



# The Jeanne Clery Act *ANNUAL SECURITY REPORT* 2016

Report based upon statistics and information for the period of:

[January 1<sup>st</sup> 2013 through December 31<sup>st</sup> 2015](#)



Published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, by:

**Humboldt State University Police Department**

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**Quick Link to Annual Security Report:**

<https://www2.humboldt.edu/police/sites/default/files/HSU%20Annual%20Security%20Report%202016.pdf>

## **MESSAGE FROM THE UNIVERSITY PRESIDENT**

Welcome to Humboldt State University! We are located in a beautiful area, in the midst of the tallest (and arguably some of the oldest) trees in the world. We are in a place that has the historical and cultural overprints of indigenous peoples, of the timber and mining industries, and of the creative and performing arts. In this place, we have a mission to educate students and to build on our values of social and environmental responsibility. We have ambitious plans to fulfill this mission. And these plans are continuing to evolve as we adapt and grow as an engaged community and as a University where students are involved in place-based learning. Our current strategic plan is focused on four key areas: supporting student success, providing a welcoming environment for our diverse community, ensuring we have the resources needed to fulfill our mission, and expanding partnerships, both on- and off-campus.

Students at HSU benefit from great academic programs, a broad arrange of co-curricular activities, the sense of exploration (both intellectual and environmental), and the connections that they build with friends, faculty and staff, and the community. Our University is nationally recognized for our graduate's contributions to creating a better world. Washington Monthly Magazine recently ranked HSU in the top 20 master's-level universities in the U.S. for social mobility, research, and service. We rank in the top 10 medium-sized universities in the number of alumni who join the Peace Corps (and we rank #1 in California). Our area, Humboldt County, has been ranked the second most beautiful county in the U.S. The Princeton Review calls HSU a top "Green College," and Humboldt State is considered #1 for great small colleges for nature lovers.

Doesn't this make you want to come visit in person? Please do! Come and learn about our excellent academic programs, and see the redwoods, rivers, mountains, and coastline for yourself. We're a great place to learn, live, study, and be engaged.

Sincerely yours,  
Lisa A. Rossbacher, Ph.D.  
President

## **CAMPUS POLICE AUTHORITY AND JURISDICTION**

**Authority as Campus Staff Members:** The peace officers of the Humboldt State University Police Department are designated staff members within the Administrative Affairs Division of the University. As such, they have the authority to respond to and investigate possible violations of the Student Code of Conduct, Housing Rules, and other University rules and regulations. Officers regularly prepare Incident Memorandums to Housing and Student Affairs Judicial personnel documenting evidence of non-criminal policy violations, and of criminal acts. These violations can result in discipline.

**Statewide Law Enforcement Authority:** The peace officers of the Humboldt State University Police Department, as appointed pursuant to § 89560 of the California Educational Code, have the authority to enforce the law anywhere in the state in accordance with California Penal Code § 830.2(C) and contemporary court opinions. This authority includes the power to make arrests on or off campus anywhere in the State of California.

**Primary Jurisdiction:** As per Penal Code § 830.2(C) and § 89560 of the California Educational Code, the primary duty of Humboldt State University Police Officers shall be the enforcement of the law on the main campus and in an area within one mile of the exterior boundaries of the main campus, and also in or about other grounds or properties owned, operated, or controlled by the California State University. The one-mile area around the campus encompasses much of the City of Arcata including downtown and the Plaza.

**Generalist Philosophy:** The University Police Department assumes primary investigative responsibility for all crimes reported to have taken place upon the University main campus and other University properties. In the event that a serious crime or ongoing pattern of crime requires additional resources, the University Police Department will call on Arcata PD, other local agencies, other California State Universities, and other state and federal agencies for assistance as needed.

**Local Relationships and Agreements:** HSUPD has positive working relationships and written operational agreements with state and local police departments. HSUPD assists Arcata PD nearly every day, often during incidents where students are present. HSUPD maintains contact with other local agencies through radio monitoring, electronic and voice communication, and regular inter-agency meetings. Arcata PD and HSUPD have an operational agreement delineating responsibilities and jurisdictional understanding published in accordance with California Education Code § 67381 (the Kristin Smart Campus Safety Act of 1998). A copy of this will be made available upon request.

## **ANNUAL DISCLOSURE OF CRIME STATISTICS**

The University Police Department prepares this report to comply with the Clery Act. The full text of this report can be located on our web site at [http://humboldt.edu/police/Downloads/clery\\_crime\\_report.pdf](http://humboldt.edu/police/Downloads/clery_crime_report.pdf). You will also be able to connect to our site via the HSU Home page at [www.humboldt.edu](http://www.humboldt.edu). This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and satellite facilities, Housing and Residence Life, the Office of Student Rights and Responsibilities, and the Divisions of Student Affairs, Academic Affairs, and Administration and Finance. Each entity provides HSUPD with information on allegations of crime received, referrals for student discipline for violations of the law, and their educational efforts and programs to comply with the Act. Humboldt State does not have any off or on campus fraternity or sorority houses.

Arrests, allegations of crime on and around the main campus, and statistics for satellite properties include those reported to the University Police Department, to applicable local law enforcement agencies, and to designated campus officials defined as “campus security authorities” (refer section on “*Persons responsible to receive/report criminal offenses*” earlier in this report.) Some statistics, especially disciplinary referrals for law violations, are difficult to compare accurately from campus to campus because criminal laws differ at many universities.

The ***Annual Security and Fire Safety Reports*** are published by **October 1 for the previous calendar year**, and made available for free to the public via the HSUPD webpage and through copies at the University Police Department, 1 Harpst St., Arcata CA 95521, or by calling 707-826-5555. All prospective employees may obtain a copy from Human Resources in Siemens Hall Room #211 or by calling 707 826- 3626. The web site address (URL) is attached to employment application information packets, and also listed in the HSU catalog. Prospective students will also be provided a copy of the report upon request.

Informational messages regarding the availability of the annual report are printed on employee paycheck stubs, in semester class schedules, in University publications, and in a special individual email notice sent to all currently enrolled students (including those attending less than full time and those not enrolled in Title IV programs or course).

## **NOTES AND COMMENTS ABOUT STATISTICS**

**Different Statistical Reports Required by Law and Policy:** As a recognized California Law Enforcement agency and part of the California State University, the Humboldt State University Police Department is required to report crimes (1) to the federal *Department of Justice* on a monthly basis; additional statistics for crimes, arrests, property loss and recovery are reported annually to (2) the *California State University Chancellor’s Office*; the Campus Security Act requires the submittal of a (3) report for the *Department of Education Annual Statistics*; and finally, the (4) “*Humboldt State University Annual Security Report*” is published each fall to comply with the Clery Act.

**Clery Act Report Reflects Allegations of Certain Crimes, Not Fully-Substantiated Crime Investigations:** The nature of the Clery Act regulations demands that the University Police Department document and report all allegations of certain crimes regardless of whether or not there is evidence or an investigation that substantiates all the elements of the specific crime(s) under California law that would be required for prosecution. Even some confidential reports without any identified suspect or information to confirm the victim’s allegation may be included as reported crimes in this report. The only crime allegations that may be excluded from reporting are those that police investigation shows to be false or baseless.

**Statistics Can Vary Between Reports:** Caution should be used in comparing one type of report to another inasmuch as each report asks for different statistics. However, in the university environment of information and awareness, the crime allegation information reported will enable our campus community to be safety conscious. These statistics are available to students, staff, faculty, and prospective members of our university community. The data is inclusive of crimes that were reported within the past three years on-campus, off-campus and on public property surrounding campus jurisdiction.

**Clery Act Reports Can Be Difficult to Compare Between Campuses:** There are numerous problems with making campus-to-campus comparisons, including but not limited to: the community where a campus is located, the relative size of each campus, the number and type of satellite properties, the number of students residing on each campus, the type and size of any off-campus University housing or Greek communities, the presence or absence of proactive police personnel on the campus, the nature of the university/college and police data entry/storage/retrieval systems, and diligent referral and reporting processes. What might be reported and documented on one campus may not be on another campus. Also, it is important to note that on some campuses, there are specific law violations for such offenses as illegal weapons and open containers of alcohol that will result in arrests or documented disciplinary referrals, while other campuses without such laws will not have reportable statistics for the same conduct.

**CLERY CRIME STATISTICS 2013 – 2015**

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Murder	2013	0	0	0	0
	2014	0	0	0	0
	2015	0	0	0	0
Manslaughter by negligence	2013	0	0	0	0
	2014	0	0	0	0
	2015	0	0	0	0
Sex Offenses					
Rape	2013	4	4	0	0
	2014	3	1	0	0
	2015	4	4	1	0
Fondling	2013	0	0	0	0
	2014	0	0	0	0
	2015	3	3	0	0
Incest	2013	0	0	0	0
	2014	0	0	0	0
	2015	0	0	0	0
Statutory Rape	2013	0	0	0	0
	2014	0	0	0	0
	2015	0	0	0	0
Robbery	2013	0	0	0	0
	2014	0	0	0	1
	2015	0	0	0	0
Aggravated Assault	2013	0	0	0	1
	2014	0	1	0	0
	2015	6	1	0	1
Burglary	2013	4	3	0	0
	2014	5	1	0	0
	2015	8	1	1	0
Motor vehicle theft	2013	0	0	0	0
	2014	2	0	0	0
	2015	2	0	0	0
Arson	2013	2	2	0	0
	2014	3	0	0	0
	2015	0	4	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2013	0	0	0	0
	2014	0	0	0	0
	2015	0	0	0	0
Domestic Violence	2013	1	0	0	0
	2014	0	0	0	0
	2015	1	0	0	0
Stalking	2013	0	0	0	0
	2014	0	0	0	0
	2015	4	0	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor law arrests	2013	3	0	0	2
	2014	3	0	0	0
	2015	0	0	0	0
Liquor law referrals	2013	1	3	0	0
	2014	19	8	0	0
	2015	76	70	0	0
Drug law arrests	2013	8	4	0	1
	2014	2	1	0	2
	2015	2	2	0	0
Drug law referrals	2013	169	116	0	0
	2014	238	220	0	0
	2015	122	109	0	0
Weapons law arrests	2013	0	0	0	1
	2014	0	0	0	0
	2015	2	0	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2013	N/A
	2014	0
	2015	4

**HATE CRIME**

**2013:** One main campus incident of vandalism characterized by sexual orientation

**2014:** One resident hall incident of vandalism characterized by race bias.

**2015:** Three incidents of vandalism in resident halls, characterized by 1 sexual orientation. 2 by race bias

## **REPORTING CRIMINAL ACTIONS, SUSPICIOUS INCIDENTS AND/OR EMERGENCIES**

If a crime, suspicious incident, or security problem is observed, all persons, including students and employees, are encouraged and requested to report the information to University Police by dialing 9-1-1 from any phone. All persons are encouraged to contact any campus official to seek their assistance in reporting crimes, suspicious incidents or security problems. For non-emergency or business calls, dial extension 5555 from any campus phone or 707-826-5555 from off-campus. Call 9-1-1 for police, fire or medical emergencies. The HSUPD dispatch center receives cell phone 9-1-1 calls directly from most wireless carriers and continues to work with other carriers to bring them into compliance with the state regulations. Certain areas of campus will route directly to the UPD while others may still be answered by the California Highway Patrol or Arcata Police Department.

The Humboldt State University Police Department is responsible for receiving reports, documenting, follow-up investigation, and resolution of any criminal incident that occurs at the University. Crimes committed in or on off-campus buildings owned or controlled by Humboldt State University (satellite properties) are generally reported to the police agency of jurisdiction where the building or property is located. The University Police Department may be requested to assist or take the lead in the investigation of such incidents as appropriate and/or indicted by interagency agreements.

## **TIMELY WARNINGS**

On occasion, an event or reported crime may arise on campus that may trigger a timely warning. On a case-by-case basis the Chief of University Police, in consultation with the Vice President of Administration and Finance, and the Vice President of Student Affairs, will determine the need for a timely warning. When a report is received by a Campus Security Authority AND the crime was reported to have occurred on HSU property specified in the Clery Act AND the crime is considered to be an “ongoing threat” to the safety of students and employees, a campus-wide timely warning may be issued. This timely warning is usually titled a “**Crime Alert**”, however, occasionally “**Safety Alerts**” may be issued (e.g., mountain lion sightings). UPD, with support from campus administration, Marketing and Communications and other departments, will utilize a variety of methods for distribution which include paper notices posted in prominent locations, electronic delivery via web pages, and through media releases. These timely warnings will be issued in a prompt manner, appropriate for the circumstances, without delay.

## **Voluntary Confidential Reporting**

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

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

## **SECURITY OF AND ACCESS TO CAMPUS FACILITIES**

**Boundary Security, Staff Reporting, and Patrols:** The campus entrances are marked with signs and monuments to identify to visitors that they have entered campus. Police and Parking personnel patrol the campus in uniform in marked police vehicles, on bike, and foot. All personnel of the University Police Department, including 24-hour armed uniformed California peace officers, other full-time staff, and student employees, use cell phones, campus phones, and police radios to call in crimes, security problems and emergency situations as they are discovered. Other staff members do the same, including but not limited to: Student Affairs staff and student employees; Housing custodial, maintenance, residential, and professional staff; and Plant Operations custodians, maintenance mechanics, and other staff. Arcata Police and Parking personnel regularly traverse the campus on patrols and take on-view action or notify University Police of security problems or suspicious/ criminal activity. Arcata Police personnel assist HSUPD promptly upon request.

**On-site Police Department:** The University Police Department is located on the ground floor of the Student and Business Services Building in the center of campus at Harpst and Rossow Streets. The Department is marked with signs, and is open 24 hours a day as an area of relative safety and refuge. The department is staffed on-site by a trained professional 9-1-1 dispatcher who can personally communicate with a walk-up customer or others who may choose to contact the department by phone.

**Telephone Access to HSUPD:** There 63 courtesy phones and 69 public assistance “Blue Light” phones (exterior phones and call boxes, which are illuminated at night by blue lights) on campus. These assistance phones have direct-dial emergency access to HSUPD, many with the push of a large red button marked “HELP”. Any member of the community may also call the University Police at ext. 5555 from any campus assistance phone (off campus, 707-826-5555) for an on-campus “Safety Escort”. Police Department staff may provide the escort while on foot, bike, or vehicle patrol.

**Security Alarms and Cameras:** Many offices, labs, computer rooms, some residences, and other areas of campus have burglary and/or panic alarms that are monitored at the University Police Department. Several public locations on campus have security cameras that serve to deter crime; although they are not continually monitored in real time, the images from these are recorded and can be reviewed by authorities should a need arise.

**Residence Hall Security:** Entry into University residence halls is controlled and monitored on a 24- hour basis through a combination of card-key security systems, alarms and on-duty Residence Life personnel. Exterior doors automatically lock. Some common areas and the largest, freshman-oriented residence halls also have security cameras. The Housing office employs evening “Walk-Arounds” equipped with radios and flashlights to check the security of residence halls at night, closing and locking doors. Since campus residence halls are locked 24 hours a day, residents, with identification, can request access if locked out. Staff and residents are responsible for securing the facilities and closing any open doors. A professional staff member is always on call and responds to crimes and emergencies around the clock. UPD is also available 24 hours a day and may be pro-actively present in the halls at any time, or may be requested to respond by housing staff.

**Campus Building Security:** Campus buildings other than residence halls are maintained by Plant Operations and patrolled by the sworn police officers and HSUPD Student Assistants assigned to door-opening duties.

Custodians work late evening and occasional early morning hours and report suspicious or criminal activity directly to HSUPD via radio or phone.

**Access to Campus Buildings:** Most campus buildings and facilities are accessible to students, employees, guests and visitors during normal business hours Monday through Friday and for limited designated hours during special events. After-hours, access to all facilities is by key or electronic key card. Building coordinators and individual departments should be contacted for after-hours access.

**Campus Building Closing Schedule and After-Hours Access:** All buildings should be secured by 12:00 AM weekdays and weekends except under special circumstances. Custodial staff, officers and part-time student staff may be responsible for locking or unlocking most campus buildings at the proper times at the direction of the building coordinators. It is

recognized that there will be some need for after-hour/weekend access to buildings. After hours a faculty or staff I.D. is required. Students working in the building after hours are required to have in their possession a student pass (authorized by building coordinators), together with photo identification. Holiday access scheduling is treated as weekend access. Facility room reservation questions should be directed to the University Center Room Reservations at 707-826-4414.

### **SECURITY CONSIDERATIONS USED IN MAINTENANCE OF FACILITIES**

**Residence Hall Community:** Residence hall maintenance, including lighting, grounds keeping, windows/doors/ locks, is directed through the Housing Office, 707-826-3451. Problems are reported by student residents, resident staff, professional staff, custodians, groundskeepers, walk around security, and maintenance employees.

**Campus Buildings and Grounds:** Campus buildings and grounds maintenance is directed through Plant Operations, 707-826-3646. Problems are reported by visitors, students, faculty, staff, custodians, groundskeepers, maintenance employees, police, and parking personnel. Employees of the Police Department periodically test emergency assistance phones, identify safety and security needs such as overgrown shrubbery and streetlamps being out, and notify Plant Operations via a Work Request Form emailed or faxed to Plant Operations 24 hours a day. Periodic crime prevention surveys are conducted when a crime trend occurs or upon the physical changes of office space and equipment when

### **THE HUMBOLDT STATE UNIVERSITY POLICE DEPARTMENT**

As a recognized California Law Enforcement agency, the Humboldt State University Police Department (HSUPD) has full law enforcement powers and performs all law enforcement responsibilities for the Humboldt State University community 24 hours a day, 365 days a year. HSUPD meets all training requirements mandated by the California Commission on Peace Officers Standards and Training (POST) as well as training designed to meet the needs of the university community. As state peace officers, their police authority extends throughout the state, including concurrent jurisdiction with the Arcata Police Department on the adjacent streets and surrounding community.

The professionally trained staff operates a 9-1-1 Public Safety Answering Point (PSAP) dispatch center; responds to emergency calls; protects life and property; and oversees crime prevention, multi-hazard emergency management, general community-oriented patrol and security. Duties also include proactive law enforcement, criminal and traffic investigation, safety escorts of persons and persons carrying valuables, reporting of safety hazards, assistance to motorists, and assistance to other law enforcement agencies and social service agencies.

Additionally, HSUPD administers LiveScan fingerprinting services; participates in public safety education programs; and supports Residence Hall presentations, Campus Emergency Response Teams (CERT), building security programs, Building Evacuation Teams, crime prevention and alert notices, drug awareness training, Women's Self Defense and property identification.

### **CAMPUS POLICE AUTHORITY AND JURISDICTION**

**Authority as Campus Staff Members:** The peace officers of the Humboldt State University Police Department are designated staff members within the Administrative Affairs Division of the University. As such, they have the authority to respond to and investigate possible violations of the Student Code of Conduct, Housing Rules, and other University rules and regulations. Officers regularly prepare Incident Memorandums to Housing and Student Affairs Judicial personnel documenting evidence of non-criminal policy violations, and of criminal acts. These violations can result in discipline.

**Statewide Authority to Arrest:** The peace officers of the Humboldt State University Police Department, as appointed pursuant to § 89560 of the California Educational Code, have the authority to enforce the law anywhere in the state in accordance with California Penal Code § 830.2(C) and contemporary court opinions. This authority includes the power to make arrests on or off campus anywhere in the State of California.

**Primary Jurisdiction:** As per Penal Code § 830.2(C) and § 89560 of the California Educational Code, the primary duty of Humboldt State University Police Officers shall be the enforcement of the law on the main campus and in an area within one mile of the exterior boundaries of the main campus, and also in or about other grounds or properties owned, operated, or controlled by the California State University. The one-mile area around the campus encompasses much of the City of Arcata including downtown and the Plaza.

**Generalist Philosophy:** The University Police Department assumes primary investigative responsibility for all crimes reported to have taken place upon the University main campus and other University properties. In the event that a serious crime or ongoing pattern of crime requires additional resources, the University Police Department will call on Arcata PD, other local agencies, other California State Universities, and other state and federal agencies for assistance as needed.

**Local Relationships and Agreements:** HSUPD has positive working relationships and written operational agreements with state and local police departments. HSUPD assists Arcata PD nearly every day, often during incidents where students are present. HSUPD maintains contact with other local agencies through radio monitoring, electronic and voice communication, and regular inter-agency meetings. Arcata PD and HSUPD have an operational agreement delineating responsibilities and jurisdictional understanding published in accordance with California Education Code § 67381 (the Kristin Smart Campus Safety Act of 1998). A copy of this will be made available upon request.

### **SECURITY AWARENESS PROGRAMS**

During freshman and transfer orientation prior to the start of each semester, the Chief of Police or his/her designee presents information regarding security awareness and safety issues to incoming students (and their families) in a panel, at a campus service fair with tabling information, and through the “Health & Safety” program, mentioned below.

Early in the academic semester, resident Community Advocates (CA’s) facilitate special floor meetings in the residence halls where discussions are facilitated regarding safe behavior and security of the residence halls. Emphasis is placed on locking exterior doors and discouraging strangers from entering residence halls.

At the start of some athletic team seasons, officers of the University Police Department present a structured lecture to incoming athletes regarding appropriate, lawful behavior, and encouraging members of the team to watch out for one another.

At least once each academic year, the Chief of Police or his/her designee presents safety and security information to new faculty members. A similar presentation is given to new University staff employees several times a year.

Periodically, upon request, special safety presentations are given to subgroups of employees by the Chief of Police or his/her designee, such as emergency/disaster procedures, security reminders to Housing staff, night time safety tips for campus custodial staff, or “active shooter” instruction given to an academic department.

### **ResLife Handbook**

Part of the mission in Residence Life is to maintain a safe environment within the residential community. Therefore, there are policies and procedures listed in the ResLife Handbook that enable us to help maintain safety and security. All community members play a part, including staff, guest and residents. If someone does not feel safe in the residence halls, be sure to contact a Residence Life staff member (such as an on-duty CA or your RLC) or the University Police Department (UPD) for assistance.

## **Campus Health & Safety Program**

A special freshman education program is presented prior to the start of a semester, tailored to new students to prepare them for safe, healthy, positive experiences and choices in situations involving parties, alcohol, drugs, and sexual situations. This program discourages dangerous and criminal behavior, unwelcome sexual acts, etc. and includes emphasis on buddy system in party settings, respecting one another and diversity.

This program is presented through the Humboldt Orientation Program (HOP) and HSU Clubs & Activities. Contact HOP at 707-826-3510. A similar program is presented to transfer students in an on-line model through the Humboldt Online Orientation Program (HOOP).

## **Women's Self-Defense Class**

Several times per year, the Humboldt State University Police Department, in partnership with Student Affairs, sponsors a 3-hour intensive women's self-defense class. It is a fast-paced class, focused primarily on physical defense techniques. It's open to students, staff, and faculty. And it's free!

## **CHECK IT Project**

CHECK IT is a student led project and growing movement on campus. It's about rejecting our culture's passive acceptance of harm and making it a norm to CHECK IT (intervene) if we see an absence of consent or a high-risk situation where someone may be hurt. CHECK IT is about making clear to those who commit acts of violence (specifically sexual assault, dating violence, stalking) that it is not acceptable and we are not going to put up with it in our community. CHECK IT is about strategizing as a community different ways we can take action when we see potential moments of violence or harm happening around us so that in those moments we have the tools to do something instead of nothing. CHECK IT is about creating a campus culture that's more rooted within a sense of community where we all look out for one another and have each other's backs.

## **CRIME PREVENTION PROGRAMS**

As part of the regular police services provided daily, University Police also offers a number of other programs for assistance and crime prevention. Officers or Parking Compliance Officers provide motorist assistance for vehicle lockouts and jumpstarts on campus, and HSU PD officers provide safety escorts across the campus whenever needed.

The University Police website offers an Anonymous Tip page for public use as well (refer section on "*Confidential and Anonymous Reporting Procedures*" earlier in this report.)

When time is of the essence, information is released to the University community through timely-warning "*Crime Alerts*" posted prominently throughout campus, through the Department of Public Affairs and media releases, via the campus conditions recording (707-826-INFO).

Periodically, upon request, HSUPD staff may organize and facilitate special crime prevention programs on a contemporary topic, such as sexual assaults, preventing bike theft, active shooter safety tips, etc.

HSUPD participates in an "Adopt a Residence Hall" program where officers meet with Residence Life Coordinators and Community Advocates to promote safety and awareness programs, engage with students in a non-enforcement setting to have informal discussions regarding residence life and safety. UPD officers also coordinate a "Keg Check" program where designated officers check keg distributors for kegs being rented by students. The officer contacts the students and provides educational material regarding alcohol awareness and consequences of over drinking. Officers follow up with the Arcata Police Department regarding incidents involving students with alcohol and other drugs.

Additionally, crime prevention information and materials are distributed through the HSUPD website, via literature racks, and at public club and activities fairs at least twice each year. Some of these materials include crime prevention tips on Identity Theft, Domestic Violence, Sexual Abuse, child abduction and underage drinking.

### **CRIMINAL ACTIVITY MONITORING OFF-CAMPUS**

**Coordination and Communication with Arcata PD:** When a Humboldt State University student is involved in an off-campus offense, HSUPD officers may assist with the initial response and/or the follow-up investigation. On occasion, especially in on-view crimes or limited Arcata PD availability, HSUPD officers may handle the entire case from beginning to end. Arcata PD officers routinely work and communicate with HSUPD officers regarding any serious crimes/incidents occurring on-campus or in the neighborhoods and business districts within a one-mile radius of the campus.

**Policy Code of Conduct Violations Between University Community Members:** All members of the campus community, including students, staff, and faculty, may be held accountable by virtue of the various sets of regulations that govern behavior. Policy violations between students, staff, and/or faculty may be investigated on or off campus and discipline may follow. All persons associated with the campus are responsible for adhering to campus-wide regulations regarding conduct, CSU regulations regarding conduct, as well as local, state and federal laws. Violations are subject to disciplinary proceedings through the Office of Student Rights and Responsibilities. Sanctions may include: expulsion, suspension, probation, and removal from the Residence Halls or any University-sponsored program such as athletics or student government, and/or termination from employment. A preponderance of proof is the level of evidence required to impart sanctions for conduct violations.

**No Off-campus Housing or Student Organization Facilities Recognized:** Humboldt State University does not operate any off-campus housing and recognizes no off-campus Greek community housing or other student organization facilities.

Humboldt State University does operate a number of facilities off-campus:

- First Street Art Gallery (Eureka)
- Humboldt Bay Aquatic Center (Eureka)
- Research Vessel Coral Sea (Docked in Eureka)
- Observatory (Fickle Hill Road)
- Marine Laboratory (Trinidad)

Criminal Activity is monitored at each of these off-campus locations.

### **ALCOHOL AND OTHER DRUG POLICY**

The faculty, staff and administration of Humboldt State University are dedicated to creating an environment that allows students to achieve their educational goals. Humboldt State University believes that awareness through education is necessary to promote a healthy lifestyle for our campus, and that every member of the campus community should be encouraged to assume responsibility for his/her behavior. Humboldt State University subscribes to a drug-free campus and workplace (Drug Free Workplace Act, 1988; Drug-Free Schools and Communities Act Amendment, 1989, PL101-226). Manufacture, sale, distribution, dispensation, possession, or use of alcohol and controlled substances by university students and employees on university property, at official university functions, or on university business is prohibited except as permitted by law, university policy, and campus regulations. Students, faculty and staff violating these policies are subject to disciplinary action which may include expulsion or termination of employment and may be referred for criminal prosecution and/or required to participate in appropriate treatment programs.

The current complete policy regarding use of alcoholic beverages can be found in the University Policy, Executive Memoranda Number: EM: P11-01, Comprehensive University Policy Regarding Use of Alcoholic Beverages on the HSU Policies webpage or directly at: <http://www.humboldt.edu/policy/>

Any questions related to this policy should be addressed to the University President or her designee, as outlined in the Legal Requirements section. Any revision of this policy shall be proposed to the President.

### **CAMPUS ALCOHOL AND OTHER DRUG PROGRAMS**

A key element of alcohol and drug abuse prevention is students working with other students to create healthy norms of behavior on campus. Through the Health Education and Promotion Program in the Recreation and Wellness Center, students can become involved in bringing vital health outreach and leadership in a variety of health topics (including substance use) to the campus community. Contact the University Health Educator at 707-826-5234 for more information. Many self-help groups meet both on campus and in the community.

Alcoholics Anonymous and Narcotics Anonymous meet on the HSU campus each week. Check the bulletin board outside the Health Educator's office at the Rec and Wellness Center or at the Counseling Center on the second floor of the Health Center for exact name, places, and times. There are many community resources (public, private nonprofit and private for profit) available.

**Housing Assistance to Resident Students:** Housing/Residential Life Staff are available to identify, informally counsel, support, and make referrals for students suffering from drug/alcohol abuse issues. These interventions may include referral to on or off-campus professionals, group support, and/or directions to participate in on-line intervention programs.

**On-Line Intervention Tools:** Students experiencing difficulty with alcohol and other drug use issues may be directed or referred to professional on-line study and educational tools with which to better understand the risks and ramifications of their choices, resulting in healthier behavior and student success. More information on these programs is available from Residential Life, 707-826-3451, the Health Educator, 707- 826-5234. Some on line resources are: <http://www.everfi.com/alcoholedu-for-college>, <http://web.3rdmilclassrooms.com/courses/college/alcohol-wise> and <http://www.alcoholscreening.org>

**Employee Assistance Program (EAP):** Whether the source of the problem is psychological, chemical, marital, family, or workplace related, this service puts an employee or their dependents in touch with a skilled counselor who has training and experience in helping people. At no cost, a counselor will assist in defining and recognizing a problem. The counselor will offer two, one-hour sessions of brief counseling and refer you to the appropriate agency or therapist if further help is necessary. This may range from a no-cost support group to private counseling. When assistance is requested, no information is reported to supervisors, deans, chairs, or the Human Resources Department. To ensure confidentiality this service is provided by Humboldt Family Service Center. They can be contacted at 707-443-7358.

**Additional assistance resources include:**

On-campus

Counseling & Psychological Services	707-826-3236
Student Health Center	707-826-3146
Rec & Wellness Center	707-826-5234

Off Campus

AA (Alcoholics Anonymous)	Toll Free	844-442-0711
Alcohol/Drug Care Services (DETOX)		707-445-3869
Alcoholics & Narcotics 24 Hr. Help Line		888-206-7272
American Cancer Society		707-442-1436
Crossroads Residential Program		707-445-0869
Dual Recovery Anonymous		707-445-6250
Eureka Community Health Center		707-441-1624
Health Dept./Tobacco Education		707-268-2132
Health Dept./HIV-AIDS Testing		707-268-2109
Healthy Moms		707-441-5220
Hoopa Tribal Alcohol Program		530-625-4236 Ext 14
Humboldt Alcohol/AI-Anon/AI-Teen/Adult Children of Alcoholics (ACA)		707-443-1419
Humboldt Co Alcohol/Other Drug Programs		707-476-4054, Garberville 707-923-2729
Humboldt Alcohol Recovery Treatment (HART) Fortuna Community Services		707-725-9381
Humboldt County Crisis Services		707-445-7715
Humboldt Domestic Violence Services		707-443-6042, 24 Hour
Humboldt Family Services Center		707-443-7358
Humboldt Recovery Center		707-443-4237
Mothers Against Drunk Driving (MADD)		707-443-5072
Narcotics Anonymous (NA)		707-444-8645
Open-Door Clinic Smoking Cessation		707-826-8610
Redwood Rural Health Center-Garberville St. Joseph Hospital		707-923-2783
Family Recovery Services		707-445-9251
Singing Trees Recovery Center		707-247-3495 OR 707-247-3334
United Indian Health Services		707-825-5060

## **SEXUAL VIOLENCE**

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

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

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

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

## **SEX DISCRIMINATION**

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

## **SEXUAL HARASSMENT**

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

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

- c. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as creating an intimidating, hostile or offensive environment.

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

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

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

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

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## **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 time, to ascertain whether the person affirmatively consented.

## **DOMESTIC VIOLENCE**

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

## **DATING VIOLENCE**

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

## **STALKING**

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

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

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

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

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

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

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

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

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

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

### **PRIVILEGED AND CONFIDENTIAL REPORTS**

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

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a treating physician, psychotherapist, professional counselor, or

clergy member, and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the University and a separate complaint with local or University Police. If a victim insists on confidentiality, the University will likely not be able to fully assist the victim with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules.

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

### **EXCEPTIONS TO CONFIDENTIALITY**

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

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

### **REPORTING OPTIONS**

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

### **CRIMINAL**

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

### **REPORTING TO THE POLICE**

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

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

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

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

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

## **REPORTING TO A CSA**

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

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

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

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

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

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

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

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

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

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

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

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

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

## **NON-REPORTING**

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

## **CIVIL LAWSUIT**

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

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

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

The investigation process from initial complaint to final result shall be prompt, fair, and impartial. The investigator will meet separately with the complainant and the respondent and other potential witnesses to gather information. The investigation shall be completed no later than 60 Working Days after the intake interview, unless the timeline has been extended. The timeline should not be extended for a period longer than an additional 30 Working Days from the original due date. Before reaching a final conclusion or issuing a final investigation report, the Investigator shall have: a) advised the Parties, or have offered to do so, verbally or in writing, of any evidence upon which the findings will be based; and, b) given the Parties an opportunity to respond to the evidence, including presenting further relevant evidence, information or arguments that could affect the outcome. The Investigator will not reach a final conclusion or issue an investigation report until giving careful consideration to any such relevant evidence, information or arguments provided by the Parties. The Investigator retains discretion and authority to determine relevance.

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

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking and how to conduct a hearing process that protects the of victims and promotes accountability;
- Provide the complainant and respondent the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
  - 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 the University knows or has reason to know about possible Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking, it must review the matter to determine if an investigation is warranted. When warranted, all such investigations must be prompt, thorough and impartial. The University must then take appropriate steps to eliminate the Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and/or Stalking, prevent its recurrence, and remedy its effects.

## **COMPLAINTS MADE BY STUDENTS**

<http://www.calstate.edu/EO/EO-1097-rev-6-23-15.pdf>. Executive Order 1097, entitled "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Violence, Domestic Violence, Dating Violence, and Stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party. Executive Order 1097 can be viewed at

## **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 simultaneously inform the complainant and respondent in writing of:

<http://www.calstate.edu/EO/EO-1096-rev-6-23-15.pdf>. 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

## **COMPLAINTS MADE BY STUDENT-EMPLOYEES**

<http://www.calstate.edu/EO/EO-1096-rev-6-23-15.pdf>. 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

## **DISCIPLINARY PROCEDURE**

The Title IX Coordinator (or designee) is responsible for investigating complaints of Gender Discrimination, Harassment and Retaliation, including Sex Discrimination and Sexual Harassment, as well as Complaints of Sexual Misconduct, Domestic and Dating Violence, and Stalking. (See Executive Orders 1095, 1096 and 1097.) In accordance with Executive Orders 1096 and 1097, the Title IX Coordinator investigates those complaints, determines whether the accused violated

the applicable Executive Order(s), and prepares a report that includes findings of facts and conclusions about whether the applicable Executive Order was violated. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.

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

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

- Verbal reprimand
- written reprimand
- Reduction in salary
- Temporary or permanent demotion
- Paid or unpaid administrative leave
- Suspension
- Denial or curtailment of emeritus status
- Mandated education or training
- Change in work location
- Restrictions from all or portions of campus
- Restrictions to scope of work
- Dismissal

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

#### **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 PROCEEDINGS**

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

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

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

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

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

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

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

### **PRESIDENT'S SANCTION DECISION/NOTIFICATION**

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

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

### **STUDENT SANCTIONS**

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

1. *RESTITUTION.*

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

2. *LOSS OF FINANCIAL AID.*

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

3. *EDUCATIONAL AND REMEDIAL SANCTIONS.*

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

#### **4. DENIAL OF CAMPUS OR PERSONS**

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

#### **5. DISCIPLINARY PROBATION.**

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

#### **6. SUSPENSION**

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

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

#### **7. EXPULSION**

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

#### **8. CAMPUS SPECIFIC SANCTION(S)**

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. ADMINSTRATIVE HOLD OF DEGREE**

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

#### **2. RECORD OF DISCIPLINE**

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

### *3. INTERIM SUSPENSION*

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

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

### *4. DENIAL OF ACCESS TO CAMPUS DURING INTERM SUSPENTION*

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

### *5. ADMISSION OR READMISSION*

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

## **APPEAL OF PRESIDENT'S SANCTION**

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

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

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

## **SEX OFFENDERS**

**Federal Law Regarding Registration and Release of Information:** Upon release from prison, individuals convicted of sex crimes may be required to register with law enforcement agencies under laws referred to as "Megan's Laws". Additionally, the Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed by, institutions of higher education. Such institutions have the authority to release, in some circumstances, certain information about registered sex offenders. At Humboldt State University, the controlled release of such information may occur, when pre-authorized by the CSU General Counsel, through the authority of the Chief of University Police, when such release is deemed appropriate for the safety of the

University community. The CSCPA amends the Family Educational Rights and Privacy Act (FERPA) to clarify that nothing in the Act can prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders.

Penal Code 290.01 was expanded and requires sexual offenders to register with the University Police. Convicted sexual offenders are required to register under Section 290 if they are residing on the university campus; enrolled as a student of the university; employed by the university, either full-time or part-time (includes paid employees or volunteers); or working or carrying on a vocation at the university (e.g. contractors) for more than 14 days or for an aggregate period exceeding 30 days in a calendar year (including paid workers as well as volunteers).

Persons listed above must register with the University Police within five working days of commencing enrollment or employment with the University. Registrants are also required to notify the university police within five working days of ceasing to be enrolled or employed, or ceasing to carry on a vocation at the University.

Public information regarding sex offenders in California may be obtained by viewing the California Department of Justice On-Line **Megan's Law Website** at <http://www.meganslaw.ca.gov>. Be advised however, that neither the California Department of Justice, nor Megan's Web make information public about sex offender registration specific to colleges or universities.

There are other ways the public may gain access to information about convicted & registered California sex offenders:

Humboldt County Sheriff's Office  
826 4<sup>th</sup> Street  
Eureka, CA 95501  
Phone number 707-445-7251  
<http://co.humboldt.ca.us/sheriff/>

California Department of Justice  
California Sex Offender Information Program, Rm H-216 PO  
Box 903387  
Sacramento, CA 94203-3870  
Phone number (916) 227-4974  
E-mail address - [MegansLaw@doj.ca.gov](mailto:MegansLaw@doj.ca.gov)

## **EMERGENCY RESPONSE AND EVACUATION**

Upon receiving information that a significant emergency or dangerous condition exists that involves an immediate threat to the health or safety of students or employees on the campus, HSU will, without delay, take reasonable steps to confirm the information, and taking into account the safety of the community, initiate an emergency alert and notification to the campus community.

HSU shall determine the type of alert and the content and delivery methods of the notification message(s). The alert and notification will be issued in a timely manner, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. More than one method should be used to alert and/or inform the desired segment(s) of the community. Depending on the type of emergency these methods can include Emergency Public Address System, text messaging, campus wide e-mail, HSU website notices, signage, and other methods available and practical for the type of event.

If an evacuation appears to be a reasonable action to mitigate the threat, then the evacuation shall be ordered and initiated. Building evacuation plans are posted in campus buildings and described online. HSU employees should assist in evacuation consistent with their training and responsibility and HSU's emergency management plans and procedures.

In the event that a significant emergency exists that does not appear to involve an immediate health or safety threat (e.g., one structure fire with all occupants safely evacuated), then HSU will not proactively alert the entire campus, but will ensure that information about the event can be located by interested parties online and on a recorded phone message (826-INFO).

HSU assumes that strong shaking from a major local earthquake that is felt by everyone on campus serves as a very effective emergency “alert”, and HSU will not automatically issue a notification message simply because of an earthquake. Earthquake damage, utility interruptions, and injuries could also impair HSU’s ability to issue timely alerts and notifications.

### **Emergency Confirmation, Evacuation Authority, and Alert/Notification Procedure**

Upon the initial report of a significant emergency or dangerous situation, UPD must be immediately notified. The UPD Watch Commander is the initial campus authority that determines:

- The location, type, and extent of apparent danger or significant emergency; and
- If there appears to be an immediate threat to the health or safety of anyone on campus.

When time allows, the Watch Commander may gather more information and/or may consult with trained/experienced personnel. If an evacuation appears to be a reasonable action to mitigate the apparent danger or threat, it may be immediately ordered by the Watch Commander, who has authority to initiate evacuation of an individual facility, multiple buildings, or of the entire campus.

The Watch Commander, Incident Commander, or EOC Director is responsible for:

- Classifying the emergency,
- Determining the appropriate segment(s) of the community for additional evacuation and/or emergency alert and notification;
- The alert communication method(s) and the approval of content of the notification message.

This process may include consultation with others. As soon as time reasonably allows, notification must be made to HSU’s divisions and President.

### **Alert/Notification Responsibilities and Methods**

HSU Police Dispatch:

- Activate audible alert tones, strobe lights, and/or emergency public address \*
- Update message on 826-INFO recorded phone line (if not handled by the Emergency Management Coordinator or Marketing & Communications)

HSU Marketing & Communications:

- Post information on HSU Emergency Conditions webpage
- Post alert/notification on HSU homepage
- Initiate RSS feed (Really Simple Syndication) to online subscribers
- Initiate social networking messaging (e.g., Facebook)
- Ensure KHSU 90.5 FM is alerted and has access to material to broadcast
- Create and issue news releases to local media
- Update message on 826-INFO recorded phone line (if not handled by HSU Police)

#### Emergency Management Staff:

- Initiate cellular phone text message to subscribers of HSU emergency text messaging
- Send emergency email message to campus community (as assigned)

#### HSU Facilities Management:

- Deploy “*Campus Closed – Emergency*” sandwich boards around campus

#### HSU Emergency Operations Center:

- Utilize administrative emergency “EOC Gold” radios to update on-duty administrators who can forward information to others

Segments of the larger community may be notified by the following units as appropriate:

HSU Police may notify Arcata Fire; Arcata Police; City of Arcata; County Sheriff; CSU officials; CalFire statewide duty officer (for fire or explosion on campus).

HSU Marketing & Communications may notify local media; CSU Public Affairs; CSU-Hosted Emergency Website (If HSU website goes down).

HSU President’s Office may notify the Chancellor.

HSU’s alert and notification system shall be tested at least once in the fall and the spring. Tests will be announced in advance, and publicized via advertisement in the student newspaper, radio announcements, sandwich boards, and posted on-line. Tests shall be coordinated and documented by the Emergency Management unit of Risk Management and Safety Services. Feedback from the campus community will be collected electronically, and an After-Action report shall be created and filed for each test of the system.

### **MISSING STUDENTS**

A student may be considered to be a “*missing person*” if the person’s absence is contrary to his/her usual pattern of behavior and/or unusual circumstances may have caused the absence.

Housing provides each student living in an on-campus student housing facility with the option to register a “Confidential Contact” person to be notified in the case that the student is determined to be missing. “Confidential Contact” information is intended to be kept confidential and only accessed in a reported missing person situation. Housing shall be the custodian of “Confidential Contact” information. This information may only be released upon authorization by the Vice President for Student Affairs, the Dean of Students, the Director of Housing, the Associate Director of Housing, or the acting Director of Housing in the absence of the above named persons. Only authorized campus officials and law enforcement officers in furtherance of a missing person investigation may have access to “Confidential Contact” information. All resident students shall be advised by Housing at check-in that in the event they are reported missing, UPD shall be notified, regardless of whether or not they have registered a “Confidential Contact” person.

Individuals, having reason to believe that a resident has been missing, may report directly to the University Police Department, 24 hours a day, seven days a week. Reports may also be made to a designated “campus security authority”, (as defined earlier in this report). CSA’s are obligated to report a missing person to the University Police Department immediately. Housing employees are required to make prompt reports to their supervisor and UPD. However, anyone may make these reports to the Housing Department Office, 2<sup>nd</sup> floor, Jolly Giant Commons, (707) 826-3451 or the Office of the Vice President of Student Affairs/Dean of Students, Nelson Hall East, 216, (707)826-3361. Both of these departments will then cross-report the missing person notification to UPD immediately. A sworn police officer should initiate an investigation in accordance with the UPD’s missing person policy, procedures, and regulations.

The following procedures will be taken when a student is determined to have been missing for 24 hours:

1. Any HSU employee who has or receives information that a resident student may be a missing person must notify their supervisor and UPD immediately.
2. UPD will promptly initiate an investigation consistent with UPD policies, procedures, and applicable regulations.
3. Upon request by UPD, Housing will assist in gathering essential information about the situation and the missing resident.
4. Housing shall determine if the missing student has registered a "Confidential Contact" person with the Housing Department.
5. If the missing resident student has registered a "Confidential Contact person, then that contact person shall be contacted by an authorized official of the university.
6. If the missing resident student is under 18 years of age and not emancipated, their parent or guardian will be notified that they are missing by an authorized official of the university.
7. Authorized campus officials for making notification to a Confidential Contact" or to parent/guardians of non-emancipated resident students under 18 years of age include:
  - a. A sworn officer of the University Police Department
  - b. Vice President for Student Affairs
  - c. Dean of Students
  - d. Director of Housing
  - e. Associate Director of Housing
  - f. Assistant Director of Housing
8. When reasonably possible, the investigating UPD officer or UPD supervisor should be consulted in advance regarding which authorized official should call and what information should be shared.
9. An investigating officer from UPD or another law enforcement agency may contact the missing adult resident student's friends, parent, or other family members, or persons listed on the Emergency Contact Information Form, in an effort to further the investigation.
10. If not already aware of the situation, the Vice President for Student Affairs, the Dean of Students, the Director of Housing, the Associate Director of Housing, acting Director of Housing and Marketing and Communications Department should be notified of the missing student's name and circumstances.
11. UPD should notify the HSU Vice President for Administrative Affairs, the HSU Risk Manager, the SCU Risk Manager, and the CSU Chief Law Enforcement Officer.
12. The Dean of Students or designee may contact the student's professors and advisor.

**AVAILABILITY OF THE FIRE SAFETY REPORT FOR CAMPUS HOUSING:**

The HSU Police Department (HSUPD) maintains the campus crime log as well as the fire log which are available 24 hours a day, 7 days a week from the UPD counter. In accordance with the requirements of the Higher Education Opportunity Act of 2008, the Annual Fire Safety Report is created and published by Housing, relying on information provided by collaborative partners, including but not limited to, the HSU Police Department, HSU Housing and Residence Life staff, and the Arcata Fire Department. The Annual Fire Safety Report contains information related to the fire safety in campus housing at Humboldt State University. This report can be found in hard copy at the Housing Office counter or via the following direct link: [www.humboldt.edu/housing/documents/FireSafetyReport2015.pdf](http://www.humboldt.edu/housing/documents/FireSafetyReport2015.pdf), or from the University Police Department's home page at <http://humboldt.edu/police/>, in the Police Index under "Fire Safety Report".