



# 2018 Annual Security Report

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

Crime Statistics 2015 - 2017

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# 2018 Annual Security Report

## Message from the Vice President

Dear Sonoma State University Community:

In compliance with the Jeanne Clery Act Disclosure of Campus Security Policy and Crime Statistics Act (Jeanne Clery Act), Sonoma State University (SSU) is pleased to introduce the 2018 Annual Security Report (ASR). Enclosed you will find information about key institutional policies, personal safety and crime prevention information, how to report suspicious and criminal activities, and required Clery Act crime statistics for the last three calendar years.

Sonoma State University combines a beautiful campus setting in the heart of California wine country, top-rated student residential facilities, a world-class concert hall and music education facility, and a friendly and collaborative atmosphere to provide an educational experience that fosters intellectual, cognitive, social, and personal growth. Safety remains an integral part in reaching our academic success.

The 2018 ASR depicts the commitment of SSU to provide policies, practices, and outreach that supports the safest community possible for all to live, work and learn. Crime prevention and personal safety takes the cooperation and collaboration of the entire community.

I wish everyone a safe and successful educational experience and appreciate your continued support and efforts towards safety.

Joyce Lopes  
Vice President for Administration & Finance

## Preparing the ASR

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC § 1092(f), Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private post-secondary educational institutions participating in federal student aid programs are required to comply with it. The law, originally enacted by Congress in 1990 as the Campus Security Act, was initiated by Howard and Connie Clery after their daughter Jeanne was killed at Lehigh University in 1986. Amendments to the Act renamed it in memory of Jeanne Clery.

The Clery Act requires colleges and universities to publish an annual report every year by October 1st that contains policies and procedures that are current as of the publication date and three years of crime statistics for the previous three calendar years. The complete text of the Clery Act and the US Department of Education regulations can be found on the [Department of Education website \(https://www2.ed.gov/admins/lead/safety/campus.html\)](https://www2.ed.gov/admins/lead/safety/campus.html). The California State University reporting requirements are outlined in [Executive Order 1107 \(http://www.calstate.edu/eo/EO-1107.html\)](http://www.calstate.edu/eo/EO-1107.html).

The Annual Security Report is coordinated and compiled by the Clery Compliance Office, which is part of Risk Management and Safety Services. It is a collaborative and comprehensive effort that compiles information gathered from all divisions of the University and from our neighboring law enforcement partners. Each entity is asked to provide crime statistics and/or information on their educational efforts and programs that contribute to the safety of our students, faculty, staff, and guests.

All students, staff, and faculty receive the annual notice in a University-wide e-mail. . The full electronic text of the report can be found at [www.clery.sonoma.edu](http://www.clery.sonoma.edu). Paper copies can be obtained by contacting the Clery Compliance Office at (707) 664-3408.

### Compiling Crime Statistics

The following definitions will be used for reporting Clery crimes, which are derived from the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program as follows:

- The definitions for murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, weapons law violations, drug abuse violations, and liquor law violations are from the "Summary Reporting System (SRS) User Manual" from the FBI's UCR Program.
- The definitions for fondling, incest, and statutory rape are excerpted from the "National Incident-Based, Reporting System (NIBRS) User Manual" from the FBI's UCR Program.
- The definitions for *Larceny-Theft (except Motor Vehicle Theft)*, *Simple Assault*, *Intimidation*, and *Destruction/Damage/Vandalism of Property* are from the "Hate Crime Data Collection Guidelines and Training Manual" from the FBI's UCR Program.
- The definitions for Dating Violence, Domestic Violence, And Stalking are from the Department of Education's Clery Act implementing regulations at 34 C.F.R. §668.46.

The statistics provide a summary of crime at Sonoma State University between January 1, 2015 and December 31 for 2017.

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

Crime statistics are classified and counted pursuant to the guidelines as specified in *The Handbook of Campus Safety and Security Reporting, 2016 edition* and separated by the following geographical areas:

- On campus
- On-campus residential housing facilities
- On public property adjacent to the University
- Non-campus, University-owned property located other than on main campus:
  - Fairfield Osborn Preserve on Sonoma Mountain, Unincorporated Sonoma County, California
  - Galbreath Wildlands Preserve, Mendocino County, California
  - Los Guillicos Preserve, Santa Rosa, California

Crime statistics for public property adjacent to the University are requested from and provided in part by Rohnert Park Department of Public Safety, California Highway Patrol, and the Sonoma County Sheriff's Department. Information about crimes at non-campus, University-owned properties in Sonoma and Mendocino County is provided by the Mendocino County Sheriff's Office and the Sonoma County Sheriff's Office.

## Crime Statistics

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Murder	2015	0	0	0	0
	2016	1	0	0	0
	2017	0	0	0	0
Manslaughter by Negligence	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Rape	2015	4	4	0	0
	2016	5	4	0	0
	2017	10	9	0	0
Fondling	2015	4	4	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Incest	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Statutory Rape	2015	0	0	0	0
	2016	0	0	0	1
	2017	2	0	0	0
Robbery	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0
Aggravated Assault	2015	0	0	0	0
	2016	1	1	0	0
	2017	1	0	0	0
Burglary	2015	24	8	0	0
	2016	4	3	0	0
	2017	14	8	0	0
Motor Vehicle Theft	2015	2	0	0	0
	2016	12	0	0	0
	2017	18	0	0	0
Arson	2015	0	0	0	0
	2016	0	0	0	0
	2017	0	0	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2015	0	0	0	0
	2016	5	4	0	0
	2017	1	0	0	0
Domestic Violence	2015	3	1	0	0
	2016	0	0	0	0
	2017	2	1	0	0
Stalking	2015	1	0	0	0
	2016	2	0	0	0
	2017	1	0	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law - Arrests	2015	12	0	1	2
	2016	6	0	0	0
	2017	7	5	0	0
Liquor Law - Referrals	2015	24	14	0	0
	2016	8	4	0	0
	2017	12	12	0	0
Drug Law - Arrests	2015	4	0	0	0
	2016	1	0	1	1
	2017	4	3	0	0
Drug Law - Referrals	2015	16	15	0	1
	2016	20	20	0	0
	2017	5	4	0	0
Weapons Law - Arrests	2015	3	1	0	0
	2016	1	1	0	0
	2017	0	0	0	0
Weapons Law - Referrals	2015	3	2	0	0
	2016	3	2	0	0
	2017	3	3	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2015	0
	2016	1
	2017	1

## Hate Crimes

There were no hate crimes reported in 2015 or 2016.

In 2017, there was one intimidation incident on campus characterized by race bias.

## Reporting Criminal Actions & Emergencies

The Sonoma State University Police Department (UPD), similar to other Police agencies from your local communities, provides 24-hour law enforcement service throughout the entire year, including all holidays. UPD strongly encourages our students, staff, faculty, and visitors to immediately report any crimes to University Police.

University Police is located at the southern end of the Residential Verdote Village. In-progress suspicious or criminal acts and all police, fire, or medical emergencies should be reported directly to University Police by calling 9-1-1 from any phone or by pushing the red button on a "blue-light" campus emergency phone. For all non-emergencies and regular business, call Police Dispatch at 707-664-4444.

The "blue-light" campus emergency phones are strategically located throughout the entire campus and have blue lights for easy visibility. When calling in emergencies, be prepared to provide the police dispatcher with your name, telephone number, and location, as well as any pertinent information (such as suspect and vehicle description, direction of travel, etc.). Always stay on the line until the dispatcher ends the call. SSU does not have anonymous or confidential crime reporting programs in University Police. In cases involving sexual assaults, crimes may also be reported to those listed under "Reporting Sexual Assaults."

The Police Dispatch Center has current technology that captures 911 calls that are placed by a mobile phone on campus grounds. Occasionally a 911 call from a mobile phone will still divert to an alternate dispatch center. However, it is still advised to call 911 to report emergencies to ensure you are connected to emergency services as quickly as possible. Calling the business line to report emergencies could cause delays or may not be answered as a priority call during an emergency.

### Anonymous Reporting

Any person may anonymously report certain incidents or crimes using online forms available at the following locations:

- Bias Incident: Any person who was the subject or witness to a bias incident, criminal or noncriminal, may report that incident at [https://cm.maxient.com/reportingform.php?SonomaStateUniv&layout\\_id=4](https://cm.maxient.com/reportingform.php?SonomaStateUniv&layout_id=4).
- Sexual Misconduct/Discrimination: Any person who has been the subject of, or witness to, sexual misconduct or discrimination by any SSU affiliated person, may report such an incident at [https://cm.maxient.com/reportingform.php?SonomaStateUniv&layout\\_id=1](https://cm.maxient.com/reportingform.php?SonomaStateUniv&layout_id=1).

### Reporting Crimes to Campus Security Authorities

Employees who have significant responsibility for students and student activities are designated as Campus Security Authorities (CSA) under the Clery Act. CSA's are required to report any Clery reportable crime that has been reported to them to the Clery Compliance Office. It is not necessary that a reported crime be investigated or be determined to be true. CSA's must report any crime that is reported to them. At Sonoma State University, CSA's include administrators, residential advisors (RA's) and other Residential Education and Campus Housing (REACH) staff, advisors to student clubs, student affairs and activities advisors and coordinators, and athletic coaches. CSA's are not required to reveal identifying information about crime victims to the Clery Compliance Office.

Classroom faculty (except for club advisors), physicians, licensed psychologists, and most clerical staff are examples of employees who are not required to report under the Clery Act.



In addition to UPD or a CSA, you may also report crimes to any of the following University officials, particularly at the following locations:

- Vice President of Student Affairs, Student Center, 3<sup>rd</sup> Floor (707) 664-2838
- AVP for Student Affairs, Student Center, 3<sup>rd</sup> Floor (707) 664-3123
- Dean of Students, Student Center, 3<sup>rd</sup> Floor (707) 664-3078
- Senior Director of Athletics in the PE Building - Room 120, or at 707-664-2521
- AVP for Human Resources, Salazar Hall, 2<sup>nd</sup> Floor, Administration & Finance, 707-664-3100
- AVP for Faculty Affairs, Stevenson Hall 1041, 707-664-3236
- Title IX Specialist, Salazar Hall, 2<sup>nd</sup> Floor, Administration & Finance, 707-664-4276
- Director of Campus Life and Programming, Student Center, 707-664-2804
- Director for the HUB (Multicultural Center), Student Center, (707) 664-2710

### Timely Warnings

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

The Chief of Police or designee, in consultation with the Clery Director, is responsible for the decision to issue a timely warning. The Chief of Police or designee will complete an analysis utilizing open communication and collaboration analyzing the reported crime and the known pertinent facts of a reported incident to determine whether the incident meets all of the following factors:

- 1) Incident is a Clery reportable crime
- 2) Incident occurred in Clery defined geography
- 3) Incident 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 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 ([www.clery.sonoma.edu](http://www.clery.sonoma.edu))
- Public area video display monitors
- Hard copies posted on campus building entrance doors

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

- A statement that the Timely Warning Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the campus community to aid members from becoming the victim of a similar crime.
- The Clery Act reportable crime that occurred
- The date, time, and location the crime occurred
- The date the Timely Warning Bulletin is issued



- A description of the suspect, and name if known, when the suspect is at large and evading apprehension and/or law enforcement is seeking assistance from the public to locate
- Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime

The Timely Warning Bulletins will not include, under any circumstances, the name of the victim, or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime. Additionally, the University is not required to provide a timely warning with respect to crimes reported to a professional or pastoral counselor.

### Voluntary Confidential Reporting

Pursuant to California Education Code section 67380(a)(6)(A), CSA's 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:

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

### Security of and Access to Campus Facilities

It is the practice of SSU that University buildings are opened prior to the beginning of the business day and locked nightly after the conclusion of evening classes. The Library, Student Center, Recreation Center, 24 hour lab, and some other specific campus buildings have specific hours based on their function and hours are posted. The University recognizes that there will be scheduled events and certain needs for after hours and weekend access to buildings. Anyone working late or on weekends outside of scheduled events and academic scheduled classes should notify University Police when they enter and leave a building. Proper identification and authorization from the department that manages the space is required for after-hours access. Access on holidays is treated as weekend access.

Access to University housing buildings is limited to residents, their guests, and appropriate staff. The Residential Community is patrolled cooperatively by University Police and on-duty Residential Education and Campus Housing (REACH) personnel to include Residential Advisors and Residential Area Coordinators. Residents are issued card keys and pass codes to access their assigned housing units.

University facilities and grounds are maintained by SSU Facilities Services. A cross-division work group conducts annual lighting surveys and makes additional recommendations to enhance the safety of campus facilities. University Police also conduct crime prevention surveys and analysis when a crime trend occurs or when requested by an administrator when physical changes to office space and equipment occur. Many offices, labs, computer rooms and areas of campus have intrusion alarms that report a signal to an off-campus alarm monitoring company which, in turn, notifies University Police of any activation. University Police and Risk Management & Safety

Services participate in the review of new building designs and recommends changes that are conducive to preventing crime through environmental design.

## Law Enforcement Authority

The Sonoma State University Police Department is a fully accredited law enforcement agency and not a branch of any other law enforcement agency. The Department employs sworn peace officers who are vested with full arrest authority in the State of California, pursuant to California Penal Code section 830.2(c) and Education Code section 89560. The Police Officers' arrest authority may extend to any place within the State of California and maintain primary law enforcement jurisdiction for all crimes occurring on University properties. Police officers all meet the requirements specified by the California Peace Officer's Standards and Training Commission, which are mandated for all sworn California law enforcement officers. Law enforcement duties and responsibilities of police officers mirror those of municipal and county law enforcement agencies in your home communities.

Sonoma State University Police focuses enforcement and prevention efforts in our primary jurisdiction to include all property owned and operated by the University. University Police shares concurrent law enforcement jurisdiction on all adjacent public streets, areas, and in communities surrounding the University properties and cooperate fully with all local, state and federal law enforcement agencies.

The University maintains operational agreements/memorandums of understanding that comply with the Kristin Smart Campus Safety Act and Higher Education Opportunity Act clarifying that University Police is the primary law enforcement agency for all crimes occurring on the SSU main campus and the Fairfield Osborn Preserve. Other University properties, including the Los Guillicos Preserve in Santa Rosa, the Galbreath Preserve in Mendocino County, and the land parcels at 5573 Petaluma Hill Road, are under the primary law enforcement jurisdiction of the local law enforcement agency.

University Police also adheres to the Sonoma County Law Enforcement Chief's Association protocols that encourage prompt law enforcement response and collaboration in incidents requiring inter-agency law enforcement collaboration.

UPD encourages the prompt reporting of all crimes to the University Police Department or to the law enforcement agency where the crime occurred, even if the victim of a crime does not want to make a report or is unable to do so.

## Security Procedures and Practices

Members of the SSU Community must take responsibility for their own personal safety and safety of their personal property just as they do when they are away from the University. To support the campus community, the University sponsored or participated in the following programs to support the safety and security of the campus:

### Student Programming & Training

The University 102 (Peer Mentors) classes are taught each semester with quizzes, interactive exercises, and information about ways to maintain good health to include effects of tobacco, drugs and alcohol, relationship stress, diet, and good hygiene.

University Police, as part of the Community Policing program, conducts training annually for students in the areas of alcohol awareness, bicycle safety, crime prevention, DUI consequences, illegal drug use prevention, the criminal justice system, and sexual assault prevention.

All clubs, including Greek organizations, receive annual training from University staff and online resources regarding expectations for alcohol use, resources for addiction or abuse, hazing prevention, sexual assault prevention and

awareness, and drug abuse prevention. In addition to club activities, Student Affairs sponsors numerous events each year available to the entire campus community that address issues surrounding drug and alcohol abuse in a variety of ways, varying from a comedic lecture, roundtable workshops, social media campaigns, and drunk driving visual awareness displays and events.

Each year a great deal of effort and time is placed in providing training and awareness events surrounding sexual abuse, consent, and sexual assault survivor rights. Training is provided both online and in person and includes sexual violence prevention, bystander intervention, Title IX responsibilities, survivor rights and support, affirmative consent, sexual assault resources, and dating violence and healthy relationship awareness. Additionally, all students are required to complete a Title IX awareness training annually.

### Employee Training

University Police Officers receive training each year in a variety of topics to ensure they have current training to support students, faculty, and staff and can support a safe campus. In 2017 and 2018, this training included sexual assault investigations, domestic violence, DUI investigations, responsible alcoholic beverage service, drug use investigations, first aid and CPR, racial and cultural diversity, emergency vehicle operation, arrest and control, firearms training and situational simulator, tactical communications, and trauma informed interviewing.

Beginning in 2018, faculty and staff are being afforded the opportunity to participate in "I Can Help" training. "I Can Help" is a program designed to identify students in need and provide support and resources. The training focuses on the top issues that students face, how to identify how those issues manifest themselves, how to recommend resources for students, and intervention strategies for students in crisis. Training will be offered at least once per year.

All employees are required to complete online courses biennially regarding Title IX awareness and child abuse prevention and reporting.

Employees are designated in all campus buildings as Safety Marshals. Safety Marshals are responsible for supporting Risk Management and Emergency Services in ensuring that buildings are maintained and operated in a manner that allows for the safety and orderly evacuation of buildings in the event of an emergency and to identify potential hazards so they may be mitigated or removed. Marshals receive annual training on the program, emergency response, crime prevention, and evacuation procedures.

### Crime Prevention Programs

University Police regularly participates in Community Oriented Policing and Problem Solving Strategies (COPPS) and utilizes a combination of foot and vehicle patrols to reach all areas of our campus and properties. In addition to patrol and law enforcement services, University Police also emphasize crime prevention education and proactive programming including bicycle registration, property registration and engraving, bicycle and foot patrols, and community outreach activities.

The annual Arrive Alive Campaign provides campus-wide education, campus facility improvements, outreach, and enforcement for bicycle, skateboard, and pedestrian safety throughout the University.

University Police and the Division of Student Affairs regularly promote the "See Something, Say Something" national campaign, which is aimed at encouraging reporting of suspicious activity in the community as a proactive means to assist persons in crisis or prevent crime.

University Police, Risk Management & Safety Services, Facilities Management, Associated Students, and other departments participate in an annual nighttime safety walk of campus to identify hazards including overgrown foliage, lighting deficiencies, and other hazards.

University Police, Risk Management & Safety Services, and Facilities Management partner in department-specific safety and security training that may include crime prevention, facility safety assessments, active shooter response, and emergency preparedness and response. Departments can request the training by contacting Risk Management & Safety Services.

## Criminal Activity at Noncampus Locations of Student Organizations

Sonoma State University does not formally recognize or support student organization non-campus activities nor owns any on or non-campus fraternity or sorority houses, nor is there any campus policy governing this area. There are no student organizations that own or control property that is recognized by Sonoma State University, therefore, there are no statistics collected from other jurisdictions for this purpose.

## Alcohol & Drugs

SSU complies with the Drug Free Workplace Act of 1990 and the Higher Education Act, Section 120(a) addressing drug and alcohol abuse prevention. The campus recognizes that drug and alcohol abuse on campus is not conducive to the mission of the University and is actively committed to substance abuse education and prevention for both students and employees.

All University students, faculty members, and staff are subject to local state and federal laws regarding the unlawful possession, distribution, or use of alcohol and illegal drugs. Violators are subject to University discipline, criminal prosecution and/or removal from University housing. The unlawful manufacture, distribution, dispensing, possession or use of illegal drugs on the University campus or at any University-sponsored event off-campus is also prohibited. A complete description of this policy can be found at <http://www.sonoma.edu/policies/alcoholic-beverages>. Alcohol use for students living in the residential community are governed by the "Campus Housing Regulations & Guidelines," and vary based upon the age of the student and the terms of the community where alcohol may be consumed. The full text of these regulations can be found at <http://web.sonoma.edu/housing/docs/publications/policies2018.pdf>.

The CSU Student Conduct Code stipulates that students found in violation of the Alcohol Policy are subject to expulsion, suspension, probation or a lesser sanction as determined by the disciplinary hearing process. The code governing student conduct may be found in the CSUMB Judicial Affairs website at <http://web.sonoma.edu/studentaffairs/judicial.html>.

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

In accordance with the Drug-Free Schools and Communities Act (DFSC Act), programs such as "National Collegiate Alcohol Awareness Week", "Aware Awake Alive" and "Red Flags" focused on campus wide Alcohol Awareness efforts, are offered. Other drug and alcohol prevention presentations and information are provided throughout the year at all orientations, various University 102 classes, weekly/monthly residential educational programming, upon request for departments and student areas, and in conjunction with sponsored campus activities. Our Greek

communities play a role in helping to reduce alcohol related incidents by hosting programs aimed at preventing alcohol poisoning.

Additional information regarding Drug-Free Schools and Communities Act compliance can be found in the Biennial Alcohol Report, which can be obtained by contacting the Division of Student Affairs.

## Sexual Violence

The California State University does not discriminate on the basis of sex, gender, including gender identity or expression, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of sex, gender, or sexual orientation in employment, as well as all education programs and activities operated by the University (both on and off campus), and protect all people regardless of their gender from sex discrimination, including sexual harassment, sexual misconduct, including sexual assault, dating or domestic violence, and stalking.

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

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

The University is committed to empowering victims of sexual misconduct, dating violence, domestic violence and stalking by providing ample supportive services, and encouraging their choice of action, regardless of their decision to seek criminal prosecution of offender(s). If requested by the victim, University personnel will assist the victim in notifying the appropriate law enforcement authorities.

## Prevention, Education and Awareness

The University prioritizes personal safety education and programming that is collaborative, comprehensive and intentional. Integrated programming initiatives, strategies and campaigns are intended to end dating violence, domestic violence, sexual assault and stalking. These awareness programs were further designed to increase audience knowledge and to share information and resources to prevent violence, promote safety and reduce perpetration.

## Bystander Intervention

Training and programming for sexual violence education includes "Bystander Intervention." This concept emphasizes safe and positive options for individuals to prevent harm or to intervene when there is a risk of sexual misconduct, dating or domestic violence, or stalking. Based on a social science model that predicts that most people are unlikely

to help others in certain situations, a bystander is anyone who observes an emergency or a situation where it appears someone could use help. The bystander must then decide if they are comfortable stepping in and offering assistance. Research has found that people tend to struggle with whether helping out is their responsibility and one of the major obstacles to intervention is something called diffusion of responsibility; which means if several people are present, an individual is much less likely to stop and help out because he/she believes someone else will.

SSU wants to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. A bystander may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander. If you or someone else is in immediate danger, dial 9-1-1. This could be when a person is yelling at or being physically abusive towards another and it is not safe interrupt.

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are OK.
- Confront people who seclude, hit on, and try to make out with, or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.
- Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- Refer people to on- or off-campus resources for support in health, counseling, or with legal assistance.

### Risk Reduction

Risk reduction refers to 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

Risk reduction includes the act of using situational awareness and trusting an individual's instincts to reduce the risk of being a victim of sexual assault. The following are some strategies to reduce one's risk of sexual assault:

1. Be aware of your surroundings.
2. Try to avoid isolated areas.
3. Walk with purpose.
4. Try not to load yourself down with packages or bags.
5. Make sure your cell phone is with you and charged, and that you have cash money.
6. Avoid putting music headphones in both ears.
7. When you go to a social gathering, go with a group of friends.
8. Don't leave your drink unattended.
9. Don't accept drinks from people you don't know or trust.
10. Watch for your friends, and vice versa.
11. If you need to get out of an uncomfortable or scary situation, here are some things you can try:
  - Remember being in this situation is not your fault.
  - Be true to you.
  - Have a code word with your friends or family.
  - Lie!
  - Try to think of an escape route.
  - If you and/or the other person have been drinking, say you would rather wait until you both have your full judgment before doing anything.

Students are introduced to concepts and methods to intervene during educational programs on Title IX. Bystander Intervention is emphasized in the online training that all members of the campus community are required to complete and is covered in in-person trainings to over 1,000 students annually.

Sonoma State Title IX Officers are trained facilitators of the One Love Escalation Workshop, provided by the One Love Foundation. This program involves a video and facilitated discussion on topics of relationship violence and stalking behaviors. Programs are open to campus community.

## Definitions Per Executive Orders 1095-1097<sup>1</sup>

### Sex Discrimination

Sex discrimination is defined as 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

Sexual harassment is 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:

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

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

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

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

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

The University's policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to sexual harassment or sexual misconduct, including dating or domestic violence, or stalking, subject to University policy.

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



## Sexual Misconduct

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

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

## Sexual Assault

Sexual assault is 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.

## Rape

Rape is 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

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

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

could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions,

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

### Domestic Violence

Domestic violence is 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

Dating violence is 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

Stalking is defined as engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for their own or others' safety, or to suffer substantial emotional distress. For purposes of this definition:

- "Course of conduct" means two or more acts, including but not limited to, acts in which the stalker directly,

indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;

- "Reasonable person" means a reasonable person under similar circumstances and with the same Protected status(es) as the complainant;
- "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- "Protected status" includes age, disability, gender, genetic information, gender identity or expression, nationality, marital status, race or ethnicity, religion, sexual orientation, and veteran or military status.

## Procedures for Reporting a Crime of Sexual Violence/Sexual Misconduct

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

Persons who have experienced sexual misconduct, including rape, dating violence, domestic violence, or stalking, are encouraged to seek immediate assistance from police and healthcare providers for their physical safety, emotional support and medical care. University or local police can escort victims to a safe place and transport them to a hospital for medical treatment, if needed. University police can also provide access to a sexual assault victim advocate. Victims who prefer not to notify the police, are strongly encouraged to seek assistance from the campus Title IX Coordinator and/or a sexual assault victim advocate or counselor who can provide information on options, rights and remedies.

Victims have the right to decide who and when to tell about sexual misconduct, dating and domestic violence, and stalking. However, it is very important that they get medical attention after being assaulted. Following the incident, a victim may be physically injured, may have contracted a sexually transmitted disease, or may become pregnant.

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

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

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

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

### Privileged and Confidential Reports

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

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

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

### Exceptions to Confidentiality

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

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

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

prevent the threatened danger; (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims.

### Reporting Options

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

#### *Criminal*

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

#### *Reporting to the Police*

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

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

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

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not to make a complaint regarding an incident, nevertheless should consider speaking with University Police

or other law enforcement to preserve evidence in the event that they change their mind and wishes to report the assault at a later date.

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

#### *Reporting to a CSA*

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

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

#### *Administrative*

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

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

#### *Reporting to a Title IX Coordinator or Responsible Employee*

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

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

As detailed above, most University employees except treating physicians, licensed counselors, and clergy must report to the Title IX Coordinator all relevant details about any sexual misconduct, dating violence, domestic violence, or stalking incidents of which they become aware. The University will need to determine what happened and will

need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

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

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

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

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

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



The University will not generally notify parents or legal guardians of a sexual misconduct, dating violence, domestic violence, or stalking report unless the victim is under 18 years old or the victim provides the University with written permission to do so.

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

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

#### *Non-Reporting*

Victims are strongly encouraged to report any incident of sexual misconduct, dating and domestic violence, or stalking to the police and/or campus Title IX Coordinator so that steps may be taken to protect them and the rest of the campus community. However, non-reporting is also an option.

#### *Civil Lawsuit*

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

#### *Restraining Orders*

Victims may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, sexual misconduct, dating violence, domestic violence, or stalking. The campus Title IX Coordinator or sexual assault victim's advocate can offer assistance with obtaining a protective or restraining order.

### **Complaint Procedures**

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

When a student or employee reports to the University that the student or employee has been a victim of sexual misconduct, dating violence, domestic violence or stalking, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of their rights and options.

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

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

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

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

### Complaints Made by Students

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

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

Executive Order 1096, entitled "Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and Systemwide Procedure

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

Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Sex Discrimination or Sexual Harassment, including Sexual Misconduct, Domestic Violence, Dating Violence, and

Stalking shall use the grievance procedure specified in their collective bargaining agreement. Executive Order 1096 can be viewed at <http://www.calstate.edu/EO/EO-1096-rev-6-23-15.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-6-23-15.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.) In accordance with Executive Orders 1096 and 1097, the Title IX Coordinator investigates those complaints, determines whether the accused violated the applicable Executive Order(s), and prepares a report that includes findings of facts and conclusions about whether the applicable Executive Order was violated. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.

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

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

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

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

### Appeal of Finding in Investigative Outcome

Any complainant or respondent who is not satisfied with a campus investigation outcome may file an appeal with the Chancellor's Office (CO) within 10 working days after the date of the Notice of Investigation Outcome. The appeal is

limited to one or more of the following issues: 1. The investigation outcome is unsupported by the evidence, based on the preponderance of the evidence standard; 2. Prejudicial procedural errors impacted the investigation outcome to such a degree that the investigation did not comply with the relevant Executive Order; or 3. New evidence not available at the time of the investigation. The CO shall respond within 30 working days. The CO appeal response is final.

### Student Conduct Proceedings

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

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

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

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

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

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

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

### President's Sanction Decision/Notification

The president shall review the investigative report and the Hearing Officer's report and issue a decision concerning the appropriate sanction. The president's decision letter shall be issued within 10 working days after receipt of the

Hearing Officer's report. The president shall simultaneously send the decision electronically to the student charged and complainant(s).

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

### Student Sanctions<sup>2</sup>

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

1. Restitution: Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.
2. Loss of Financial Aid: Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, cancelled or denied.
3. Educational and Remedial Sanctions: Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities) misconduct or as deemed appropriate based upon the nature of the violation.
4. Denial of Access to Campus or Persons: A designated period of time during which the student is not permitted: (i) on University Property or specified areas of campus; or (ii) to have contact (physical or otherwise) with the complainant, witnesses or other specified persons.
5. Disciplinary Probation: A designated period of time during which privileges of continuing in student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate the Student Conduct Code or any University policy during the probationary period.
6. Suspension: Temporary separation of the student from active student status or student status.
  - a. A student who is suspended for less than one academic year shall be placed on inactive student (or equivalent) status (subject to individual campus policies) and remains eligible to re-enroll at the University (subject to individual campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
  - b. A student who is suspended for one academic year or more shall be separated from student status but remains eligible to reapply to the University (subject to individual campus application policies) once the suspension has been served. Conditions for readmission may be specified.
  - c. Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the student's transcript permanently without exception; this requirement shall not be waived in connection with a resolution agreement.
7. Expulsion: Permanent separation of the student from student status from the California State University system. Expulsion, withdrawal in lieu of expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the student's transcript permanently, without exception; this requirement shall not be waived in connection with a resolution agreement.

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

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

## Other Considerations Related to Sanctions

1. **Administrative Hold And Withholding A Degree:** The University may place an administrative hold on registration transactions and release of records and transcripts of a student who has been sent written notice of a pending investigation or disciplinary case concerning that student, and may withhold awarding a degree otherwise earned until the completion of the process, including the completion of all sanctions 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 the 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 University Police if they are enrolled, residing, attending, carrying on a vocation (i.e. contractor or vendor on campus for more than 30 days in the year), or working with or without compensation for the institution. All public information available in California about registered sex offenders, to include the ability to look-up offenders by name, residence address, and zip code, is on the California Department of Justice Megan's law web site at <http://www.meganslaw.ca.gov/>.

## Emergency Notification

The University will issue emergency notifications, without delay, in response to a confirmed significant emergency or a dangerous situation, occurring in the Clery defined on-campus geography that, in the judgment of the University, constitutes an immediate threat to the health or safety of members of the on-campus community. The procedures noted below are pursuant to Executive Order 1107. The University recognizes the importance of emergency notification and will ensure timely issuance of trained and qualified individuals when there are threats to the life safety of any persons on campus.

Once University Police 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 campus community.

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

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 or Coordinator 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.

Once the notification is prepared, the Chief of Police or the Clery Director, University Public Information Officer, 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 <http://web.sonoma.edu/risk/emergency/ens.html>.



The Chief of Police, the Clery Director, University Public Information Officer, 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

Federal law requires that the University report, both to local law enforcement and to the student's designated contact person, when campus residents are determined missing for 24 hour (i.e., no one can identify where they are). If the missing student is less than 18 years of age and not emancipated, the University is also required to notify their parent or guardian.

Campus residents are notified of the missing student notification procedures when providing emergency contact information and are given the opportunity to provide a confidential contact person during initial building meetings with the Residential Education and Campus Housing (REACH) staff during move-in week. This information is maintained by the REACH Office and is treated as strictly confidential and accessible only by authorized university officials, and disclosed to law enforcement only in furtherance of a missing person investigation.

Law enforcement will always be notified if a student has been determined to be missing for over 24 hours, regardless of whether the student has provided a confidential contact. When a campus resident is believed missing, the situation should be reported immediately to University Police and any member of the REACH Office. When a campus resident is reported missing, the report will be immediately referred to University Police. After investigation of the missing person report, and the person is determined missing for 24 hours, The REACH Office and/or the Vice President of Student Affairs will notify the student's missing student contact, if provided, and University Police will notify Sonoma County law enforcement agencies – no later than 24 hours after the student is determined to be missing.

## Fire Safety Act

The 2018 Fire Safety Act is available at the following link: <http://web.sonoma.edu/housing/general-info/emergency-prep/fire-safety.html>.