



# **HUMBOLDT** **STATE UNIVERSITY**

## **2019 ANNUAL SECURITY REPORT**

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

**CLERY CRIME STATISTICS 2016-2018**

# **TABLE OF CONTENTS**

MESSAGE FROM THE PRESIDENT	3
PREPARING THE ASR	4
NOTES AND COMMENTS ABOUT STATISTICS	5
CLERY CRIME STATISTICS	6
HATE CRIME	8
REPORTING CRIMINAL ACTIONS, SUSPICIOUS INCIDENTS AND/OR EMERGENCIES	9
TIMELY WARNINGS	10
VOILUNTARY CONFIDENTIAL REPORTING	11
SECURITY OF AND ACCESS TO CAMPUS FACILITIES	12
LAW ENFORCEMENT AUTHORITY	14
SECURITY PROCEDURES AND PRACTICES	15
CRIME PREVENTION PROGRAMS	17
CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS	20
ALCOHOL AND OTHER DRUG PROGRAMS	21
SEXUAL VIOLENCE	23
PREVENTION/EDUCATION AND AWARENESS	24
DEFINITIONS PER EXECUTIVE ORDERS 1095 - 1097	25
SEXUAL DISCRIMINATION / SEXUAL HARRASSMENT / SEXUAL MISCONDUCT	25
SEXUAL ASSAULT / SEXUAL BATTERY / RAPE / AQUAINTANCE RAPE / AFFIRMATIVE CONSENT	26
DOMESTIC VIOLENCE / DATING VIOLENCE	27
STALKING	28
PROCEDURES FOR REPORTING A CRIME OF SEXUAL VIOLENCE/SEXUAL MISCONDUCT	29
PRIVILEGED AND CONFIDENTIAL REPORTS	30
REPORTING OPTIONS	31
CIVIL LAWSUITS	35
RESTRAINING ORDERS	36
DISCIPLINARY PROCEDURES	37
STUDENT CONDUCT PROCEEDINGS	41
STUDENT SANCTIONS	44
REGISTERED SEX OFFENDERS	46
EMERGENCY NOTIFICATION	47
MISSING STUDENT NOTIFICATION	48
FIRE SAFETY ACT	50



# HUMBOLDT STATE UNIVERSITY

Office of the President

September 3, 2019

## MESSAGE FROM THE UNIVERSITY PRESIDENT

Humboldt State University is 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, fishing, 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.

HSU is committed to providing a safe environment for our students, employees, and visitors. The 2019 Annual Security Report (ASR) is provided in compliance with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*. A federal mandate requires all institutions of higher education that participate in federal financial aid programs to maintain and disclose campus crime statistics and security information. This report includes only crimes that occur on campus or on public property directly adjacent to the campus (on sidewalks that are attached to campus), or in or on non-campus buildings or property that the institution owns or controls (rents). We share this information in a spirit of openness and with a deep commitment to supporting a safe environment for teaching, learning and living

This report contains crime statistics for January 1, 2016—December 31, 2018. The safety of HSU is a campus-wide effort, and we invite you to read this information and be a participatory member in our University community, working cooperatively to provide a safe educational setting.

Sincerely,

A handwritten signature in cursive script that reads "Tom Jackson, Jr.".

Tom Jackson, Jr., Ed.D.  
President

## **PREPARING THE ASR**

The Clery Compliance Team prepares this report to comply with the Clery Act. The full text of this report can be located at the University Police Department web site at:

[https://police.humboldt.edu/sites/default/files/police/humboldt\\_state\\_university\\_asr\\_2018\\_final.pdf](https://police.humboldt.edu/sites/default/files/police/humboldt_state_university_asr_2018_final.pdf)

You will also be able to connect to our site via the HSU Home page at <http://www.humboldt.edu> (search for [Clery](#) or [University Police](#)). This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and satellite facilities, Housing and Residence Life, the Dean of Students Office, Athletics, Student Health and Wellbeing, International Programs, the Division of Student Affairs, Academic Affairs, and Administrative Affairs. 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 #212 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 courses).

## **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 2016 – 2018

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Murder	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
<b>SEX OFFENSES</b>					
Rape	2016	5	4	0	0
	2017	5	3	0	0
	2018	4	3	0	0
Fondling	2016	1	1	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Incest	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
<b>OTHER OFFENSES</b>					
Robbery	2016	2	0	0	0
	2017	0	0	0	0
	2018	1	1	0	0
Aggravated Assault	2016	2	2	0	2
	2017	3	1	0	0
	2018	6	4	0	1
Burglary	2016	2	0	0	0
	2017	7	1	0	0
	2018	12	7	0	1
Motor vehicle theft	2016	0	0	0	0
	2017	1	0	0	0
	2018	0	0	0	0
Arson	2016	2	2	0	0
	2017	1	0	0	0
	2018	0	0	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2016	0	0	0	1
	2017	2	2	0	0
	2018	1	1	0	0
Domestic Violence	2016	0	0	0	0
	2017	1	0	0	0
	2018	0	0	0	0
Stalking	2016	1	0	0	1
	2017	0	0	0	0
	2018	1	0	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Arrests	2016	1	1	0	1
	2017	3	0	0	0
	2018	0	0	0	0
Liquor Law Referrals	2016	87	84	0	3
	2017	115	115	0	0
	2018	70	70	0	0
Drug Law Arrests	2016	2	1	0	0
	2017	2	0	0	0
	2018	1	0	0	1
Drug Law Referrals	2016	160 <sup>1</sup>	150 <sup>2</sup>	0	7
	2017	189	189	0	0
	2018	141	141	0	0
Weapons Law Arrests	2016	6	2	0	1
	2017	1	0	0	0
	2018	0	0	0	0
Weapons Law Referrals	2016	9	9	0	0
	2017	2	2	0	0
	2018	0	0	0	0

<sup>1</sup> Upon an audit by the State of California, it was determined that student housing crime statistics are an inclusive subset of On-Campus crime statistics; therefore, the numbers reported in the Campus Residential column should not be added to or included in the Campus Non-Residential numbers.

<sup>2</sup> Upon an audit by the State of California, it was determined if a person is referred for disciplinary action for multiple violations during a single incident (e.g., violations of both drug abuse and liquor laws), law enforcement or security officer discretion should be used to determine which violation to count for purposes of Clery Act reporting.

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2016	<b>2</b>
	2017	<b>1</b>
	2018	<b>2</b>

## HATE CRIME

**2016:** There were three number of hate crimes reported. All three crimes were vandalism on the campus in residence halls. Two of the crimes indicated bias based on race, while the other indicated bias based on sexual orientation.

**2017:** There were no reported hate crimes.

**2018:** There were two incidents of vandalism: Both were race bias incidents.

## **REPORTING CRIMINAL ACTIONS & 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 indicated by interagency agreements.

### **Required Reporting Exemption: Pastoral or Professional Counselors**

Certain individuals who have significant responsibility for student and campus activities are **exempt** from disclosing information. To be exempt from disclosing reported offenses, pastoral or professional counselors must be “acting” in the role of pastoral or professional counselors.

**Professional counselor** – A person whose official responsibilities include providing mental health counseling to members of the University’s community and who is functioning within the scope of his or her license or certification.

This definition applies even to professional counselors who are not employees of the University, but are under contract to provide counseling at Humboldt State University.

## TIMELY WARNINGS

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

The Chief of Police is responsible for the decision to issue a timely warning (or a management designee in the absence of the Chief) and will confer with the Clery Director, upon receiving a report of an incident reported to a CSA and/or UPD. The Chief of Police, with the Clery Director, will complete a case-by-case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the community.

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

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

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

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

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

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

## **VOLUNTARY CONFIDENTIAL REPORTING**

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

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

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

## **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 residential and professional staff; Facilities Management custodial, maintenance, grounds 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 are 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, or by cell phone, 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 Residential Life staff do regular walking rounds of the interior and exterior of campus housing and are 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 Facilities Management 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 10:00 PM 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.

### **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 Facilities Management, 707- 826-4475. 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 Facilities Management via a Work Request Form emailed to Facilities Management 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 requested by an administrator.

## **LAW ENFORCEMENT AUTHORITY**

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, bicycle registration, crime prevention and alert notices, drug awareness training, Women's Self Defense and property identification.

**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 PROCEDURES AND PRACTICES 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 advisors (RAs) 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.

### **Rave Guardians and Safety Timer**

Students can identify University Police, friends, roommates, and family as "Guardians" when setting their Rave Guardian Safety Timer. During a timer session, "Guardians" and University Police can check the status of the student. If the Safety Timer is not deactivated before it expires, University Police are automatically provided with the user's Rave Guardian profile to proactively identify and check-in on the individual. Other "Guardians" will also have access to important details such as his/her phone's location on a map and contact information.

### **Direct 911 Access**

The Rave Guardian app allows for easy emergency communication. In an emergency situation, one button in the app directly connects the user to University Police dispatch or 911. For more information about the Rave Guardian app, please visit: <http://www.raveguardian.com/>.

### **Safety Profile**

Student-created Safety Profiles contain information such as residence details and medical conditions. When a student requires assistance - on or off-campus - student Safety Profiles are displayed to University Police and Smart911 enabled 911 centers nationwide.

### **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 RA 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 Freshmen and Transfer Orientation and HSU Clubs & Activities. For more information about orientation, contact the Office of Admissions at 707-826-3510.

## **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

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

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

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

- a. Identifies domestic violence, dating violence, sexual misconduct, and stalking as prohibited conduct;
- b. Defines what behavior constitutes domestic violence, dating violence, sexual misconduct, and stalking using definitions set forth by California State University Executive Orders 1096 and 1097 (in compliance with federal and state law);
- c. Defines what behavior and actions constitute consent to sexual activity as set forth within The California State University;
- d. Executive Orders 1096 and 1097 (in compliance with state law);
- e. Provides safe and positive options for bystander intervention. Bystander intervention means safe and positive option that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual misconduct, or stalking against a person other than the bystander. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene;
- f. Provides information on risk reduction;
- g. Provides information on procedures for institutional response and disciplinary processes;
- h. Provides an overview of other information contained within the Annual Security Report in compliance with the Clery Act.

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

In June, incoming students receive emails with the link to the annual Course Catalog which includes a sections called “*Student Rights, Responsibilities & The Fine Print*” that contains the Anti-Hazing & Initiation Policy; Student Conduct; Whom to Contact If You Have Complaints, Questions or Concerns; Information Regarding Campus, Criminal, and Civil Consequences of Committing Acts of Sexual Violence; Confidentiality and Sexual Violence, Dating Violence and Stalking; Sexual Assault and Domestic Violence Counselors and Advocates; Reporting to University or Local Police, Reporting to the Title IX Coordinator and Other University Employees; and Nondiscrimination Policy & Complaint Procedures with definitions of Protected Status, Sex Discrimination, Sexual Harassment, Sexual Misconduct, Rape, Acquaintance Rape,

## Affirmative Consent, Dating Violence, and Stalking.

HSU communicates to its first-time freshmen students that they are required to attend New Student Orientation, during which they receive information from Check IT. Check IT is a student lead movement that's about empowering students with the tools to take action when they see acts of sexual assault, dating violence and stalking in our community and make clear to those who choose to commit acts of harm that it's not acceptable. It's also about creating a community where students feel safe, have each other's backs and look out for another whether they know each other or not. The Office of the Dean of Students provides information about the Campus Title IX Coordinator, examples of acts which may constitute sexual violence and links to on and off campus resources. Education on sexual harassment and sexual violence is also presented at other new student orientations, including transfer students and international students.

HSU also provides education to all incoming students about HSU's policy prohibiting sexual harassment, sexual misconduct, dating and domestic violence, and stalking, how to file a Title IX complaint regarding sexual misconduct, dating and domestic violence, and stalking by way of its "Title IX Notice of Non-Discrimination," victim's rights and options, myths and facts about sexual violence and prevention and risk reduction tips, which can be found in printed materials and on the University's website.

Students reporting sexual misconduct, dating and domestic violence, and stalking will also receive information about filing a complaint from HSU's Title IX Coordinator (or designee), campus law enforcement, Campus Advocates, Student Counseling Center, Student Housing, and the Student Health Center.

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

The new freshmen class, incoming transfer students, and student clubs and organizations receive training focused on maintaining healthy relationships, establishing affirmative consent before engaging in sexual activity, the critical role of bystanders in intervening when they see potentially dangerous situations unfolding around them, preventing alcohol from clouding decision-making and other important issues, including how the University responds to reports of sexual violence.

All faculty and staff are required to take a similar training program entitled "Eliminate Campus Sexual Misconduct (CSU)" presented by the LawRoom organization through the CSU training portal. This course provides practical training for identifying, reporting, and preventing campus sexual violence, as well as assisting victims of sexual assault. Interactive case studies and videos provide engaging educational content that explains how to respond to known or suspected sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking. Many interactions are based on real cases that teach important concepts to help create a safe campus community and create a culture that does not tolerate sexual violence. The course teaches employees valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence. The course content also helps postsecondary institutions comply with the employee training requirements of Title IX and the Campus Sexual Violence Elimination Act (Campus SaVE Act). This course also provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings.

During in-person training, the Title IX Office provides to students HSU's [Title IX Notice of Non-Discrimination, Rights and Options](#) brochures, and "Student Resources and Reporting Options for Sexual Violence and Relationship Abuse"

pamphlets, which provide information on HSU’s policy and procedures regarding sexual harassment, sexual violence, domestic violence, dating violence, and stalking; myths and facts about sexual violence, risk reduction tips, and confidential and non-confidential resources – both on and off campus. The Title IX Office also distributes throughout campus door posters and decision maps to be displayed publically. HSU also provides a range of programs and activities to students, which are organized directly by students.

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

No such organizations with noncampus locations exist during this reporting period (2016 – 2018).

## ALCOHOL AND OTHER DRUGS

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.

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.

**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	<b>707-826-3236</b>
Student Health Center	<b>707-826-3146</b>
Rec & Wellness Center	<b>707-826-3357</b>

### Off Campus

AA (Alcoholics Anonymous)	Toll Free	<b>844-442-0711</b>
Alcohol/Drug Care Services (DETOX)		<b>707-445-3869</b>
Alcoholics & Narcotics 24 Hr. Help Line		<b>888-206-7272</b>
American Cancer Society		<b>707-443-2241</b>
Crossroads Residential Program		<b>707-445-0869</b>
Dual Recovery Anonymous		<b>707-445-6250</b>
Eureka Community Health Center		<b>707-441-1624</b>
Health Dept./Alcohol and Other Drugs Prevention		<b>707-268-2132</b>
Health Dept./HIV-AIDS Testing		<b>707-268-2108</b>
Healthy Moms		<b>707-441-5220</b>
Hoopa Tribal Alcohol Program		<b>530-625-4236</b>
Humboldt Alcohol/AI-Anon/AI-Teen/Adult & Children of Alcoholics (ACA)		<b>707-443-1419</b>
(HART) Fortuna Community Services		<b>707-725-9381</b>
Humboldt County Crisis Services		<b>707-445-7715</b>
Humboldt Domestic Violence Services	24 Hour	<b>707-443-6042</b>
Humboldt Family Services Center		<b>707-443-7358</b>
Humboldt Recovery Center		<b>707-443-0514</b>
Mothers Against Drunk Driving (MADD)		<b>707-443-5072</b>
Narcotics Anonymous (NA)		<b>707-444-8645</b>
Open-Door Clinic Smoking Cessation		<b>707-826-8610</b>
Redwood Rural Health Center – Garberville St. Joseph Hospital		<b>707-923-2783</b>
Singing Trees Recovery Center		<b>707-247-3495</b>
United Indian Health Services		<b>707-825-5000</b>

## **SEXUAL VIOLENCE**

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

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

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

## **PREVENTION, EDUCATION AND AWARENESS**

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.

## **DEFINITIONS PER EXECUTIVE ORDERS 1095-1097<sup>3</sup>**

### **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.

### **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

---

<sup>3</sup> As mandated by the Clery Act's Violence Against Women Act (VAWA)/Campus SaVE Act, these policy definitions are derived from the local jurisdiction, and based on the California Penal Code, the California Family Code, and the California Evidence Code. In some instances, these definitions may differ slightly from the federal definitions set forth 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.

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**

Acquaintance rape is 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, also may be helpful in obtaining a protection order. 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. Area resource phone numbers and pamphlets provide information to victims.

## 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.

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

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

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

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

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

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

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

At the conclusion of the University's complaint and investigation procedure (including hearing), any employee or student found to have violated University policy against Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking will be subject to discipline. For employees, discipline would be administered consistent with applicable

collective bargaining agreements, University policies and legal requirements. For students, discipline would be administered in accordance with CSU Executive Order 1098 (discussed below). Victims are not required to participate in any University disciplinary and may choose not to be a part of it. Disciplinary procedures will:

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

## 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

Executive Order 1097, entitled "System-wide Policy Prohibiting Discrimination, Harassment, and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and System-wide Procedure for Addressing Such Complaints by Students" is the appropriate system-wide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Violence, Domestic Violence, Dating Violence, and Stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party. Executive Order 1097 can be viewed at <http://www.calstate.edu/eo/EO-1097-rev-3-29-19.pdf>



## Complaints Made By Employees, Former Employees, Third Parties, and Applicants for Employment

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

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

### Complaints Made By Student-Employees

Executive Order 1096 is the appropriate system-wide procedure for all complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, made by student-employees where the alleged Sex Discrimination, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking arose out of the person's status as an employee and not their status as a student. Executive Order 1096 can be viewed at <http://www.calstate.edu/eo/EO-1096-rev-3-29-19.pdf>



### Disciplinary Procedure

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

With respect to cases adjudicated under Executive Order 1097 (i) alleging Sexual Misconduct by a Student that, (ii) if substantiated, could result in a severe sanction (suspension or expulsion), and (iii) where credibility of any Party or witness is central to the finding, a hearing will be conducted after an investigation and a review by the parties of the evidence gathered during the investigation. Generally, within 10 working days of the close of the hearing, the Hearing Officer will make findings of fact and conclusions about whether a violation of CSU policy has occurred. The standard of proof the Hearing Officer will use is whether each allegation is substantiated by a Preponderance of the Evidence.

The Title IX Coordinator will review the Hearing Officer's Report to ensure compliance with CSU policy. The Hearing Officer's Report shall be promptly transmitted to the Parties, the Title IX Coordinator, and the Student Conduct Administrator.

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

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

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

- verbal reprimand
- written reprimand,

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

### **Appeal of Finding in Investigation Outcome**

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

## **STUDENT CONDUCT DISCIPLINE PROCEEDINGS**

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

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

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

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

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

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

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

## DISCIPLINE PROCEEDINGS FOR STUDENT MISCONDUCT CASES

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

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

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

## PRESIDENT'S SANCTION DECISION/NOTIFICATION

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

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

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

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



## **STUDENT SANCTIONS**

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

- 1. Restitution:** Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.
- 2. Loss of Financial Aid:** Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, cancelled or denied.
- 3. Educational and Remedial Sanctions:** Assignments, such as work, research, essays, service to 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.

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

Other Considerations Related To Sanctions:

- 1. Administrative Hold and Withholding 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 Presence on Campus During Interim Suspension:** During the period of an interim suspension, the student charged may not, without prior written permission from the campus president, enter any campus of the California State University other than to attend the hearing regarding the merits of the interim suspension and any disciplinary hearing. The president may also restrict the student's participation in University-related activities on a case-by-case basis, such as attending off-campus activities and/or participating in on-line classes. Violation of any condition of interim suspension shall be grounds for expulsion.
- 5. Admission or Readmission:** Applicants for admission or readmission into any University program are subject to appropriate sanctions for violations of the Student Conduct Code, including qualification, revocation or denial of admission or readmission. For students who withdraw while a disciplinary matter is proceeding, the campus has discretion whether to continue proceedings or hold proceedings in abeyance.

### Appeal of President's Sanction

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

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

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

## **REGISTERED SEX OFFENDERS**

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

## **EMERGENCY NOTIFICATION**

The University will issue emergency notifications, without delay, in response to a confirmed significant emergency or a dangerous situation, occurring in the Clery defined on campus geography that, in the judgment of the University, constitutes an immediate threat to the health or safety of members of the on-campus community. Once UPD has received the report, the Chief of Police, (or management designee in the absence of the Chief), will confer with the appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency, if available, to confirm both: 1) an emergency or dangerous situation in fact exists in on-campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community.

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

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

Once the notification is prepared, the Chief of Police or the Clery Director if one is designated, or in their absence, the management designee(s) will, without delay and taking into account the safety of the community, transmit the emergency notification unless doing so would delay the ability to mitigate and/or contain the emergency, including the ability to provide immediate, life saving measures.

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

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

Student and employees who need information on how to add contact information to be included for emergency notification or to remove information and “opt out” of notifications should visit <https://its.humboldt.edu/accounts-passwords/emergency-contact-information> or call the on campus Emergency Management Office at 707 826-4635.

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

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

## MISSING STUDENT NOTIFICATION

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, or the Associate Director of Housing. 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, Siemens Hall 215, (707) 826-3361, or the Dean of Students, Siemens Hall 211, (707)826-3504. Each 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

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, and Director of 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 CSU Risk Manager, and the CSU Chief Law Enforcement Officer.
12. The Dean of Students or designee may contact the student's professors and advisor.

## **FIRE SAFETY ACT**

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

[https://housing.humboldt.edu/sites/default/files/annual\\_housing\\_fire\\_safety\\_report\\_2019.pdf](https://housing.humboldt.edu/sites/default/files/annual_housing_fire_safety_report_2019.pdf), and also in the Police Index under “Fire Safety Report”.