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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.

President, Cal State Monterey Bay

Cal State Monterey Bay (CSUMB) 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 CSUMB’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 campus’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. The policies and procedures within this report are current as of the publication, as CSUMB 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.

1 University Personnel, formerly known as Human Resources at CSUMB, and refers to the department when capitalized.
The following definitions\(^2\) will be used for reporting Clery crimes, which are derived from the Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) Program and Department of Education regulations as follows:

i. The definitions for **Murder/Non-negligent Manslaughter, Manslaughter by Negligence, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, 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.

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.

In addition to the crimes listed in (iii), hate crimes are also disclosed for those listed in (i). The statistics provide an overall picture of crime at CSUMB from January 1 to December 31 for 2016, 2017, and 2018.

Crime statistics are collected annually from law enforcement agencies with concurrent law enforcement jurisdiction(s) surrounding CSUMB and off-site properties or facilities owned or controlled by CSUMB.\(^3\) These law enforcement agencies provide crime statistics they have collected for crimes occurring on on-campus properties or public property immediately adjacent to CSUMB properties or facilities. CSUMB does not have any off-campus properties owned by student organizations.\(^4\)

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

Crime statistics, for Clery crimes listed in (i) –(iii), are classified and counted pursuant to the guidelines as specified in *The Handbook of Campus Safety and Security Reporting, 2016 edition* and separated by the following geographical areas:

- On-campus;
- On-campus residential housing facilities\(^5\);

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\(^2\) For a full list of definitions, visit csumb.edu/clery.

\(^3\) 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.

\(^4\) 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 (2) any building or property owned or controlled by CSUMB 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 CSUMB recognized student organization owns any off-campus properties, student organizations can control properties. For more information, see the section titled “Criminal Activity at Non-campus Locations of Student Organizations.”

\(^5\) CSUMB is 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 CSUMB 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 CSUMB and are within the same reasonably contiguous geographic area. Frederick Parks I and II have always been included in the Residential Facilities category. However, Schoonover may or may not be included in the 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.
The following information is important when reviewing CSUMB’s crime data.

**COUNTING HIERARCHY**

When counting multiple offenses in a single incident, CSUMB used the FBI’s UCR Hierarchy Rule. Under this rule, when more than one Criminal Offense was committed during a single incident, CSUMB 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

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. When applying these exceptions, CSUMB 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. CSUMB 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, CSUMB 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

Any crimes that occurred in Schoonover Park that did not occur in a building structure that housed a CSUMB student was only included in the on-campus geographical category.

6 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.
Hierarchy Rule. For example, for a single incident involving both a Rape and an Aggravated Assault that were both Hate Crimes, CSUMB’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.

Lastly, the Hierarchy Rule does not apply to VAWA Offenses (i.e. Dating Violence, Domestic Violence, and Stalking). Therefore, 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, CSUMB 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 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 will be removed from any previously reported statistics for that crime category. The “unfounded” crime will be 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.
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*Campus Residential crime statistics are an inclusive subset of Campus crime statistics; therefore, the numbers reported in the Campus Residential column must be equal to or less than the numbers reported in the Campus column and are not added together to reach a total.  
** For 2017, the Robbery statistics were changed from 4 campus and 3 campus residential to 1 campus and 1 campus residential because there was no larceny of theft involved, only obstruction to use of a wireless communication device during the commission of a domestic assault. Change made 9/18/2019.  
*** For 2017, the Aggravated Assault statistics were changed from 4 campus and 3 campus residential to 6 campus and 4 campus residential because the Robbery statistics were changed, thus changing the application of the hierarchy rule. Change made 9/18/2019.  
**** For 2017, the Stalking statistic was changed from 9 campus to 10 campus because the course of conduct was reported in 2018 and 2017. Change made 9/18/2019.  

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

2016, 2017, and 2018 – There were no reported hate crimes.

**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. CSU 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. If no immediate threat exists, individuals should contact the University Police Department. Regarding student matters, the Office of the Vice President for Student Affairs should be contacted in addition to the University Police Department.⁷

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 Community Director (CD). In-progress suspicious or criminal acts and all police, fire,⁸ or medical emergencies should be reported directly to UPD by calling 9-1-1 or by pushing the button on a “blue light” campus emergency phone. There are 64 blue-light campus emergency phones⁹ strategically located throughout 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 CSUMB 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.

<table>
<thead>
<tr>
<th>Property</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Soledad Street Community Learning Center, Salinas PD</td>
<td>831-758-7321</td>
</tr>
<tr>
<td>CSUMB at Salinas City Center, Salinas PD</td>
<td>831-758-7321</td>
</tr>
<tr>
<td>CSUMB at North Salinas, Salinas PD</td>
<td>831-758-7321</td>
</tr>
<tr>
<td>CSUMB at Ryan Ranch, Monterey PD</td>
<td>831-646-3830</td>
</tr>
</tbody>
</table>

⁷ For CSUMB's Policy on Campus Violence full content, see [https://csumb.edu/policy/policy-campus-violence](https://csumb.edu/policy/policy-campus-violence).
⁸ For more information on how to report on-campus fires and fire safety, please see the Fire Safety Report. A link to the report can be found on page [to be inserted when finalized].
⁹ Blue-light phones and emergency call boxes are tested monthly and in the event 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. 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 CSUMB students, employees and residents may also be referred to the appropriate CSUMB administrator for administrative review/conduct process. UPD 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.

**TO A CAMPUS SECURITY AUTHORITY**

CSUMB encourages all members of the campus community to contact UPD when they have been the victim of or have witnessed criminal actions. 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 Campus Security Authority (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. For a full listing of CSA-qualified positions, see csumb.edu/csa. For contact information regarding personnel in these various positions, visit CSUMB’s Directory at csumb.edu/directory.

CSUMB 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.

**VOLUNTARY CONFIDENTIAL REPORTING**

Pursuant to California Education Code section 67380(a)(6)(A), CSAs who receive reports from employees or students of a Part I violent crime, sexual assault or hate crime that occurred in an on or non-campus location, as defined by the Clery Act,

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10 CSU Executive Order 1107.
11 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](https://www.whitehouse.gov/).
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.

While all campuses in the California State University (CSU) encourage members of the community to promptly report all crimes to UPD, campuses do have policies requiring confidential, exempt sources defined in the Clery Act (Professional and Pastoral Counselors) to report information disclosed to them of a crime in a confidential session. All confidential exempt sources are encouraged to provide victims of all options and support resources for reporting crimes on campus for administrative or criminal investigation and action.

ANONYMOUS REPORTING

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.

Should you wish 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 CSUMB’s responsibility to weigh any request for confidentiality against its duty to provide a safe environment for all members of the campus community.

TIMELY WARNINGS

CSUMB will issue a timely warning as soon as pertinent information is available (1) when a Clery reportable crime is reported to UPD or a designated CSA, (2) occurred in a Clery defined geographical area, and (3) a case by case analysis of pertinent facts known is completed and a determination is made a serious or ongoing 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 is 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 “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.

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**DISCIPLINARY PROCEEDING RESULTS FOR VIOLENT CRIME OR NON-FORCIBLE SEX OFFENSES**

CSUMB 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. CSUMB 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.

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**SECURITY OF AND ACCESS TO CAMPUS FACILITIES**

UPD provides special access to facilities to authorized persons with proper identification. 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.

Campus facilities may be used by university groups and community groups in accordance with time, place, and manner.

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13 Daily, 8 a.m. to 10 p.m., except for current CSUMB employees, enrolled students, and student clubs/organizations who may engage in freedom of expression activities at any time.
14 Freedom of expression activities may take place on campus with the following exceptions: inside parking lots and University buildings and within 20 feet of any location in which instructional, educational and/or official business activities are being conducted. Popular locations are outside the Tanimura and Antle Family Memorial Library and in the Main Quad.
policies determined by the University, and is predicated that all activities shall be conducted in a lawful manner. Reasonable time, place, and manner restrictions on the use of public forums are permissible, provided that they are carefully designed to (1) coordinate the appropriate use of a particular location for speech activities, remain viewpoint-neutral, and not to prohibit particular forms of expression; (2) “serve a significant government interest” and are not more extensive than necessary to serve that interest; and (3) “leave open ample alternative channels for communication of the information.” They must be clear and specific enough to place the public on notice as to exactly what is authorized and what is forbidden. Use of CSUMB facilities or properties requires prior approval (contact Conference and Event Services at 831-582-4111 except for the Student Center (Building 12) and the Black Box Cabaret (Building 81). For those facilities, contact 831-582-4614. Access to residential areas is limited to residents, their guests, and authorized CSUMB employees through keycard access.

Although normal office hours are Monday - Friday, 8:00 a.m. until 5:00 p.m. but are incumbent upon the offices, departments and services within.

UPD officers patrol the campus grounds and buildings to monitor the security condition of all facilities. 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.

Certain campus buildings (e.g. Student Services; Student Center) have employed persons stationed at the front service desk as part of their job function. These positions do not monitor ingress and egress; however, the on-campus dining facility (i.e., Dining Commons) monitors ingress by checking student and staff identification cards upon entry. Additionally, Black Box Cabaret staff monitors access for events by checking student and guest identification cards at the entrance.

All requests for building access privileges outside of the general public hours are approved by the supervisor of the staff or faculty making the request. All requests are sent through Facilities Service and Operations where access cards/keys are made and distributed once approved.

Of note, there are over 400 security cameras currently deployed throughout the CSUMB campus, including inside campus facilities. UPD sworn officers and Community Service Officers (CSOs) are also assigned to conduct foot patrols while on duty. This includes security checks of CSUMB buildings.

The CSUMB Policy on the Use of University Buildings and Grounds, which includes additional information on time, place and manner, can be viewed at https://csumb.edu/policy/time-place-and-manner-policy-interim.

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15 Freedom of expression must be conducted in a manner that (1) shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic; (2) shall not interfere with or disrupt the conduct of University business; (3) shall be carried out without creating excessive noise by use of a device; (4) shall not unreasonably interfere with classes in session or other scheduled academic, educational, cultural/arts programs; (5) shall not promote an unlawful end, such as promoting actual violence or bodily or property harms, terrorist threats, defamation, obscenity, and false advertising; and (6) shall not violate any federal, state or local safety code, such as regulations set by the State Fire Marshal. Persons using areas generally available to students and the community are allowed to distribute petitions, circulars, leaflets, newspapers, and other printed matter. Individuals or groups distributing materials in these areas, other than material discarded or dropped in or around appropriate receptacles, shall retrieve and remove such materials, prior to their departure from the areas that day. Enforcement will be in compliance with existing state and federal laws.
Housing staff (including CDs and RAs), sworn UPD officers, and CSOs patrol student housing facilities as part of their regular duty functions, noting deficiencies, reporting concerns, and responding to incidents.

Students living on Main Campus are granted access to their residence hall using their Otter ID card. The card is not universal and does not permit entry into all residence halls on campus. Each student room is hard keyed, and the student is assigned a key that matches their room door’s lock. In the event a student lives in a suite, they are given a second key. The first key will access the suite’s lock. The second accesses their individual room, which is locked differently than the suite entrance. 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 different 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 Otter ID Card; 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. Main Campus residents who lose their key are required to notify Student Housing by contacting their RA immediately. East Campus residents are required to notify Student Housing on the Main Campus and the Alliance 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.

UPD headquarters is located at 100 Campus Center, Valley 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 CSUMB. 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 CSUMB pursuant to Section 830.2 of the California Penal Code and Section 89560 of the California Education Code.

CSUMB maintains operational agreement/memorandums 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 this agreement 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 between the cities of Seaside, Marina, Monterey, Pacific Grove, Sand City, Del Rey Oaks, Carmel and CSUMB, 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”).

SECURITY AWARENESS PROGRAMS

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.

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. 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.

Rape Aggression Defense (R.A.D.) Systems Training
R.A.D. is not a martial arts program. Courses are taught by certified R.A.D. instructors and provide course participants with a workbook/reference manual. At CSUMB, both women’s Basic Physical Defense and men’s Resisting Aggression with Defense courses are offered every semester.

The Basic Physical Defense course is a program of realistic, self-defense tactics and techniques. It is a comprehensive course for women that begin with awareness, prevention, risk reduction and avoidance, while progressing on to the basics of hands-on defense training. The class is offered to female (assigned, transgender, identify-as) CSUMB students, staff and faculty at no cost.
Resisting Aggression with Defense provides participants with the opportunity to: raise their awareness of aggressive behavior, recognize how aggressive behavior impacts their lives, learn steps to avoid aggressive behavior, consider how they can be part of reducing aggression and violence, and practice hands-on self-defense skills to resist and escape aggressive behavior directed toward them. This program is designed to empower participants to make safer choices when confronted with aggressive behavior. The class is offered to male (assigned, transgender, identify-as) CSUMB students, staff and faculty at no cost.

For more information on R.A.D. and the offered courses, visit csumb.edu/rad.

Diversity Learning Series
The Diversity Learning Series is a compilation of course offerings provided each academic semester, available to all campus employees. While attendees are able to select courses based on their personal interests from a set of elective offerings, there is also a “core” set of sessions that are required for each participant. One of the core courses is “Diversity through Discrimination Prevention” and is facilitated by the Title IX/DHR Director. The course is a half-day session, providing a comprehensive and intensive overview of protected categories, and ways to both prevent violations of discrimination standards (including sexual misconduct, dating and domestic violence, and stalking), and awareness/support for the employees acting as designated reporters so as to further enhance the campus reporting culture.

Student and New 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, CSUMB policy regarding the prohibition of sexual violence, discrimination and harassment, and alcohol abuse education. Student orientations can occur at any point of 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.

Disaster Service Worker (DSW) Virtual Academy
The DSW Virtual Academy provides resources, information and training to better prepare all public employees (i.e., CSUMB 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 CSUMB employees have disaster worker status. The oath or affirmation per California Government Code § 3102 is signed by all CSUMB employees as part of the hiring paperwork when first hired.

New CSUMB 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 Management and Health & Safety (EMHS) Office offers 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 EMHS Office 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 safety and security presentations upon request. 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 CSUMB’s 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). 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 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 bike are also provided with information on theft prevention, theft techniques and how to avoid them, and where bikes can be stored safely on-campus. Free bicycle registration is available to CSUMB students, faculty and staff at csumb.edu/bikereg.

Night Walk Safety Escorts
Radio-equipped, uniformed, and trained CSOs will provide escorts between Main Campus locations to anyone regardless of their affiliation with CSUMB Monday through Friday from 5:00 p.m. to midnight during the fall and spring semesters. For Night Walk service, call 831-582-3573. If a CSO is unavailable, or on weekends, a police officer will provide this service at 831-655-0268.

Crime Prevention through Environmental Design (CPTED)
According to the International CPTED Association16, “CPTED is defined as a multi-disciplinary approach to deterring criminal behavior through environmental design. CPTED strategies reply 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.

**Violence in the Workplace**

Personal Growth and Counseling, Risk Management, and UPD conduct 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 410 security cameras record events on campus and the recording can be reviewed by police officers in the event of a crime, disturbance, or suspicious event on campus.

**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 CSUMB Main Campus building outline in a BEC Plan.

The BEC Plan establishes the concurrent responsibilities of CSUMB 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. If you would like to become a BEC, please contact the UPD Emergency Management & Health and Safety (EMHS) Office by dialing 831-582-3589 or emailing safety@csumb.edu.

**Directed Patrol**

Special attention is directed by UPD sworn officers toward any campus activity or event that generated a large number of participants (i.e., students, staff, faculty, or the community).

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**CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS**

When a CSUMB student is involved in an off-campus offense, police 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 noncampus building or property. Additionally, in a “reasonable good-faith effort,” UPD will request the record

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17 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.”
of any criminal activity that may have occurred at those locations.

For a complete copy of CSUMB’s student conduct procedures, see CSU Executive Order 1098 at https://www.calstate.edu/eo/EO-1098-rev-3-29-19.pdf.

ALCOHOL AND DRUGS

CSUMB complies with the Drug Free Workplace Act of 1990 and the Higher Education Act, Section 120(a). CSUMB 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 CSUMB.

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 California State University, Monterey Bay, and to all individuals on the properties of the University.

The Business and Professions Code\(^\text{18}\) and related statutes control the sale, consumption, and possession of alcoholic beverages. The California State Alcoholic Beverage Control (ABC) Board is responsible for interpretation and enforcement of the laws regarding the consumption, sale, or possession of alcoholic beverages.

Except as indicated by this 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 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.\(^\text{19}\)

The unlawful manufacture, distribution (either by gift or sale), dispensing, possession or use of illicit drugs as defined in the California Health and Safety Code and/or the United States Drug Enforcement Administration Drug Schedule is illegal and prohibited on campus.

The University Police Department is responsible for enforcing laws relating to alcohol beverages.

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 the 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.

Employees shall be given the opportunity to review the Alcohol Policy, once adopted, 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

\(^{18}\) 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
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 CSUMB Drug Policy and the Student Code of Conduct may be expelled, suspended, placed on probation or given a lesser sanction for violating CSUMB 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 CSUMB policy and Federal or State law may be subject to corrective or disciplinary action, up to and including termination.

The CSU Student Conduct Code may be found on the CSUMB Student Conduct website at [https://csumb.edu/studentconduct](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 attending new student orientation are required to participate in a 30-minute workshop designed to provide the facts about alcohol use on campus 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 on campus and information about 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](http://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 CSUMB and offers alcohol and drug abuse counseling for CSUMB employees. Interested employees should contact Empathia Pacific Inc. directly at 800-367-7474 or [www.mylifematters.com](http://www.mylifematters.com). Employees
may also contact University Personnel for more information at 831-582-3389.

For a complete copy of CSUMB’s policy on alcohol, visit https://csumb.edu/policy/campus-alcohol-policy.
For a complete copy of CSUMB’s in-process alcohol policy renewal and its in-process policy on illicit drugs, visit https://csumb.edu/clery/clery-related-policies-and-procedures.

SEXUAL VIOLENCE

CSUMB 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 CSUMB (both on and off campus), and protect all people regardless of their gender from Sex Discrimination, including Sexual Harassment, Sexual Misconduct, including Sexual Assault, Dating or Domestic Violence, and Stalking.

CSUMB seeks to provide an education environment in which students, faculty, and staff work together in an atmosphere free of Sexual Misconduct, including Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence and Stalking. Every member of the CSUMB 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 CSUMB policy. As members of the CSUMB community, students shall comply with CSUMB policies and guidelines in addition to Federal, State, and local laws whether on or off campus. CSUMB will discipline persons identified as responsible for Sexual Misconduct, Dating or Domestic Violence, or Stalking as described in this report and CSUMB policy.

In an ongoing effort to prevent Sexual Misconduct, Dating Violence, Domestic Violence and Stalking, CSUMB 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. CSUMB also provides information to victims on pursuing criminal action and obtaining protective orders if needed. CSUMB 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.

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

PREVENTION, EDUCATION, AND AWARENESS

CSUMB 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.
CSUMB 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 CSUMB’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 an 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 CSUMB may impose following the final determination of a University disciplinary procedure regarding Sexual Misconduct, Dating or Domestic Violence, or Stalking.

• How CSUMB 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 CSUMB 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 CSUMB’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. CSUMB 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, CSUMB 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 CSUMB 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.

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. 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 offering assistance. 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. CSUMB 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.
- 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.

Risk Reduction

20 The preceding definition is provided by 34 C.F.R. § 668.48.
Risk reduction means options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. 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

**CAMPUS AWARENESS AND ON-GOING INFORMATION CAMPAIGNS**

CSUMB’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.

**TIX/DHR Ambassador Program**

This program is offered every fall semester and requires 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 on campus, and includes a component on sexual health and resources to prevent and respond to sexual assault:

- National Depression Screening Day
  - National Depression Screening Day is an annual event held at CSUMB to provide confidential mental health screenings to students and promote 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 during the second week of October.
- Suicide Prevention and Awareness Week
  - Suicide Prevention and Awareness Week is an annual event at CSUMB, 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.

21 The preceding definition is provided by 34 C.F.R. § 668.48.
• Mental Health Awareness Week
  o Mental Health Awareness Week is an annual event held at CSUMB 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
  o Sexual Assault Awareness Month encompasses a series of events held yearly at CSUMB 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
  o National Collegiate Alcohol Awareness Week (NCAAW) is an annual event at CSUMB, 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.

In collaboration with the Title IX, Health and Wellness Services, POWER Peer Educators, Kappa Sigma, Theta Alpha Sigma, the Monterey County Rape Crisis Center, and Associated Students, a variety of programs are conducted throughout the month of April to educate the CSUMB 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)
    o A commemorative day for the members of the LGBTQ+ community
  • Denim Day
    o A campaign in honor of Sexual Assault Awareness Month where supporters wear jeans to protest against the misconceptions about sexual assault
  • SlutWalk
    o 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
    o A public protest purposed to unite women to voice their desire to end the fear and perceived responsibility women experience regarding sexual violence.

Otter Cross Cultural Center
In collaboration with numerous CSUMB departments and campus organizations, the following programs are typically available throughout the year:
  • Safe Zone Training
    o 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.
    o Students - Offered during the Spring 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.

- **World AIDS Day**
  - Working together with the NAACP, Personal Growth & Counseling Center, Monterey County Health Department, PRIDE Club, and Community Hospital of Monterey Peninsula, this two-day event showcases the importance of AIDS as a relevant public health crisis through the screening of End Game as well as hosting a panel with various public health experts. This event typically takes place at the beginning of December.

- **International Women’s Day Celebration**
  - In partnership with Associate Students and the 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.

### DEFINITIONS PER EXECUTIVE ORDERS 1095-1097

**SEX DISCRIMINATION**

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

**SEXUAL HARASSMENT**

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

- a. Submission to, or rejection of, the conduct by the complainant is explicitly or implicitly used as the basis for any decision affecting a term or condition of the complainant’s employment, or an employment decision; or
- b. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, limiting their ability to participate in or benefit from the services, activities or opportunities offered by CSUMB; or
- c. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as creating an intimidating, hostile or offensive environment.

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1 As mandated by the Clery Act’s Violence Against Women Act (VAWA)/Campus SaVE Act, these policy definitions are derived from the local jurisdiction, and based on the California Penal Code, the California Family Code, and the California Evidence Code. In some instances, these definitions may differ slightly from the Federal definitions set forth in the next section for mandatory crimes statistic reporting. For reportable crime statistics, the Clery Act regulations mandate definitions from the Federal Bureau of Investigation’s (FBI’s) Uniform Crime Reporting (UCR) Handbook.
Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexual 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.

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

**SEXUAL MISCONDUCT**

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

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

**SEXUAL ASSAULT**

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

**SEXUAL BATTERY**

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

**RAPE**

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

**ACQUAINTANCE RAPE**

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

**AFFIRMATIVE CONSENT**

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

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.
- Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions,
- Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person’s decision-making ability, awareness of consequences, and ability to make informed judgments. A person’s own intoxication or incapacitation from drugs or alcohol does not diminish that person’s responsibility to obtain Affirmative Consent before engaging in sexual activity.
- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  - The person was asleep or unconscious;
  - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  - The respondent’s belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;
  - The respondent did not take reasonable steps, in the circumstances known to the respondent at that time, to ascertain whether the person affirmatively consented.
**DOMESTIC VIOLENCE**

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

**DATING VIOLENCE**

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

**STALKING**

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

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

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

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

Persons who have experienced Sexual Misconduct, including Rape, Dating Violence, Domestic Violence, or Stalking, are encouraged to seek immediate assistance from police and healthcare providers for their physical safety, emotional support and medical care. UPD or local police can escort victims to a safe place and transport them to a hospital for medical treatment, if needed. UPD can also provide access to a Sexual Assault Victim Advocate. Victims, who prefer not to notify the police, are strongly encouraged to seek assistance from the campus Title IX Coordinator and/or a Sexual Assault Victim Advocate or counselor who can provide information on options, rights, and remedies.
Victims have the right to decide who and when to tell about Sexual Misconduct, Dating and Domestic Violence, and Stalking. However, it is very important that they get medical attention after being assaulted. Following the incident, a victim may be physically injured, may have contracted a sexually transmitted disease, or may become pregnant.

CSUMB’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 CSUMB policies. Except in extreme circumstances, CSUMB students or employees who are victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking will not be subject to discipline.

CSUMB encourages victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking to talk to someone about what happened – so they can get the support they need, and so CSUMB can respond appropriately. Whether – and the extent to which – a CSUMB employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends on the employee’s position and responsibilities at CSUMB. 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. CSUMB strongly encourages victims to talk to someone identified in one or more of these groups.

Certain CSUMB employees, listed below, are required by law to maintain near or complete confidentiality; talking to them is sometimes called a “privileged communication.” UPD 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 CSUMB 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 CSUMB can take immediate action to protect the victim, and take steps to correct and eliminate the misconduct.

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

**PRIVILEGED AND CONFIDENTIAL REPORTS**

Treating physicians, psychotherapists, professional counselors, and clergy who work or volunteer providing medical or mental health treatment or counseling (including those who act in that role under their supervision) may not report any information about an incident of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking to anyone else at CSUMB, 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 CSUMB investigation that could reveal the victim’s identity or the fact of the victim’s disclosure. However, see limited exceptions below regarding when these professional must report to local law enforcement agencies. These confidential professional should explain these limited exceptions to victims, if applicable.

CSUMB 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 compliant with CSUMB and a separate compliant with local or UPD. If a victim insists on confidentiality, CSUMB will likely not be able to fully assist the victim with: CSUMB
academic support accommodations; changes to CSUMB-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 CSUMB 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 CSUMB will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

**EXCEPTIONS TO CONFIDENTIALITY**

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

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

**REPORTING OPTIONS**

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

**CRIMINAL**

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

**REPORTING TO THE POLICE**

As soon after the incident as possible, victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking are strongly encouraged to report the incident to the police. Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking may be reported to the UPD by dialing 911. UPD will support all victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking regardless of their decision to seek criminal prosecution of the offender or not. Victims have the option
to report anonymously to the police and the decision to seek criminal prosecution remains with the victim. UPD 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 UPD about Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that their identity be kept confidential, their name will not become a matter of public record and the police will not report the victim’s identity to anyone else at CSUMB, including the Title IX Coordinator. UPD 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. CSUMB is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while CSUMB will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

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

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

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

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

NOTE: If CSUMB 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.

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

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

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

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

If a victim requests of the Title IX Coordinator or another University employee that their identity remain completely confidential, the Title IX Coordinator will explain that CSUMB 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, CSUMB must weigh that request against CSUMB’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 CSUMB has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim’s identity, CSUMB’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 CSUMB’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. CSUMB and Title IX Coordinator will also:

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

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

CSUMB will not generally notify parents or legal guardians of a Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking report unless the victim is under 18 years old or the victim provides CSUMB with written permission to do so. Under California law, and pursuant to University policy, many University employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to report the incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

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

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

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

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

The University has procedures that provide for an administrative investigation of Sexual Misconduct, Dating Violence, Domestic Violence or Stalking and written findings based on the preponderance of the evidence standard. In cases of Sexual Misconduct when: (1) the respondent is a student; (2) the credibility of a witness is an issue; and (3) there is the potential for the imposition of a severe sanction, the procedures provide for a hearing after an investigation. After the investigation (or hearing, if applicable), written findings based on the preponderance of the evidence standard will be provided to the complainant and respondent. Both the complainant and respondent may appeal written findings from the final investigation report or the hearing. All appeals are submitted to the CSU Chancellor’s Office. The procedure for complainants filed by and against CSU employees and third parties is separate from but similar to the procedure for CSU students.

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

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

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

After review of evidence by the parties, the investigator will prepare a final investigation report. The report shall include a summary of the allegations, the investigation process, the preponderance of the evidence standard, a detailed description of the evidence considered and appropriate findings. Within 10 days of issuance of the final investigation report, the Title IX Coordinator shall notify the Complainant and the Respondent in writing of the outcome of the investigation.

After the investigation has been concluded, in Sexual Misconduct cases that require a hearing, the parties will receive an investigation report that will (a) describe the allegations; (b) identify the material facts – undisputed and disputed – with explanations as to why any material fact is disputed; and (c) describe the evidence presented and considered. At this stage in the process, the parties will be offered an opportunity to informally resolve the complaint.

If the parties are unable to informally resolve the matter, a hearing will be scheduled. The hearing will be conducted by an independent Hearing Officer who will listen to the witnesses and analyze the evidence presented. The Hearing Officer will ask questions of the parties as well as other witnesses with percipient knowledge of the facts in dispute, and will make findings of fact and a decision about whether CSU policy was violated by a preponderance of the evidence. Although the parties themselves will not ask questions, they may propose questions for the Hearing Officer to ask of the other party and witnesses.

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

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

**COMPLAINT PROCEDURES**

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

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

**COMPLAINTS MADE BY STUDENTS**


**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, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties” is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party.

Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Sex Discrimination or Sexual Harassment, including Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking shall use the grievance procedure specified in their collective bargaining agreement. Executive Order 1096 can be viewed at [http://www.calstate.edu/eo/EO-1096-rev-3-29-19.pdf](http://www.calstate.edu/eo/EO-1096-rev-3-29-19.pdf).
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 http://www.calstate.edu/eo/EO-1096-rev-3-29-19.pdf.

DISCIPLINARY PROCEDURE

The Title IX Coordinator (or designee) is responsible for investigating complaints of Gender Discrimination, Harassment and Retaliation, including Sex Discrimination and Sexual Harassment, as well as Complaints of Sexual Misconduct, Domestic and Dating Violence, and Stalking. (See Executive Orders 1095, 1096 and 1097.)

With respect to cases adjudicated under Executive Order 1097 (i) alleging Sexual Misconduct by a Student that, (ii) if substantiated, could result in a severe sanction (suspension or expulsion), and (iii) where credibility of any Party or witness is central to the finding, a hearing will be conducted after an investigation and a review by the parties of the evidence gathered during the investigation. Generally, within 10 working days of the close of the hearing, the Hearing Officer will make findings of fact and conclusions about whether a violation of CSU policy has occurred. 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 compliance with CSU policy. The Hearing Officer’s Report shall be promptly transmitted to the Parties, the Title IX Coordinator, and the Student Conduct Administrator.

With respect to Executive Order 1096 and all other matters falling under Executive Order 1097 that do not meet the criteria articulated above, the Title IX Coordinator investigates those complaints or assigns an investigator. The investigator prepares a report that includes findings of facts and conclusions about whether the applicable Executive Order was violated. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.

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

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

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

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

STUDENT CONDUCT DISCIPLINE PROCEEDINGS
In cases where there is no hearing and the investigative report finds a violation of Executive Order 1096 or 1097, or where the finding of a violation has been sustained after an appeal, the report is referred to the Student Conduct Administrator to initiate student conduct proceedings. The Student Conduct Administrator will offer to conduct pre-hearing conferences separately with the complainant and respondent to review information concerning the charges, interim remedies, proposed sanctions or range of sanctions, the nature of further proceedings, and possible disposition without sanction hearing.

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

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

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

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

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

The Hearing Officer shall submit a written report to the president recommending sanctions, if any, as well as any recommendations regarding additional remedies. The report shall include any mitigating or aggravating factors relied upon by
the Hearing Officer in reaching the recommendations. The report shall be submitted within 10 working days after the hearing.

**DISCIPLINE PROCEEDINGS FOR STUDENT MISCONDUCT CASES**

In cases adjudicated under Executive Order 1097 (i) alleging Sexual Misconduct by a Student that, (ii) if substantiated, could result in a severe sanction (suspension or expulsion), and (iii) where credibility of any Party or witness is central to the finding, if a violation is found, within **5 Working Days** of receiving the finding the Parties may submit to the Hearing Coordinator an impact statement regarding discipline. The Student Conduct Administrator and/or Title IX Coordinator may also submit a written statement regarding aggravating and mitigating factors for the Hearing Officer to consider.

After reviewing submitted information from the parties and the Title IX Coordinator and Student Conduct Administrator, the Hearing Officer will make a sanction recommendation. The sanction recommendation will be submitted to the president (or designee), including recommended sanctions (as defined in EO 1098). The Hearing Officer’s Report will attach the Investigation Report and will include:

- a) the factual allegations and alleged policy violations;
- b) the Preponderance of the Evidence standard;
- c) the evidence considered including an analysis of the credibility of the Parties and witnesses, when credibility assessments are required to resolve factual disputes;
- d) any material evidence identified by the Parties or witnesses that the Hearing Officer determined was not relevant (or duplicative) and the reason why the evidence was not considered to be relevant;
- e) a list of all questions proposed by the Parties at the hearing, and if any questions were not asked, why;
- f) a summary of the procedural issues raised by the Parties before or during the hearing;
- g) the factual findings and the evidence on which the factual findings are based;
- h) to the extent that the factual findings required a determination concerning of the relative credibility or lack of credibility of the Parties or witnesses, an explanation as to how that determination was reached; and
- i) a determination of whether the Executive Order was violated and an analysis of the basis for that determination.

**PRESIDENT’S SANCTION DECISION/NOTIFICATION**

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

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

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

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

**STUDENT SANCTIONS**

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 CSUMB 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 CSUMB 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 CSUMB 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 CSUMB (subject to individual campus enrollment policies) one 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 CSUMB (subject to individual campus application policies) once suspension has been served. Conditions for readmission may be specified.

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

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

\[2\] A student is not considered to be in good standing for purposes of admission to the University while under a sanction of suspension or expulsion, or while admission or re-admission has been disqualified.
MORE THAN ONE SANCTION MAY BE IMPOSED FOR A SINGLE VIOLATION.

OTHER CONSIDERATIONS RELATED TO SANCTIONS

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

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

3. INTERIM SUSPENSION
A president may impose an interim suspension pursuant to Title 5, California Code of Regulations section 41302 where there is reasonable cause to believe that separation of a student is necessary to protect the personal safety of persons within the CSUMB community or CSUMB 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 CSUMB community or CSUMB 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 CSUMB-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 CSUMB program are subject to appropriate sanctions for violations of the Student Conduct Code, including qualification, revocation or denial of admission or readmission. For students who withdraw while a disciplinary matter is proceeding, the campus has discretion whether to continue proceedings or hold proceedings in abeyance.

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

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

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

REGISTERED SEX OFFENDERS

California’s sex offender registration laws require convicted sex offenders to register their status with UPD 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

CSUMB 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 CSUMB, 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.

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

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

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

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/personalsafety.

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 larger community has the ability to enroll in OtterALERT by registering at csumb.edu/personalsafety. Emergency notifications for the larger community that choose not to enroll shall receive information through the CSUMB homepage. Emergency Notifications using OtterALERT have additional options for methods of dissemination (i.e., CSUMB’s Facebook account, CSUMB’s Twitter account). These social media platforms provide the larger community with directions to visit csumb.edu/emergency for additional information and updates.

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

**TESTING AND EVACUATION SYSTEMS**

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. 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.

Tests will be planned but components thereof may be announced or un-announced. Where un-announced 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 CSUMB’s 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). CSUMB 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 CSUMB is attempting to disseminate and includes, but it 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](https://csumb.edu/policy), [CSUMB Building Evacuation Policy](https://csumb.edu/policy), and the CSUMB Emergency Operations Plan.

### MISSING STUDENT NOTIFICATION

CSUMB 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 provided in StarRez that 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 CSUMB community has reason to believe a student who resides in on-campus housing is missing, he or she can report the missing student to either SHRL professional staff, CDs, RAs, Student Health staff, Athletics coaches, trainers and staff members, Office of Student Affairs staff, faculty club and organization advisors, the Dean of Students, or the Director of Student Activities & Leadership. However, missing person reports should be immediately referred 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). No waiting period exists before an officer 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.

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.

The 2019 Fire Safety Act Report is available at the following link: csumb.edu/firereport.