by the University. UPD Police officers meet all the requirements specified by the California Peace Officer Standards and Training (POST) Commission, which are mandated for all sworn California law enforcement officers. Law enforcement duties and responsibilities of UPD police officers mirror those of municipal and county law enforcement agencies in your home communities.

UPD shares concurrent law enforcement jurisdiction on all adjacent public streets, areas, and in communities surrounding CSUMB properties. UPD patrol jurisdiction extends one mile beyond the exterior boundaries of the core campus and in or about other grounds owned, operated, controlled, or administered by the University pursuant to Section 830.2 of the California Penal Code and Section 89560 of the California Education Code.

UPD maintains operational agreement/memoranda of understanding (MOU) with the Monterey County Sheriff's Office that comply with California's *Kristin Smart campus Safety Act and Higher Education Opportunity Act* in regard to sharing information and the investigation of Part I crimes. The intent of these agreements is to clarify and affix responsibility for providing police service for the campus, as defined by Cal. Education Code section 67381. UPD will be responsible for reporting and investigating all crime on campus, including Part I crimes. The Monterey County Sheriff's Office may be the primary investigating law enforcement agency for all homicides occurring on campus. This does not preclude UPD from requesting assistance on any investigation, as appropriate. Both agencies will continue to provide mutual aid assistance as appropriate, when requested. Further, each agency assumes responsibility for preparing the appropriate reports for the FBI UCR.

UPD also adheres to the Monterey County Chief Law Enforcement Officers' Association protocols that encourage prompt law enforcement response and collaboration in incidents requiring inter-agency law enforcement collaboration. These agreements include the Implementation and Deployment of a Regional Police Special Response Unit (SRU) Consisting of Special Weapons & Tactics, Tactical Medicine and Crisis Negotiation Team Components among the cities of Seaside, Marina, Monterey, Pacific Grove, Sand City, Del Rey Oaks, Carmel and Cal State Monterey Bay, and the Peninsula Regional Violence Narcotics Team MOU. For the latter, those same agencies, in addition to the California Highway Patrol and County of Monterey Office of the District Attorney, entered into the MOU as a participating agency that has made a commitment of resources and personnel as they relate to the Peninsula Regional Violence and Narcotics Team ("Task Force").

Law Enforcement Authority – CSUMB at North Salinas (Salinas Campus)

Salinas Police Department is located at 222 Lincoln Avenue, Salinas, CA 93901. The Department seeks to provide ongoing training and encourages all personnel to participate in advanced training and formal education on a continual basis. Training is provided within the confines of funding, requirements of a given assignment, staffing levels, and legal mandates. Whenever possible, the department will use courses certified by the California Commission on Peace Officer Standards and Training (POST).

Salinas Police Department's mission is to work in partnership with the people of Salinas to enhance the quality of life through the delivery of professional, superior and compassionate police services to the community. Sworn members of the

department are authorized to exercise peace officer powers pursuant to applicable law (Penal Code §830.1 et seq.), and the arrest authority within the jurisdiction of the Salinas Police Department includes Penal Code §830.1 and Penal Code §836. Sworn members of the department who enter the state of Oregon in order to provide or attempt to provide law enforcement assistance have Oregon peace officer authority within 50 miles from the California-Oregon border (ORS 133.405). Such authority shall only apply when officers are acting: (a) In response to a request for law enforcement assistance initiated by an Oregon sheriff, constable, marshal, municipal police officer or member of the Oregon State Police. (b) In response to a reasonable belief that emergency law enforcement assistance is necessary to preserve life, and circumstances make it impractical for Oregon law enforcement officials to formally request assistance. (c) For the purpose of assisting Oregon law enforcement officials with emergency assistance in response to criminal activity, traffic accidents, emergency incidents or other similar public safety situations, regardless of whether an Oregon law enforcement official is present at the scene of the incident. Salinas Police Department officers have no authority to enforce Oregon traffic or motor vehicle laws. Peace officer powers may be extended to other states: (a) As applicable under interstate compacts, memoranda of understanding or mutual aid agreements in compliance with the laws of each state; and (b) When an officer enters an adjoining state in close or fresh pursuit of a person believed to have committed a felony (ARS § 13-3832; NRS 171.158; ORS 133.430).

There are no memoranda of understanding or other written agreements between Salinas Police Department and the Cal State Monterey bay University Police Department.

Security Procedures and Practices

The following programs are designed to inform students and employees about campus security procedures and practices, and encourage students and employees to be responsible for their own security and the security of others. They are available to both the Seaside and Salinas campuses (unless otherwise indicated).

Active Shooter Presentations

UPD aims to enhance preparedness through a community approach by providing training on issues such as active shooter awareness. Active shooter situations are very unpredictable in nature, so in an effort to better prepare community members to respond, active shooter presentations are facilitated upon request. Learning objectives include:

- Strategies to prevent and prepare
- Options to enhance survival
- Describe actions needed to safely interact with responding officers

This training is done upon request, and is available virtually. If your department is interested in receiving a UPD Active Shooter training presentation, contact UPD by emailing upd@csumb.edu.

UPD has also developed a community video to provide more information about their options and police response to Active Shooter Incidents. For viewing, please visit: <https://csumb.edu/police/active-shooter-preparedness>.

Diversity Learning Series

The Office of Inclusive Excellence is pleased to offer a Virtual Diversity Learning Series, a collection of workshops on issues related to equity and inclusion. The workshops are open to all faculty and staff. The purpose of the series is to offer content knowledge and practical skills, based largely on the results of the Diversity Mapping Project and the Campus Climate Study. The primary outcome is to promote a positive campus environment for student, faculty, and staff success, with renewed attention to the socio-political climate, and following the University Strategic Plan Priority 2: Inclusive Excellence.

New Student and Employee Presentations

Various departments are involved in the orientation of new students and their parents, the training of student educators, and the welcoming of new employees. Orientation includes discussions about safety measures and general crime prevention strategies, crime and incident reporting structures, Cal State Monterey Bay policy regarding the prohibition of sexual violence, discrimination and harassment, and alcohol abuse education. Student orientations can occur at any point during the year for new employees or students. However, traditional orientation for all new students occurs in June each year. Guest presenters for department or college specific orientations are conducted at the request of the hosting department. During COVID-19, orientation is facilitated in a virtual setting.

Disaster Service Worker (DSW) Virtual Academy

The DSW Academy provides resources, information and training to better prepare all public employees (i.e., Cal State Monterey Bay and outside agencies) when disaster strikes. Pursuant to California Government Code § 3101, all public employees in the State of California are disaster service workers. This means that all Cal State Monterey Bay employees have disaster worker status. The oath or affirmation per California Government Code § 3102 is signed by all Cal State Monterey Bay employees as part of the hiring paperwork when first hired.

New Cal State Monterey Bay employees are encouraged during their orientation to take the training. The **online training modules** can be taken at any time. For the training, visit: <https://csumb.edu/police/disaster-service-worker-dsw-virtual-academy>.

Fire Extinguisher Training

UPD's Emergency Manager offers virtual fire extinguisher training upon request so people have the opportunity to familiarize themselves in advance with resources they may actually use in a crisis.

If you would like to schedule training, please contact the Emergency Manager by dialing 831-582-3589 or emailing safety@csumb.edu.

Security Surveys

UPD will evaluate the concerns (e.g., lighting, and furniture placement and exit obstruction) and make recommendations for buildings and areas upon request.

Home Security and Neighborhood Watch

CSUMB has a large residential population with students residing in residential halls on the main campus and apartments on the East Campus. Additionally, there are faculty, staff, and educational partners residing in the East Campus housing areas. SHRL and UPD provide virtual safety and security presentations upon request. The Home Security and Neighborhood Watch program is only available at the Seaside campus. Information about residential hall safety and the East Campus Neighborhood Watch program is available on the UPD web page at csumb.edu/personalsafety.

Online Training

Faculty, staff, and students are assigned various online training through the Cal State Monterey Bay web-based e-learning portal at the time of hire or new assignment and enrollment, respectively. Topics include injury and illness prevention, data security and privacy, and Family Education Rights Privacy Act (FERPA) protection.

Additionally, all new students and employees are assigned online training for education and awareness related to sexual misconduct and harassment concerns. The course includes information on what volatile behaviors are, prevention tips, and

reporting information. This is a required training, with tracking and enforcement mechanisms in place through the Title IX/DHR office. After taking an initial training on Sexual Misconduct and Harassment, every campus affiliate (all students and employees) is assigned a refresher-training course in the fall of the academic year. This is a required training, with tracking and enforcement mechanisms in place through the Title IX/DHR office.

Crime Prevention Programs

UPD personnel present programs on a variety of topics to students, employees and residents as requested (unless otherwise noted) designed to inform students and employees about the prevention of crimes. UPD personnel are also available to develop programs and presentations to address specific needs upon request and also perform a variety of services designed to inform students and employees about the prevention of crimes. Programs and services available to both the Seaside and Salinas campuses (unless otherwise indicated) include, but are not limited to the following:

Bicycle Registration

Registering a bicycle increases the chances of it being returned to the registered owner if ever lost or stolen. Students and employees who register their bikes are also provided with information on theft prevention, theft techniques and how to avoid them, and where bikes can be stored safely at the Seaside campus. Free bicycle registration is available to students, faculty and staff at csumb.edu/bikereg. This service is only provided to the Seaside campus.

Night Walk Safety Escorts

University Police will provide escorts between Main Campus locations to anyone regardless of their affiliation with the University Monday through Friday from 5:00 pm to midnight during the fall and spring semesters. For Night Walk service, call 831-655-0268. Night Walk safety escorts are only available at the Seaside campus.

Crime Prevention through Environmental Design (CPTED)

According to the International CPTED Association¹⁴, "CPTED is defined as a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies rely upon the ability to influence offender decisions that precede criminal acts by affecting the built, social, and administrative environment."

Some sworn personnel have received specialized training to evaluate campus infrastructure and make safety recommendations, including landscape, lighting, and general safety improvements. Evaluations are conducted during major campus Planning and Development projects or when a safety concern is reported to UPD. A CPTED evaluation conducted by UPD is only available at the Seaside campus.

Violence in the Workplace

Personal Growth and Counseling, Risk Management, and UPD offer virtual workplace violence prevention training sessions to campus departments upon request.

Safety and Security Camera Systems

UPD, Campus Design and Construction, Information Technology, University Corporation, and the Office of the President have worked to install security cameras at key locations throughout the campus. The hundreds of security cameras record

¹⁴ International CPTED Association. (n.d.). Retrieved from <http://www.cpted.net/>

events on campus and the recording can be reviewed by police officers in the event of a crime, disturbance, or suspicious event on campus.

There are also interior and exterior security cameras at CSUMB at North Salinas.

Building Emergency Coordinator (BEC) Program

The BEC program is established pursuant to Title 3, Division 8, Part 55, Article I beginning with Section 89000 of the California Education Code, facilitates enhanced emergency preparedness, and coordinated initial emergency procedures in every regularly occupied Seaside campus building outlined in a BEC Plan.

The BEC Plan establishes the concurrent responsibilities of staff and faculty assigned as a BEC, and procedural guidelines to assist them in the performance of those duties prior to and during an emergency event to help facilitate establishment of effective initial strategic response priorities; allocation of available resources; and accurate, timely event-related communications to the campus and external communities.

Training is offered twice an academic year, and is facilitated virtually during COVID-19. If you would like to become a BEC, please contact the Emergency Manager by dialing 831-582-3589 or emailing safety@csumb.edu.

Criminal Activity at Non-campus Locations of Student Organizations

When a Cal State Monterey Bay student is involved in an off-campus offense, UPD officers may assist with the investigation in cooperation with local, State, or Federal law enforcement. Many students live in the neighborhoods of Monterey County. While local police have primary jurisdiction in all areas off-campus, UPD officers can and do respond to student-related incidents that occur in close proximity to campus. Any student who has been arrested for, or found guilty of, committing a crime off-campus may be subject to campus disciplinary adjudication for violation of Title V of the California Code of Regulations.

Student organizations also use off-campus buildings or property on either a frequent or a repeated use. Should a crime or incident occur at an off-campus location used by students in support of education that is reported by a CSA or local law enforcement, this too may be subject to the student disciplinary process.

Annually, and more frequently as needed, UPD will correspond with the appropriate law enforcement agencies to update the status of any non-campus building or property. Additionally, in a "reasonable good-faith effort,"¹⁵ the Clery Compliance Office will request the record of any criminal activity that may have occurred at those locations.

For a complete copy of the University's student conduct procedures and codes, see CSU Executive Order 1098¹⁶ and the Cal State Monterey Student Conduct web page,¹⁷ respectively.

¹⁵ For the purposes of this ASR, "reasonable good-faith effort" is defined as "as thoroughly and as far in advance as practically possible to ensure accurate inclusion."

¹⁶ <https://www2.calstate.edu/policies>

¹⁷ <https://csumb.edu/studentconduct>

Alcohol and Drugs

Cal State Monterey Bay complies with the Drug Free Workplace Act of 1990 and the Higher Education Act, Section 120(a) and is committed to creating a safe and healthy learning/working/living environment for all members of the campus community. Alcohol and other drugs cannot be allowed to interfere with the mission of Cal State Monterey Bay.

In the State of California, individuals 21 years of age or older may legally purchase, possess and consume alcoholic beverages. All State laws are applicable to Cal State Monterey Bay, and to all individuals on the properties of the University. The use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity is a violation of Cal State Monterey Bay's Judicial Affairs and Community Standards.

The Business and Professions Code¹⁸ and related statutes control the sale, consumption, and possession of alcoholic beverages. The California State Alcoholic Beverage Control (ABC) Board is responsible for the interpretation and enforcement of the laws regarding the consumption, sale, or possession of alcoholic beverages.

Except as indicated by campus policy or California state law, it is prohibited for any person to sell, offer for sale, give away, or furnish another person in any manner, or consume any alcoholic beverage on the CSUMB or CSUMB at North Salinas campus. California state law imposes criminal penalties for the possession or use of alcoholic beverages by persons less than 21 years of age and for persons who furnish, give, sell, or cause to be sold, furnished or given away, any alcoholic beverage to a person under the age of 21.¹⁹

The unlawful manufacture, distribution (by either sale or gift), dispensing, possession or use of illicit drugs is prohibited on any buildings, grounds, or property that is owned, operated, or leased by CSU Monterey Bay, the University Corporation at Monterey Bay, or the Foundation of CSU Monterey Bay.

The University Police Department is responsible for enforcing the laws relating to alcoholic beverages and for enforcing Federal and State laws related to illicit drugs. A list of applicable legal sanctions under Federal, State or local laws for the unlawful use, sale, possession, or distribution of illicit drugs and alcohol include referrals to administrative sanctions, diversion programs, fines, probation, and/or incarceration.

The excessive use and abuse of alcohol poses numerous risks to the health and well-being of individuals and the campus community. Examples of these risks include: Excessive consumption of alcohol is associated with diminished academic performance. On average, the more often a student drinks excessively, the lower their grades. Alcohol abuse may result in a variety of health and psychological problems for individuals who drink. In the short term, it contributes to inappropriate risk-taking, which can result in violence, accidental injuries, deaths, unintended pregnancies, and sexually transmitted infections. In the long term, it may result in addiction, social and family losses, and physical deterioration. Alcohol abuse has a direct effect on others. It is associated with violent and disruptive behavior that threatens others' safety, comfort, emotional well-being, and ability to function. The University also recognizes that alcohol use is prevalent in reports of crime experienced on campus, particularly sexual violence.

¹⁸ See Division 9 Alcoholic Beverages of the Business and Professions Code for more detail.

¹⁹ California Alcoholic Beverage Control Act, Business and Professions Code Sections 25658 – 25665

Employees shall be given the opportunity to review the Alcohol Policy, and as a condition of employment will be expected to fully abide by its provisions. Any faculty, staff, administrator or other employee who violates the Alcohol Policy shall be subject to corrective or disciplinary action up to and including the possibility of dismissal, in accordance with appropriate collective bargaining agreements, CSU, and University and/or Corporation policies, and state and federal law.

Students (or student groups) acting in violation of the Alcohol Policy will be referred to the Office of the Dean of Students, the Office of Student Engagement and Leadership Development and/or the Office of Student Conduct for disciplinary action. All discipline involving students will be handled in accordance with the Chancellor's Executive Order 1098, Student Conduct Procedures for the California State University. Sanctions that may be imposed for violation of the Student Conduct Code range from restitution up to and including expulsion.

Students found to be in violation of Cal State Monterey Bay Drug Policy and the Student Code of Conduct may be expelled, suspended, placed on probation or given a lesser sanction for violating Cal State Monterey Bay policies and campus regulations, consistent with procedures set forth in EO 1098, and pursuant to Section 41304 of Title 5 of the California Code of Regulations. Employees found to be in violation of Cal State Monterey Bay policy and Federal or State law may be subject to corrective or disciplinary action, up to and including termination of employment and referral for prosecution.

The CSU Student Conduct Code may be found on the Cal State Monterey Bay Student Conduct website at <https://csumb.edu/studentconduct>.

All incoming first-year and transfer students will be required to complete alcohol awareness training online. The training is designed for students entering college. This interactive online program uses evidence-based prevention methods to create an engaging user experience, inspiring students to make healthier decisions related to alcohol and other drugs.

Substance abuse dependence may result in a wide spectrum of extremely serious health and behavioral problems. Substance abuse results in both short-term and long-term effects upon the body and mind. Acute health problems may include heart attack, stroke, and sudden death -- which, in the case of some drugs such as cocaine, can occur after first-time use. Long-lasting health effects of drugs use may include disruption of normal heart rhythm, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells and permanent memory loss, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver and pulmonary damage. Drug use during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities, and developmental difficulties. In addition to the problem of toxicity, contaminant poisoning often occurs with illegal drug use. HIV infection associated with intravenous drug use is a prevalent hazard. Information and literature about the health risks associated with substance abuse are available from University Personnel, the Personal Growth and Counseling Center, and the Campus Health Center.

Substance abuse prevention and assistance programs are available for employees and students. Health Promotion and Education provides a range of educational programs for students, including classroom, residence hall, and student club/organization presentations. Additionally, all incoming first year students are required to complete a two-part online educational workshop designed to provide the facts about alcohol use on college campuses and dispel myths that contribute to high-risk drinking. Information about alcohol and other drug education programming can be obtained by contacting the Health Promotion and Prevention Manager at 831-582-4437.

The Personal Growth and Counseling Center (PGCC) provides a range of programs and services for students including professional individual and group counseling. Weekly open meetings of both Alcoholics Anonymous and Al-Anon are held near campus and online due to COVID-19. Information about these meetings as well as local treatment and recovery

centers is also available through the PGCC. Students can contact the PGCC reception desk 831-582-3969 or at csumb.edu/pgcc for appointments and information about specific programs.

University Personnel coordinates assistance for employees with Empathia Pacific Inc., which serves as the Employee Assistance Program (EAP) provider for Cal State Monterey Bay and offers alcohol and drug abuse counseling for Cal State Monterey Bay employees. Interested employees should contact Empathia Pacific Inc. directly at 800-367-7474 or www.mylifematters.com. Employees may also contact University Personnel for more information at 831-582-3389.

For a complete copy of Cal State Monterey Bay's policy on alcohol, visit <https://csumb.edu/policy/campus-alcohol-policy>. For a complete copy of Cal State Monterey Bay's in-process alcohol policy renewal, visit <https://csumb.edu/clery/clery-related-policies-and-procedures>.

For a complete copy of Cal State Monterey Bay's Illicit Drug Use on Campus policy, visit <https://csumb.edu/policy/policy-illicit-drug-use-campus>.

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

In an ongoing effort to prevent Sexual Misconduct/Sexual Assault Dating Violence, Domestic Violence and Stalking, the University provides education and prevention programs, investigates complaints, dispenses corrective or disciplinary action where appropriate, provides referrals for medical care/counseling, modified classes, reduced course loads, campus housing changes, work assignment assistance, stay away orders, leaves of absence, and more. The University also provides information to victims on pursuing criminal action and obtaining protective orders if needed. University officials who are responsible for investigating and/or adjudicating cases of Sexual Misconduct, 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/Sexual Assault Dating Violence, Domestic Violence, and Stalking by providing ample supportive services, and encouraging their choice of action, regardless of their decision to seek criminal prosecution of offender(s). If requested by the victim, University personnel will assist the victim in notifying the appropriate law enforcement authorities.

Prevention, Education, and Awareness

Cal State Monterey Bay must implement preventive education programs to promote the awareness of CSU policies against Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, and Stalking. Programs must include primary prevention and awareness programs: (1) for all new Students and new Employees; (2) refresher programs at least annually for all Students; (3) twice a year for all Students who serve as Advisors in residence halls; (4) annually for all Student members of fraternities and sororities; (5) annually for all Student athletes and coaches; and, (6) annually for all Employees consistent with their role in responding to and reporting incidents. Ongoing prevention and awareness campaigns for all Students and Employees shall also be conducted.

Cal State Monterey Bay assesses which student organizations participate in activities that may place students at risk and ensure that they receive annual supplemental trainings focused on situations the group's members may encounter.

Primary prevention programs include programming, initiatives, and strategies informed by research or assessed for value, effectiveness or outcome that are intended to stop Sexual Misconduct, Dating or Domestic Violence, or Stalking before they occur through the promotion of positive and healthy behaviors that foster mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Awareness programs include community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

According to Executive Order 1095, these education and training programs shall include the following information:

- A statement that the CSU prohibits Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking.
- What constitutes Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking.
- The definition of Affirmative Consent.
- A statement that Sexual Misconduct, Dating and Domestic Violence, and Stalking violate University policy and may also violate criminal law.
- Common facts and myths about the causes of Sexual Misconduct.
- Safe and positive options for bystander intervention that may be taken by an individual to prevent harm or intervene in risky situations involving these offenses.
- Methods of encouraging peer support for victims.
- Information regarding campus, criminal, and civil consequences of committing acts of Sexual Misconduct, Dating and Domestic Violence, and Stalking.
- A statement explaining that Cal State Monterey Bay's primary concern is the safety of members of the campus community; that the use of alcohol or drugs never makes the victim at fault for Sexual Misconduct; that Students or Employees who experience or witness Sexual Misconduct should not be deterred from reporting incidents out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies; and that Students or Employees who experience or witness Sexual Misconduct shall not be subject to discipline for related violations of conduct policies at or near the time of the misconduct unless the violation is egregious (including actions that place the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty).
- A statement that "CSU policy prohibits retaliation against a person who: reports Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking; assists someone with a report of such

conduct; or participates in any manner in a related investigation or resolution. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education.”

- How to recognize warning signs of abusive behavior and how to avoid potential attacks.
- Information on risk reduction, including 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.
- What someone should do if s/he has experienced or witnessed Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- Individuals to whom incidents may be reported along with information regarding what degree of confidentiality may be maintained by those individuals.
- The availability of, and contact information for, campus and community resources for victims of Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- A description of campus and systemwide policies and disciplinary procedures available for addressing alleged violations and the consequences of violating these policies, including the fact that such proceedings shall:
 - Provide a prompt, fair, and impartial investigation and resolution; and,
 - Be conducted by officials who receive annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The fact that the victim and the Respondent will be afforded the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice.
- The fact that both the victim and the Respondent shall be simultaneously informed in writing of:
 - The outcome of any disciplinary proceedings that arises from an allegation of a Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating or Domestic Violence, or Stalking;
 - The University’s procedures for the victim or Respondent to appeal the results of the disciplinary proceeding;
 - Any change to the disciplinary results that occurs prior to the time such results become final; and
 - When disciplinary results become final.
- Possible sanctions or protective measures Cal State Monterey Bay may impose following the final determination of a University disciplinary procedure regarding Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- How Cal State Monterey Bay will protect the confidentiality of victims, including how publicly-available recordkeeping (e.g., Campus Clery reports) will be accomplished without the inclusion of identifying information about the victim to the extent permissible by law.
- That persons who report being a victim of Sexual Misconduct, Dating or Domestic Violence, or Stalking **must receive written** notification of:
 - Existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both on-campus and in the community.
 - Options for, and available assistance in, changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim chooses to report the incident to UPD or local law enforcement.
- Procedures victims should follow if Sexual Misconduct, Dating or Domestic Violence, or Stalking has occurred, as well as the fact that the following *written* information must be provided to victims:
 - The importance of preserving evidence as may be necessary to prove Sexual Misconduct, Dating or Domestic Violence, or Stalking, or to obtain a temporary restraining or other protective order;

- The name and contact information of Cal State Monterey Bay Employee(s) to whom the alleged offense should be reported;
- Reporting to law enforcement and campus authorities, including the option to: (a) notify law enforcement authorities, including on-campus and local police; (b) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and, (c) decline to notify such authorities;
- Where applicable, the rights of victims and Cal State Monterey Bay's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

The above information is also contained in the *Notice of Nondiscrimination on the Basis of Gender or Sex*. Cal State Monterey Bay shall post the Notice prominently on its website and include the Notice in handbooks/policies applicable to Employees, Students, Student athletes and members of Student activity groups and organizations, along with *Myths and Facts About Sexual Misconduct*.

To ensure that all students receive the necessary information and training on Sexual Misconduct, Dating and Domestic Violence, and Stalking, Cal State Monterey Bay imposes consequences, such as registration holds, on those students who do not participate in and complete such mandatory training.

Primary Sexual Assault Prevention Training Programs

The goal of the Cal State Monterey Bay Campus Sexual Assault Prevention and Training Plan, in addition to ensuring full compliance with Federal and State law and CSU policy, is to create an atmosphere in which all students have the right to participate fully in CSU programs and activities free from discrimination, harassment, and retaliation. These programs are mandated or offered to the CSUMB and CSUMB at North Salinas campuses.

Bystander Intervention

Bystander Intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of Dating Violence, Domestic Violence, Sexual Assault, or Stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.²⁰ Based on a social science model that predicts that most people are unlikely to help others in certain situations, a bystander is anyone who observes an emergency or a situation where it appears someone could use help. The bystander must then decide if they are comfortable stepping in and helping. Research has found that people tend to struggle with whether helping out is their responsibility and one of the major obstacles to intervention is something called diffusion of responsibility; which means if several people are present, an individual is much less likely to stop and help out because he/she believes someone else will. Cal State Monterey Bay wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. A bystander may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.
- Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.

²⁰ The preceding definition is provided by 34 C.F.R. § 668.48.

- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources for support in health, counseling, or with legal assistance.

Cal State Monterey Bay offers virtual bystander intervention training inspired by The Green Dot Strategy.²¹ This training presents information, examples, and instruction on how to safely be an active bystander including the “3 D’s of Bystander Intervention.” Participants receive information on how to recognize potentially harmful situations or interactions and offers suggestions for ways bystanders may respond to positively influence the outcome without causing further harm. Various role-playing and/or video scenarios present strategies for diffusing heated, dangerous or threatening situations. This training is presented as a component of new and transfer student orientation and in the annual online refresher course required for all students.

Bystander Intervention training is also conducted annually for student members of Greek organizations, student athletes and coaches, and bi-annually for RAs and student assistants with SHRL. In addition, the Title IX/DHR Office presents the training to groups, departments or classes upon request.

Risk Reduction

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 violence²². With no intention to victim-blame and with recognition that only those who commit Sexual Misconduct are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non-consensual sexual act:

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

Cal State Monterey Bay offers virtual risk reduction training to students, student leaders, members of student organizations through safety awareness instruction and educational materials. The training identifies situations, behaviors, and locations that may lead to dangerous circumstances putting students’ safety in jeopardy and how to avoid them. Role-playing and/or video scenarios may be employed to practice appropriate defensive measures if a student feels threatened or unsafe. The instruction avoids victim-blaming while emphasizing methods for self-help and personal responsibility. This training is presented as a component of new and transfer student orientation and in the online annual refresher course required for all students.

²¹ <https://cultureofrespect.org/program/green-dot-etc/>

²² The preceding definition is provided by 34 C.F.R. § 668.48.

Risk Reduction training is also conducted annually for student members of Greek organizations, student athletes and coaches, and bi-annually for RAs and student assistants with SHRL. In addition, the Title IX/DHR Office presents the training to groups, departments or classes upon request.

Campus Awareness and On-going Information Campaigns

Cal State Monterey Bay's ongoing prevention and awareness campaigns are programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information shared in primary prevention programs. These programs are offered to the CSUMB and CSUMB at North Salinas campuses.

TIX/DHR Ambassador Program

This program is offered every fall semester and requires all Cal State Monterey Bay students to attend an intensive four-part certification program to learn about the function and services of the Title IX/DHR office, as well as the essential functioning of trauma informed approaches utilized by the office. These students then coordinate with the office after certification to attend campus and student functions throughout the academic year in a representative capacity to answer questions and provide information about scope and services available.

POWER (Promoting Otter Wellness through Education and Resources) Peer Educators

As a component of the Health Promotion and Education Department, the POWER Peer Education program trains students to provide primary prevention education and health promotion to fellow students. The program provides an array of outreach activities and events, in conjunction with other departments and student groups, and includes a component on sexual health and resources to prevent and respond to sexual assault.

- National Depression Screening
 - Provides confidential mental health screenings to students and promotes awareness of mental health resources. Licensed professionals from the Personal Growth and Counseling Center provide screenings for depression, generalized anxiety disorder, PTSD, and bipolar disorder, as well as recommendations for accessing mental health resources as indicated by screening results. This event is held year-round and available through the Personal Growth and Counseling Center (PGCC) website.
- Suicide Prevention and Awareness Week
 - Suicide Prevention and Awareness Week is an annual event, held with the goal of providing information and resources to help the campus community identify mental health crises and increase knowledge of available mental health resources in the campus and community. Suicide Prevention and Awareness week generally takes place during the second week of September.
- Mental Health Awareness Week
 - Mental Health Awareness Week is an annual event held to promote mental health awareness, reduce stigma associated with accessing mental health services, and provide information on campus and community mental health resources. Events also include opportunities for students to build stress management skills and engage in conversations about mental health. Mental Health Awareness Week takes place in early October.
- Sexual Assault Awareness Month
 - Sexual Assault Awareness Month encompasses a series of events held yearly with the goal of increasing awareness of sexual violence and prevention strategies, as well as increasing knowledge of resources available on campus and in the community. Sexual Assault Awareness Month is observed in April.
- National Collegiate Alcohol Awareness Week

- National Collegiate Alcohol Awareness Week (NCAAW) is an annual event held with the goal of assisting students in making safer decisions regarding alcohol use in a manner that promotes their health and safety. NCAAW generally takes place during the third week of October.

A variety of programs are conducted throughout the month of April to educate the Cal State Monterey Bay community on sexual violence and the campus's many resources, and to provide those who have been affected by sexual violence a chance to express themselves in a variety of ways. Programs may include, but are not limited to:

- Every 98 Seconds (formerly Flag Day)
 - A commemorative day for the members of the LGBTQ+ community
- Denim Day
 - A campaign in honor of Sexual Assault Awareness Month where supporters wear jeans to protest against the misconceptions about sexual assault
- SlutWalk
 - SlutWalk is a rally and march protesting outdated ideas of victim blaming (e.g., assigning responsibility of an assault to the survivor because of a person's past sexual history/experiences or what they were wearing at the time of the assault) where participants are invited to reclaim the word "slut."
- Take Back the Night
 - A public protest purposed to unite women to voice their desire to end the fear and perceived responsibility women experience regarding sexual violence.
- Roll Red Roll Documentary Screening
 - Students are invited to a virtual Netflix Party to discuss the topic of "rape culture," and its devastating effects on society. Individuals can discuss the film, as well as receive information about support services and resources that are available on campus.
- 30 Facts for 30 Days of SAAM
 - A public awareness campaign where sexual violence statistics and facts are posted through various platforms of social media to bring activism, awareness, and prevention to the topic of sexual violence.
- Make Art Not Violence
 - A public art campaign where students, faculty, and staff come together to make art and bring awareness about sexual violence. Campus resources are provided to students.
- Domestic Violence Awareness Month
 - Embodies a series of events held every October to increase awareness around intimate partner violence, prevention work primarily focusing on healthy relationships, as well as increasing knowledge of resources available on campus and in the community.

Otter Cross Cultural Center (OC3)

In collaboration with numerous University departments and campus organizations, the following programs are typically available throughout the year.

- Safe Zone Training – Virtual
 - Faculty and staff - Offered during the Fall and Spring, this 6-hour training is available to up to 50 people and highlights contemporary topics related to LGBTQ+ communities: language and vocabulary, pronouns, activism, and advocacy. The facilitator team consists of various campus departments as well as co-sponsored by the Office of Inclusive Excellence. The purpose of the training is to increase campus inclusion as well as provide support and resources for faculty and staff to support LGBTQ+ identifying students and campus community members.
 - Students - Offered during the Fall semester for all students who are interested, this is a four-week program that dives deep into various LGBTQ+ topics such as racism, activism, history, vocabulary, and

advocacy. The student coordinator who oversees educational trainings is the main facilitator for this program. The purpose of the training is to increase campus inclusion as well as provide support and resources for students to support fellow LGBTQ+ identifying students and campus community members.

- International Womxn’s Day Celebration
 - In partnership with the Otter Student Union Programming Board, a keynote speaker is usually brought to campus to help celebrate. The topics are aimed at current social and cultural relevance. Past topics have included reproductive justice, racism, and intersectionality. A standard element of the program is to enable participants to discuss the event and related topics as well as learn from the keynote address. This event usually takes place during the first week of March. Any celebration while the University is under limited operation will be held virtually.

For this 2020-2021 academic year, OC3 will be partnering with the College of Health and Human Services with their virtual Diversity Celebration Series to bring Francisco Ruiz, MS²³ & Dr. Scott Rhodes, PhD²⁴ to engage issues related to HIV/AIDS awareness in current society.

Definitions per Executive Orders 1095-1097

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

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

Sex Discrimination

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

²³ Team Lead for National Partnerships Prevention, Communication Branch (PCB), Division of HIV/AIDS Prevention (DHAP), National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention (NCHHSTP), CDC

²⁴ Professor of Social Science and Health Policy; Director of Community Engagement, Wake Forest Clinical and Translational Science Institute

Addendum B: Sexual Harassment

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

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

Executive Order: Sexual Harassment

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

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

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

Executive Order: 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.

Addendum B: Sexual Assault

- a. Rape is the penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant. Rape also includes the attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.
- b. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.
- c. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- d. Statutory Rape is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.

Affirmative Consent (Applicable in Addendum B and non-Addendum B matters)

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.

Addendum B: Domestic Violence

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

Executive Order: Domestic Violence

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

Addendum B: Dating Violence

Physical violence or threat of physical violence committed by a person—

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

Executive Order: 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.¹¹ This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to self or another. Abuse does not include non-physical, emotional distress or injury.

Addendum B: Stalking

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

Executive Order: Stalking

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

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

Procedures for Reporting a Crime of Sexual Violence/Sexual Misconduct

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

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

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

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

The University's primary concern is the safety and well-being of every member of the campus community. The use of alcohol or drugs never makes the victim at fault. If a campus community member has experienced Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking they should not be deterred from reporting the incident out of a concern

that they might be disciplined for related violations of drug, alcohol, or other University policies. A person who participates in investigations or proceedings involving Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking will not be subject to discipline for related violations of the Student Conduct Code or other University policies at or near the time of the incident unless the University determines the conduct places the health and safety of another person at risk, or is otherwise egregious.

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

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

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

Privileged and Confidential Reports

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

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

A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. Counselors and advocates can provide victims with that

assistance if requested. Treating physicians, psychotherapists, professional counselors, and clergy will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

Exceptions to Confidentiality

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

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

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

Preservation of Evidence

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

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

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

Reporting Options

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

Reporting to the Police

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

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

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

Reporting to a CSA

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

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

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.

The Campus Title IX Coordinator will also provide information regarding any reasonable Supportive Measures the University may offer prior to conclusion of an investigation to reduce or eliminate negative impact and provide available assistance. Examples include: adjustment to work assignments, housing locations, course schedules or supervisory reporting relationship; mutual restrictions on contact between the Complainant and the Respondent; leaves of absence; or campus escorts. These options may be available whether or not the victim chooses to report the incident to Campus police or law enforcement. The Title IX Coordinator remains available to assist the victim and provide reasonable Supportive Measures requested throughout the reporting, investigative, and disciplinary processes, and thereafter.

Reporting to a Title IX Coordinator or Responsible Employee

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

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

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

To the extent possible, information reported to the Title IX Coordinator or other University employees will be kept private and shared only with individuals responsible for handling the University's response to the incident. Any Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures. The University will protect the privacy of individuals involved in a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident except as otherwise required by law or University policy. A Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section on

Privileged and Confidential Communications above, no University employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

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

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

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

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

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

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

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

perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such a victim shall be treated as the alleged victim.

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

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

Non-Reporting

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

Civil Lawsuit

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

Restraining Orders

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

Cal State Monterey Bay does not issue orders of protection, however, there are different kinds of restraining orders available through the court system. Each has different eligibility requirements, and some are limited in the relief that they can provide. Some examples of restraining orders are listed below. For details on their eligibility requirements in Monterey County, go to <https://www.monterey.courts.ca.gov/covid-faq/restrainingorders>.

- Domestic Violence Restraining Order
- Elder or Dependent Adult Restraining Order
- Civil Harassment Restraining Order
- Workplace Violence Restraining Order

It’s important to note that the process for filing a restraining order differs in each County.

The [California Courts website](#) lists five steps to requesting, serving, and completing the process for restraining orders. In summary, there are:

- STEP 1. Fill Out Your Court Forms and Prepare to File
- STEP 2. File Your Court Forms with the Court
- STEP 3. “Serve” Your Papers on the Restrained Person

- STEP 4. Get Ready and Go to Your Court Hearing
- STEP 5. After the Court Hearing

For assistance on obtaining a restraining order, the Superior Court of California, Monterey County requests that you email your name and telephone number to selfhelpcenter@monterey.courts.ca.gov, or call (831) 647-5800 x3005. For full details on obtaining a restraining order through the County’s paper option, go to <https://www.monterey.courts.ca.gov/covid-faq/restrainingorders>.

If, for whatever reason, you want assistance in navigating your order of protection options, the University encourages employees and students to contact the CSUMB On-Campus Advocate.

Disciplinary Procedures

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

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

Disciplinary procedures will:

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, and Stalking and how to conduct a hearing process that protects members of the campus community and promotes accountability;
- Provide the complainant and respondent the same opportunity to be accompanied to any related meeting or proceeding by the Support 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.

Complaint Procedures

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

Formal Complaints regarding sexual misconduct, including sexual violence, dating/domestic violence, and stalking need to be submitted in writing to the Director of Title IX, Discrimination, Harassment, & Retaliation. People can contact the Director through any means to initiate this process, including through email, phone, or submitting a form in Maxient.

Regardless of whether an employee, a student or a third party ultimately files a formal 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, the Title IX Coordinator 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/Sexual Assault, Domestic Violence, Dating Violence, and/or Stalking, prevent its recurrence, and remedy its effects.

Complaints Made by Students

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

Complaints Made by Employees, Former Employees, Third Parties, and Applicants for Employment

Executive Order 1096, entitled "Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Staling Against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party.

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

Complaints Made by Student-Employees

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

When the Title IX Coordinator receives a Formal Complaint, or where new information or events arise, the Title IX Coordinator will assess whether the Formal Complaint meets the requirements of the Federal Regulations to move forward under the process in Addendum B. A determination that allegations in a Formal Complaint do not meet the requirements of the Federal Regulations will result in a dismissal of the allegations in the Formal Complaint that do not meet the requirements and, in some cases, a referral of the allegations to another process as the University may have an obligation to address the matter under other laws and policies.

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

Either Party may appeal from a dismissal of a Formal Complaint or any part of the Complaint. The appeal must be filed within 10 Working Days from the date of the Notice of Dismissal. The appeal will be in writing and will be based only on one or more of the following grounds: a procedural irregularity occurred that affected the dismissal of the Formal Complaint; new evidence that was not reasonably available at the time the dismissal decision was made that could affect the decision to dismiss the Formal Complaint; or the Title IX Coordinator (or designee) who dismissed the Formal Complaint had a conflict of interest or bias for or against the complainant or respondent in this case or complainants or respondents in general.

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

Systemwide Title IX Unit

Systemwide Human Resources

Office of the Chancellor

TIX-Dismissal-Appeals@calstate.edu

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

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

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

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

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

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

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

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

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

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

Informal Resolution

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

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

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

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

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

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

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

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

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

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

Investigative Procedures

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

Gathering of Evidence

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the Parties. The Investigator will take reasonable steps to gather all relevant evidence from the Parties, other witnesses or other sources. The Investigator will document the steps taken to gather evidence, even when those efforts are not successful. Parties should be aware that all evidence Directly Related to the investigation will be provided to the other Party, subject to the exceptions described below. The University cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to do so for a Formal Complaint process under Addendum B. The University will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present Relevant evidence (for example, contacting a potential witness).

Advisors

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

Hearing Advisor-The Complainant and Respondent must have a Hearing Advisor at the hearing. A Hearing Advisor will be responsible for asking the other Party and any witnesses all Relevant questions and follow-up questions, including those that challenge credibility, during the hearing. During a hearing, Parties may not ask questions of the other Party or any witnesses. Questioning at the live hearing will be conducted directly, orally, and in real time by the Party's Hearing Advisor of choice or a Hearing Advisor provided by the University if the Party does not have a Hearing Advisor. The Hearing Advisor may be the same person as the Support Advisor. A Party may have both a Support Advisor and a Hearing Advisor present at a hearing. If a Party does not have a Hearing Advisor to perform questioning during the hearing, the University shall provide the Party with a Hearing Advisor for this purpose.

The Title IX Coordinator or Investigator will explain to the Complainant and Respondent that they may request that their Support Advisor, if any, be copied on communications during the Formal Complaint process. Any such request will be in writing to the Title IX Coordinator or Investigator and should include the Support Advisor's name and contact information. The Title IX Coordinator or Investigator will also explain that Support Advisors will receive a copy of the evidence and Final Investigation Report, unless the Party specifically directs in writing that this information should not be sent to their Support Advisor. Although reasonable efforts will be made to accommodate Hearing Advisors and Support Advisors, undue delays affecting the complaint resolution timeline will not be permitted. Disruptive, abusive, or disrespectful behavior also will not be tolerated. At the discretion of the Investigator or Title IX Coordinator during meetings or interviews and of the Hearing Officer during hearings, a Hearing Advisor or Support Advisor who engages in disruptive, abusive or disrespectful behavior will not be permitted to participate. If a Hearing Advisor is excused during a hearing, the University will either provide a

Party with another Hearing Advisor or allow the Party to obtain another Hearing Advisor. It is within the Hearing Officer's discretion to proceed with or postpone the hearing in order to address the situation.

Notice of Meetings, Interviews and Hearings

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

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

Review of Evidence

Before issuing a final investigation report (Final Investigation Report), the Investigator will send to the Complainant and Respondent, and their respective Support Advisors,⁴² if any, all evidence (including evidence upon which the University does not intend to rely) obtained as part of the investigation that is Directly Related to the allegations raised in the Formal Complaint (Preliminary Investigation Report). This includes inculpatory or exculpatory evidence whether obtained from a Party or other source, redacted if required by law.

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

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

Final Investigation Report After the Review of Evidence phase is concluded, the Parties will receive a Final Investigation Report that will summarize all Relevant evidence (inculpatory and exculpatory), including additional Relevant evidence received during the Review of Evidence. Any Relevant documentary or other tangible evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator will be attached to the Final Investigation Report as exhibits. As part of an Informal Resolution, at the request of both Parties, Campuses will provide a written preliminary assessment of the evidence by the Title IX Coordinator. Neither the fact nor the substance of the assessment will be shared with the Hearing Officer or considered Relevant at the Hearing. The Final Investigation Report shall be sent to the Parties and their respective Support Advisors, if any, in electronic format (which may include use of a file sharing platform that restricts the Parties and any Support Advisors from downloading or copying the evidence) or hard copy. The Parties and their Support Advisors will be provided 10 Working Days to review and provide a written response to the Final Investigation Report. Campuses will inform Parties not to include any reference to the preliminary assessment and that any such references will be redacted. The written response will be attached to the Final Investigation Report and provided to the Hearing Officer, if appropriate, and the Parties. Any references to a preliminary assessment, assuming one was requested, will be redacted from this written response. No documentation should be provided to the Hearing Officer if an Informal Resolution is reached.

Timeframe for Completion of Investigation

Absent a determination of good cause made by the Investigator or Title IX Coordinator (of which the Parties will receive written notice): (i) the investigation should be concluded within 100 Working Days from the date that the Notice of Allegations is provided to the Parties; and (ii) the Final Investigation Report should be completed and provided to the Parties within 10 Working Days after the Review of Evidence has concluded. Extensions may be granted, and notice to the Parties given, as set forth in Article V. E. of EO 1096 and EO 1097. Within 10 Working Days after the Parties have been provided the Final Investigation Report, the Parties will be informed of the timelines that will apply to the pre-hearing and hearing processes described in Article IX below. The Parties will be required to provide the name and contact information for their Hearing Advisor within 5 Working Days after notice of the hearing timeline.

Hearing Procedures

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

The Parties will be given written notice of the date, time, location, participants, and purpose of the hearing, as well as the identity of the Hearing Officer. Notification of the hearing will be sent to the designated CSU campus e-mail address, unless the recipient has specifically requested in writing to the Hearing Coordinator that notice be given to a different e-mail address. Communications from the Hearing Coordinator will be deemed received on the date sent. The hearing will not be set sooner than 20 Working Days after the date of notice of hearing.

Any objections to an appointed Hearing Officer must be made in writing to the Hearing Coordinator within 5 Working Days after notice of the identity of the Hearing Officer has been communicated to the Parties. The objection may only be based on an actual conflict of interest. A conflict of interest exists if the Hearing Officer has a personal relationship with one of the Parties or witnesses or has demonstrated actual bias towards a Party or witness. The fact that a Hearing Officer has previously served as a Hearing Officer in a University proceedings will not constitute a conflict of interest. The Hearing Coordinator will determine if a conflict of interest exists. In that event, the Parties will be notified in writing of the name of the new Hearing Officer. The date for the hearing may need to be rescheduled. Any objection to the new Hearing Officer will be made in accordance with this section.

No later than 15 Working Days before the hearing, each Party may: a. Provide to the Hearing Coordinator a proposed witness list that includes the names of, and current contact information for, that Party's proposed witnesses as well as an explanation of the relevance of each proposed witness's testimony and the disputed issue to which the witness's testimony relates. No later than 10 Working Days before the hearing, the Hearing Coordinator will share a final witness list with the Parties and notify each witness of the date, time and location of the hearing.

Witnesses will be directed to attend the hearing and to promptly direct any questions or concerns about their attendance at the hearing to the Hearing Coordinator. No later than 5 Working Days prior to the hearing, the Parties may submit a list of proposed questions to the Hearing Coordinator. The questions will be provided to the Hearing Officer. Parties are strongly encouraged to provide questions in advance of the hearing in order to streamline the hearing process and provide the Hearing Officer an opportunity to resolve relevancy concerns prior to the hearing. The proposed questions will not be shared with the other Party.

Determination Regarding Responsibility

After the hearing, the Hearing Officer will make written findings of fact and conclusions about whether the Respondent violated Addendum B with respect to the definition of Sexual Harassment.

The standard of proof the Hearing Officer will use is whether each allegation is substantiated by a Preponderance of the Evidence. The Title IX Coordinator will review the Hearing Officer's Report to ensure procedural compliance with Addendum B.

The Hearing Coordinator will simultaneously send the Hearing Officer's Report promptly to the Parties, the Title IX Coordinator, and the appropriate University Administrator, usually within 15 Working Days of the close of the hearing.

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

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

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

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

President's Sanction Decision/Notification

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

The president will simultaneously send the Decision Letter electronically to the Respondent and Complainant at the University-assigned or other primary e-mail address linked to their University accounts. The decision letter will also be sent to the Student Conduct Administrator or other appropriate University Administrator responsible for Employee discipline and the Hearing Officer.

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

Employee Sanctions

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

Student Sanctions

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.

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.

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

Other Considerations Related to Sanctions:

1. Administrative Hold and Withholding 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 imposed²⁵.

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 exception²⁶. These requirements shall not be waived in connection with any resolution agreement.

3. Interim Suspension

²⁵ For matters involving processes other than those that fall under addendum B, this is not applicable.

²⁶ For matters involving processes other than those that fall under addendum B, this is not applicable.

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

Filing an Appeal to the Chancellor's Officer. Any Complainant or Respondent who is not satisfied with a Formal Complaint Process outcome (determination regarding responsibility or recommended sanction) may file an appeal with the Chancellor's Office (CO) no later than 10 Working Days after the date of the Decision Letter. All arguments and/or evidence supporting the appeal must be submitted by the deadline to file the appeal. Evidence/arguments submitted after the appeal submission deadline will not be considered by the CO.

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

Issues and Evidence on Appeal. The issues and evidence raised on appeal will be limited to those raised and identified during the Campus hearing, unless new evidence becomes available that was not reasonably available at the time of a Campus hearing that could affect the outcome of the matter and is submitted by the appealing party. The CO may communicate, at the CO's discretion, with the appealing party, the responding party, and/or the Campus to clarify the written appeal. Appeals will be addressed to:

Equal Opportunity and Whistleblower Compliance Unit Systemwide Human Resources Office of the Chancellor 401 Golden Shore, 4th Floor Long Beach, California 90802 eo-wbappeals@calstate.edu

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

The CO will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide prompt written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the Campus Title IX Coordinator. The notice will include the right of the non-appealing Party and the Campus to provide a response to the appeal within 10 Working Days of the date of the notice. The appeal and appeal response shall be limited to 3,500 words, excluding exhibits.

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

Cal State Monterey Bay 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. Information used to confirm a significant emergency or dangerous situation involves that which is collected throughout the incident from a wide variety of sources including, but not limited to responders, survivors, witnesses, social media, and the mainstream media, and will include, as appropriate, initial observation or an investigation by law enforcement.

Once the University Police Department (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. UPD determines which segment of the community to notify with an emergency notification by using the same methods as noted above, which are to consider various sources (including, but not limited to responders, survivors, witnesses, social and the mainstream media), and to conduct, as appropriate, an initial observation or investigation. These methods are based on an analysis of which community members or on-campus visitors are most immediately at risk based on the information available at the time.

Content within notifications are developed collaboratively between the Chief of Police, or management designee in the absence of the Chief, and Emergency Manager, using pre-approved standardized templates that are reviewed during meetings, tests, or upon the development of an AAR. Template content may be changed or adapted as deemed necessary by the Chief of Police, or management designee in the absence of the Chief, based upon the given situation. Templates are pre-written for a variety of emergencies (e.g., general emergency, act of violence, severe weather, hazardous material release, and earthquake). 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.

To ensure minimal delays in time, in the absence of the Chief of Police, select Management Designees are able to activate an emergency notification through Monterey County Communications. 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 for OtterALERT should visit csumb.edu/otteralerts or call the on-campus Emergency Manager office with UPD at 831-582-3589 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 using any or all of the above described options depending upon the emergency or dangerous situation and method appropriate to the given situation. The Chief of Police or the Clery Director if one is designated, or in their absence, management designees can instruct Monterey County Communications to issue an emergency notification over radio communication without any additional approval and provide parameters for the scope and delivery method of the notification based on the specifics of threat.

The larger community has the ability to enroll in OtterALERT by registering at csumb.edu/otteralerts. Emergency notifications for the larger community that choose not to enroll shall receive information through the Cal State Monterey Bay homepage. Emergency Notifications using OtterALERT have additional options for dissemination including Cal State Monterey Bay’s Facebook and Twitter accounts. These social media platforms, as a secondary source of distribution, provide the larger community with quick-publishing access and will include directions to visit csumb.edu/emergency for additional information and updates. Communications will extend to other government entities and the media as appropriate based on the direction of the Chief of Police (or management designee in the absence of the Chief), according to the assessed threat.

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

Testing and Evacuation Procedures

Testing of the Emergency Notification System and evacuation will be done at least once annually. The tests may be

announced or unannounced. Tests must be scheduled, contain drills, exercises and appropriate follow-through activities, and be designed for assessment and evaluations of emergency plans and capabilities. However, at least one test will be publicized in conjunction with the campus' emergency response and evacuation procedures. Each test will be documented to include a description of the exercise, the date of the test, the start and end times of the test, and whether the test was announced or unannounced.

Where unannounced drills are planned, every effort will be made to coordinate the drill around the scheduling of sensitive academic activities (i.e., exams, guest lectures, etc.) and critical operations. Drills and Exercises will be conducted in accordance with the Department of Homeland Security's Homeland Security Exercise Evaluation Program; the SHRL *Emergency Housing Plan*; and the Cal State Monterey Bay *Emergency Management Employee Training, Testing and Exercise Plan*. The Emergency Manager, Emergency Coordinator, EOC Directors, and other Essential Personnel that would be required to respond to an on-campus Emergency would be expected to participate in the annual Test's Exercise (e.g. tabletop, functional, or full-scale). The University shall also invite local first responders to participate. A Test's Drill and Exercise shall be conducted no more than 30 days apart from one another. Students, faculty and staff occupying an on-campus residential facility during the time of an Evacuation Drill or Emergency are subject to abide by SHRL Evacuation procedures as outlined in the *Emergency Housing Plan* pursuant to Section 66210 of the California Education Code.

However, at least one test will be publicized in conjunction with the campus' emergency response and evacuation procedures. Publication methods include those that will attract attention to the information Cal State Monterey Bay is attempting to disseminate and includes, but not limited to, campus-wide emails and website postings. The Emergency Manager, in concert with the Clery Director and the Chief of Police, or designee, shall publish a notice to all current students and employees of its annual Test requirement completion. The notice shall contain a summary of the Test's components and applicable Evacuation procedures. The Test shall be publicized by University Communications upon the completion of the AAR.

For the full policy and procedure on Emergency notification, response, evacuations, and Tests, refer to the CSU Executive Order 1107,²⁷ and the University Building Evacuation Policy²⁸ and Emergency Operations Plan.

Missing Student Notification

Cal State Monterey Bay will provide every student living in campus housing the opportunity and means to identify an individual, through the current housing management software, to be contacted in the event they are missing. This contact is confidential and strictly used for missing person purposes only, and is a separate contact from their emergency contact, but may be the same person. This information is directly entered into StarRez by each student and is accessible by SHRL staff on any web-enabled device. Every resident will be notified of the Missing Student Notification procedure, as it will be included in the Student Housing Community Standards available online.

If a member of the Cal State Monterey Bay community has reason to believe a student who resides in on-campus housing is missing, he or she should report the missing student immediately to UPD by calling 831-655-0268. UPD will receive the report and give priority to its handling pursuant to California Penal Code section 14211(a). However, if a member of the University community is unable to report a suspected missing student to UPD, they may also make the report to SHRL professional staff, CDs, RAs, student health staff, Athletics coaches, trainers and staff members, Office of Student Affairs

²⁷ <https://www2.calstate.edu/policies>

²⁸ <https://csumb.edu/policy/building-evacuation-policy>

staff, faculty club and organization advisors, the Dean of Students, or the Director of Student Engagement & Leadership Development. No waiting period exists before an officer or the specified individuals will take a missing person report. A student is considered missing when his or her whereabouts are unknown and knowledgeable persons regard the disappearance as unusual or uncharacteristic. All reports of missing students should be made without delay.

UPD, in accordance with all applicable Federal and State laws, shall investigate all reports of missing students in accordance with UPD Policy 314: Missing Person Reporting. If upon being reported to UPD, the student is not located during the initial investigation, or if extenuating circumstances exist (e.g. the student is missing for a full 24 hours), the Vice President for Student Affairs (VSPA) or designee will contact the student's designated missing person contact(s). If the student is under 18 years of age and not emancipated, the VSPA will notify the custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to any additional contact person designated by the student. In all missing student situations, local and other relevant law enforcement agencies, as determined by UPD, will be notified by UPD of its determination that the student is missing within 24 hours.

For a copy of the Cal State Monterey Bay Missing Residential Student Notification Policy, visit <https://csumb.edu/policy/missing-residential-student-notification-policy>.

Fire Safety Act

The 2020 Fire Safety Report is available at the following link: <https://csumb.edu/firereport>.