Contents
Message from the Vice President for Administration & Finance ..............................................................3
Preparing the Annual Security Report........................................................................................................3
Clery Crime Statistics 2017 - 2019 ...............................................................................................................7
Hate Crimes .................................................................................................................................................9
Reporting Criminal Actions & Emergencies ..............................................................................................9
Timely Warnings .........................................................................................................................................11
Security of And Access to Campus Facilities ...........................................................................................12
Law Enforcement Authority .......................................................................................................................12
Security Procedures and Practices .............................................................................................................13
Crime Prevention Programs .........................................................................................................................14
Criminal Activity at Noncampus Locations of Student Organizations ......................................................15
Alcohol and Drugs ......................................................................................................................................15
Sexual Violence ............................................................................................................................................16
Registered Sex Offenders ............................................................................................................................39
Emergency Notification ..............................................................................................................................39
Missing Student Notification ........................................................................................................................41
Fire Safety Act ...............................................................................................................................................41
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 2020 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.

The Seawolf Commitment embraces integrity, respect, excellence, and responsibility. As Seawolves, we commit to making Sonoma State University a safe and respectful community in which to live, work, and study. That requires the cooperation and coordination of many departments across campus. While we have been largely remote in 2020, safety remains an integral part of academic success. This report does not cover the impact of the COVID-19 public health crises. However, SSU’s effective response to the coronavirus is emblematic of our commitment to maintaining a productive environment where everyone can succeed and flourish.

Crime prevention and personal safety take the cooperation and collaboration of the entire community. We want everyone to have a safe and successful educational experience and appreciate your continued support and efforts on campus safety.

Preparing the Annual Security Report

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. 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. The Campus Security Act was renamed to memorialize 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 crime statistics for the previous three calendar years. Due to the COVID-19 pandemic, the 2020 Annual Security Report’s publish date was extended to December 31, 2020.

The complete text of the Clery Act and the US Department of Education regulations can be found on the Department of Education website at https://www2.ed.gov/admins/lead/safety/campus.html The California State University reporting requirements are outlined in Executive Order 1107 at 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 email. The full electronic text of the report can be found at www.clery.sonoma.edu. Paper copies can be obtained by contacting the Clery Compliance Office by phone: (707) 664-3408, or by email: missy.brunetta@sonoma.edu.

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” of the FBI’s UCR Program.
- The definitions 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” of 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 crimes at Sonoma State University between January 1, 2017 and December 31, 2019.

Crime statistics are collected annually from law enforcement agencies, and along 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 campus properties or public property immediately adjacent to University properties or facilities. Sonoma State University does not have any properties off campus owned by student organizations.

Clery Geography

Crime statistics are classified and counted pursuant to the Clery Act statute. They fall into four geography classifications:

- **On-Campus Geography:** Any building or property owned or controlled by an institution within the same reasonably geographic area and used by the institution in direction support of, in a manner related to, the institution’s educational purposes, including residence halls; and any building or property that is within or reasonably to the area identified in the first part of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
- **On-Campus Student Housing:** On-Campus Geography also includes a subset of On-Campus Student Housing facilities. These housing facilities include all graduate and undergraduate housing and parking facilities that are physically attached to and accessed directly from the student housing facilities.
- Public Property: All public property, including thoroughfares, streets, sidewalks, and parking facilities, within the campus or immediately adjacent to and accessible from the campus. For SSU, this is the perimeter of campus from the sidewalk or boundary closest to campus, the public road for that sidewalk or boundary, and the sidewalk or boundary across the street.

- Non-Campus Geography: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution’s educational purposes, is frequently used by students and is not within the same reasonably continuous geographic area of the institution.

On-Campus Geography
At Sonoma State University, on-campus geography applies to the main campus located at 1801 East Cotati Avenue, Rohnert Park, California, between Rohnert Park Expressway to the north, Petaluma Hill Road to the east, and East Cotati Avenue to the south. There are no structures or property within the main campus area that are excluded from on-campus geography.

On-Campus Student Housing
All structures that include residential housing units are classified as On-Campus Student Housing. Numerous locations in and around the residential communities are excluded from the student housing designation; however, since they are not attached to residential facilities and/or do not exclusively service residential students. These areas include parking lots, meeting rooms, swimming pools, outdoor common areas and fields, administrative offices, and university storage facilities. For a complete list of excluded locations, please contact the Clery Compliance Office by phone: (707) 664-3408, or by email: missy.brunetta@sonoma.edu.

Public Property
Public property is limited to the areas surrounding campus to the south, east, and north. The area to the west is separated by a physical barrier. To the south and the north, the sidewalk/street/sidewalk definition will apply where there is a second sidewalk. Where no second sidewalk is otherwise present, only sidewalk/street will be considered.

Non-Campus Geography
When considering the classification of space that the university owns or controls in association with instruction, student travel, or other student activities, SSU includes any locations that meet all three of the following conditions:

- Non-campus geography will include any space for which SSU has a written use agreement for the delivery of instructional or academic activities that are used for more than one occasion in the course of the scheduled instruction (per class).
- Non-campus geography will include any space for which SSU has a written use agreement, used in an overnight trip of one or more nights that includes students when the contracted facility is used more than one time over a two-year period.
- Non-campus geography will include any space for which SSU has a written use agreement, and that is used on an overnight trip of more than one night, which includes students.

University Athletics, Student Affairs, and academic departments sponsoring student travel provide the Clery Compliance Office with information on hotels and other facilities with which they enter into agreements for any use. For more information, please contact the Clery Compliance Office by phone: (707) 664-3408, or by email: missy.brunetta@sonoma.edu.

For the 2018 crime statistics, the following locations are considered non-campus geography:

- Fairfield Osborn Preserve, Sonoma County, California
- Galbreath Preserve, Mendocino County, California
• Los Guilicos Preserve, Santa Rosa, California
• Ukiah Center (Building 6000), Mendocino College, 1000 Hensley Creek Road, Ukiah, California
• Glaser Center, 547 Mendocino Avenue, Santa Rosa, California (limited based on instructional days and times only)
• Berger Center, 6637 Oakmont Drive, Santa Rosa, California (limited based on instructional days and times only)

Additional locations may have been classified as non-campus geography based on applicable use of less than 5 days. These locations are generally hotels that meet the conditions above. For information on such locations, please contact the Clery Compliance Office by phone: (707) 664-3408, or by email: missy.brunetta@sonoma.edu.

All areas designated non-campus geography include any land, property, or structure that must reasonably be used to access the applicable location. This designation could include parking lots, pathways, stairwells, or lobbies of otherwise unrelated facilities. The Clery Compliance Office maintains a list of all facilities that have been evaluated for classification as non-campus geography, including justification for the exclusion.
<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On-Campus Total</th>
<th>Campus Residential</th>
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### Offense

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On-Campus Total</th>
<th>Campus Residential</th>
<th>Non-Campus</th>
<th>Public Property</th>
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<td></td>
<td>2019</td>
<td>0</td>
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*Note: Clery geography between 2017 and 2018 was reevaluated and reclassified. In 2017, the pools in the residence halls and walkways not directly connected to a residential apartment building were excluded from the "On-Campus Housing" category and reclassified as "Campus." This difference accounts, in part, for the increase in "Campus" geography offenses in this category. Additionally, these statistics were updated in 2020 to reflect updated interpretation of counting methodology.

### Offense

<table>
<thead>
<tr>
<th>Offense</th>
<th>Year</th>
<th>On-Campus Total</th>
<th>Campus Residential</th>
<th>Non-Campus</th>
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<tr>
<td>Liquor Law Referrals for Disciplinary Action</td>
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### Unfounded Crimes

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<th>Total</th>
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<td>Unfounded Crimes</td>
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<td></td>
<td>2019</td>
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</table>
Hate Crimes

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

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

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

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

In 2018, there were two hate crimes. One was an aggravated assault motivated by a racial bias. The other was vandalism motivated by a bias against religious affiliation.

In 2019, there was one aggravated assault hate crime motivated by ethnic bias reported.

Reporting Criminal Actions & Emergencies

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

University Police is located at the southern end of the Residential Verdot 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, one should 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. In emergencies, the caller should be prepared to provide the police dispatcher with name, telephone number, and location, as well as any additional pertinent information (such as suspect and vehicle description, the direction of travel, etc.). The caller should 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 entities 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 divert to an alternate dispatch center. However, it is still advised to call 911 to report emergencies to ensure connection to emergency services as quickly as possible. Calling the business line to report emergencies could cause delays, or calls may not be answered as a priority during an emergency.

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, which 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 to the Clery Compliance Office 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, any of the following university officials can receive a report of a crime. Please note that due to the COVID-19 pandemic, many university personnel is working remotely. Contact by telephone is preferred until most staff return to on-campus work.

- Vice President of Student Affairs, Student Center, Third Floor, (707) 664-2838
- AVP for Student Affairs, Student Center, Third Floor, (707) 664-3123
- Dean of Students, Student Center, Third Floor, (707) 664-3078
- Senior Director of Athletics, Salazar Hall, Second Floor, (707) 664-2521
- AVP for Human Resources, Salazar Hall, Second Floor, Administration & Finance, (707)-664-3100
- AVP for Faculty Affairs, Stevenson Hall 1041, (707)-664-3236
- Director, Office for the Prevention of Harassment and Discrimination, International Hall, (707) 664-2480
- Director of Campus Life and Programming, Student Center, (707)-664-2804
- Director for the HUB (Multicultural Center), Student Center, (707) 664-2710

Voluntary Confidential Reporting

In addition to reporting a crime to a CSA or University Police, any person may anonymously report certain incidents or crimes using online forms:

- 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 that incident at [https://cm.maxient.com/reportingform.php?SonomaStateUniv&layout_id=1](https://cm.maxient.com/reportingform.php?SonomaStateUniv&layout_id=1).

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

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

While the University encourages members of their community to promptly report all crimes to UPD, the University has policies requiring confidential, exempt sources defined in the Clery Act (Professional and Pastoral Counselors) to report information disclosed to them of a crime in a confidential session. All confidential exempt sources are encouraged to provide victims with all options and support resources for reporting crimes on campus for administrative or criminal investigation and action.
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 a serious 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 email distribution
- University website (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.
Security of and Access to Campus Facilities

Due to the COVID-19 pandemic, most instruction and administrative activity are being conducted remotely. Due to this condition, limited buildings are open to support the remaining on-campus operations. Students, faculty, and staff without prior approval may access only the designated open buildings. Buildings not designated for regular occupancy will remain locked. Designated buildings open to support ongoing operations during the pandemic are open from 8 am – 5 pm for approved students, faculty, and staff only. These efforts allow the University to reduce the risk of exposure to COVID-19 for those students and employees who are required to engage in academic, instructional, or support work on campus. As the situation surrounding the pandemic evolves, the University will endeavor to increase access as long as conditions are safe. Any person with access requests that are not met through the current building openings should email continuity@sonoma.edu.

Outside of the pandemic response plan, 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. During normal operations, 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. However, at the time of the publishing of this report, all of these facilities are closed to the general campus. The University recognizes that there may 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 are required for after-hours access. Access on holidays is treated as weekend access. An institutional policy regarding the security of and access to campus facilities is in process. Persons who have been issued building keys are not authorized to enter locked buildings for reasons outside of their role or assignment or during times when buildings are closed due to safety reasons.

Access to university housing buildings is limited to residents, their guests, and appropriate staff. Due to the COVID-19 pandemic, residents are not permitted to host guests, including any other campus resident that does not live in the unit.

University Police and on-duty Residential Education and Campus Housing (REACH) personnel, to include Residential Advisors and Residential Area Coordinators, patrol the Residential Community cooperatively. Residents are issued card keys and passcodes to access their assigned housing units.

SSU Facilities Services maintain university facilities and grounds. A cross-division workgroup 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 recommend 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' law enforcement authority may extend to any place within the State of California, and they 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 include those of municipal and county law enforcement agencies in other communities.

Sonoma State University Police focuses enforcement and prevention efforts in its primary jurisdiction to include all property owned and operated by the University. University Police share 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 Guilicos 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 Chiefs 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.

Security Procedures and Practices

Members of the SSU Community must take responsibility for their own personal safety and the safety of their personal property, just as they do when they are away from the university. Despite mostly remote operations due to the COVID-19 pandemic, the University is committed to ensuring that students, faculty, and staff possess the tools and skills needed to ensure their personal safety, both on- and off-campus. While most training delivery is being delivered remotely in 2020, the following offerings demonstrate the diversity of training and support provided to our campus community.

To support the campus community, the University has sponsored or participated in the following programs to support the safety and security of the campus:

Student Programming and Training

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

University Police, as part of the Community Policing program, participates in activities with students throughout the year on personal safety, sexual assault, and policing.

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, which are 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 expended in providing training and awareness events related to 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 an annual Title IX awareness training.

Employee Training

University Police Officers receive training each year on a variety of topics to ensure they have current training to support students, faculty, and staff, and can also support a safe campus. This training includes 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.

Faculty and staff are 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 ways in which those issues manifest themselves, how to recommend resources for students, and intervention strategies for students in crisis. Training is offered at least once per year.

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

Individual 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 safe 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 participate in Community-Oriented Policing and Problem-Solving Strategies (COPPS) and utilize a combination of foot and vehicle patrols to reach all areas of the campus and its 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.

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 the campus to identify potential 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 training by contacting Risk Management & Safety Services.
Criminal Activity at Non-Campus Locations of Student Organizations

Sonoma State University does not formally recognize or support student organization non-campus activities, does not own any on or non-campus fraternity or sorority houses, and does not have 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 Clery statistics collected from other jurisdictions.

Alcohol and 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 University recognizes that drug and alcohol abuse on campus is not conducive to SSU’s mission 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](http://www.sonoma.edu/policies/alcoholic-beverages). Alcohol use for students living in the residential community is governed by the “Campus Housing Regulations & Guidelines” and varies 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://housing.sonoma.edu/sites/housing/files/regulations_2020-21_w_covid.pdf](http://housing.sonoma.edu/sites/housing/files/regulations_2020-21_w_covid.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 on the University Student Conduct website at [http://studentaffairs.sonoma.edu/student-resources/student-conduct](http://studentaffairs.sonoma.edu/student-resources/student-conduct). Employees in violation of the University alcohol and drug policies may be subject to arrest, corrective action, or 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 and diversion, to imprisonment in the county jail or state prison. A police officer can confiscate the driver’s 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,” which are 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 by phone at (707) 664-2838 or by email at studentaffairs@sonoma.edu.
Sexual Violence

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

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

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

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

Prevention, Education, and Awareness

Sonoma State University prohibits dating violence, domestic violence, sexual assault, and stalking. In the State of California, those crimes are defined as follows:

- **Dating Violence**: Non-criminal battery or threats committed by a person against a spouse, a person with whom the offender is cohabiting, a person who is the parent of the offender’s child, former spouse, fiancé, or fiancée, or a person with whom the offender currently has, or has previously had, a dating or engagement relationship.
- **Domestic Violence**: Misdemeanor or felony battery committed by a person against a spouse, a person with whom the offender is cohabiting, a person who is the parent of the offender’s child, former spouse, fiancé, or fiancée, or a person with whom the offender currently has, or has previously had, a dating or engagement relationship.
- **Sexual Assault**: Broadly refers to any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. In the State of California, consent is defined by Penal Code § 261.6 to mean “positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.”
  1. **Rape**: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
2. Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

- Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

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 have been further designed to increase audience knowledge and to share information and resources to prevent violence, promote safety, and reduce perpetration.

Bystander Intervention
Check In Bystander Intervention is a bystander education approach that aims to prevent violence with the help of bystanders. It is designed on the premise that power-based personal violence can be measurably and systematically reduced within a community.

Check In approaches all students, staff, administrators, and faculty as allies. The original Check In program was conceived in the college setting to prevent dating violence, sexual violence, and stalking. It relies on the premise that if everyone does their small part and commits to individual responsibility, the combined effect is a safe campus culture that is intolerant of violence.

Community members are encouraged to utilize the three D’s: Distract, Direct, and Delegate to intervene when they believe they are witnessing power-based personal violence. Distract means do something to interrupt those involved in the situation, creating an opportunity for the person to get away. Direct means directly address the behavior witnessed. Delegate means to involve someone else (possibly law enforcement) to intervene and help the person. The idea behind the three D’s is that no one has to do everything, but everyone has to do something.

SSU will be implementing the Check In bystander intervention program in 2020.

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 cab 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 intervention concepts and methods 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 through in-person training 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 members.

Definitions per Executive Orders 1095-1097
These policy definitions are derived from the local jurisdiction and based on the California Penal Code, the California Family Code, and the California Evidence Code. In some instances, these definitions may differ slightly from the federal definitions set forth in the next section for mandatory crime statistic reporting. For reportable crime statistics, the Clery Act regulations mandate definitions from the Federal Bureau of Investigation’s (FBI’s) Uniform Crime Reporting (UCR) Handbook.

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

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

Addendum B: Sexual Harassment
Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following: An employee conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct; unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity
Executive Order: Sexual Harassment

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

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

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

Executive Order: Sexual Misconduct

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

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

Addendum B: Sexual Assault

- Rape is the penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the complainant. Rape also includes the attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the affirmative consent of the complainant, with the present ability and the intent to commit rape.
• Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the affirmative consent of the victim, including instances where the complainant is incapable of giving affirmative consent because of their age or because of their temporary or permanent mental incapacity.

• Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

• Statutory rape is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.

Affirmative Consent (Applicable in Addendum B and Non-Addendum B Matters)

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

• The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent. A request for someone to use a condom or birth control does not, in and of itself, constitute affirmative consent.

• Affirmative consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

• Affirmative consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions.

• Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person’s decision-making ability, awareness of consequences, and ability to make informed judgments. A person’s own intoxication or incapacitation from drugs or alcohol does not diminish that person’s responsibility to obtain affirmative consent before engaging in sexual activity.

• A person with a medical or mental disability may also lack the capacity to give consent.

• Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.

• It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  • The person was asleep or unconscious;
  • The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  • The person was unable to communicate due to a mental or physical condition.

• It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  • The respondent’s belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;
• The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

Addendum B: Domestic Violence

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

Executive Order: Domestic Violence

Abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to:

1. sexual relations between the Parties while sharing the same living quarters;
2. sharing of income or expenses;
3. joint use or ownership of property;
4. whether the parties hold themselves out as spouses;
5. the continuity of the relationship; and,
6. the length of the relationship.

For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to self, or another. Abuse does not include non-physical, emotional distress or injury.

Addendum B: Dating Violence

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

• who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and

where the existence of such a relationship shall be determined based on a consideration of the following factors:

• The length of the relationship.
• The type of relationship.
• The frequency of interaction between the persons involved in the relationship.

Executive Order: Dating Violence

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

Addendum B: Stalking

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

Engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. For purposes of this definition:

- **Course of conduct** means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;
- **Reasonable person** means a reasonable person under similar circumstances and with the same protected status(es) as the complainant;
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
- **Protected status** includes age, disability (physical or mental), gender (or sex), genetic information, gender identity or expression, nationality, marital status, race or ethnicity, religion, sexual orientation, and veteran or military status.

Procedures for Reporting a Crime of Sexual Violence/Sexual Misconduct

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

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

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

Victims have the right to decide who and when to tell about sexual misconduct/sexual assault, dating violence, domestic violence, or 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/sexual assault, dating violence, domestic violence, or stalking they should not be deterred from reporting the incident out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies.

A person who participates in investigations or proceedings involving sexual misconduct/sexual assault, dating violence,
domestic violence, or stalking will not be subject to discipline for related violations of the Student Conduct Code or other University policies at or near the time of the incident unless the University determines the conduct places the health and safety of another person at risk, or is otherwise egregious.

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

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

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

Privileged and Confidential Reports

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

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

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

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

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

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

Preservation of Evidence

In cases of sexual misconduct/sexual assault, dating violence, domestic violence, or stalking, the preservation of physical evidence is important to facilitate the identity and successful prosecution of the offender. The victim should not change clothes, bathe, douche, or shower following the attack. Sexual Assault Response Team (SART) 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 SART 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 SART exams and the cost will be the responsibility of the local law enforcement jurisdiction.

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

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

Reporting Options

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

**Reporting to the Police**

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

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

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

**Reporting to a CSA**

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

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

**Administrative**

Victims may report to the campus Title IX Coordinator, who will provide written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident. The Title IX Coordinator will also provide information regarding resources available to victims, as well as information regarding their rights and options. Contact information for the Title IX Coordinator is listed above.

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

Reporting to a Title IX Coordinator or Responsible Employee

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

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

As detailed above, most university employees except treating physicians, licensed counselors, and clergy must report to the Title IX Coordinator all relevant details about any sexual misconduct/sexual assault, dating violence, domestic violence, or stalking incidents of which they become aware. The University will need to determine what happened and will need to know the names of the victim(s) and the alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other university employees will be kept private and shared only with individuals responsible for handling the University’s response to the incident. Any supportive measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the supportive measures. The University will protect the privacy of individuals involved in a sexual misconduct/sexual assault, dating violence, domestic violence, or stalking incident except as otherwise required by law or University policy. A sexual misconduct/sexual assault, dating violence, domestic violence, or stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim’s identity and privacy and the privacy of other involved individuals. Except as detailed in the section on “Privileged and Confidential Communications” above, no university employee, including the Title IX Coordinator, should disclose the victim’s identity to the police without the victim’s consent or unless the victim has also reported the incident to the police.

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

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

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

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

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

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

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

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

Non-Reporting
Victims are strongly encouraged to formally report any incident of sexual misconduct/sexual assault, dating violence, 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 are strongly encouraged to formally report any incident of sexual misconduct/sexual assault, dating violence, 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.

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

In the County of Sonoma, a victim may file a request for a restraining order or emergency protective order at the Hall of Justice at 600 Administration Drive, Room 107J between the hours of 8 am and 5 pm Monday through Friday. After hours, victims should contact the local law enforcement agency for assistance. Additional information for Sonoma County can be found by visiting [http://sonoma.courts.ca.gov/node/21](http://sonoma.courts.ca.gov/node/21).

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

Victims are not required to participate in any university disciplinary process and may choose not to be a part of it. Disciplinary procedures will:

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

The CSU has adopted and published complaint procedures that provide for prompt, impartial, and equitable resolution of complaints of sex discrimination, including sexual harassment, sexual misconduct/sexual assault, sexual assault, domestic violence, dating violence, and stalking.

Complaints regarding sex discrimination, including sexual harassment, sexual misconduct/sexual assault, sexual assault, domestic violence, dating violence, and stalking may be made through any of the following means:

- In person at the Office for the Prevention of Harassment & Discrimination (OPHD), Second Floor of International Hall (please note that this office is working remotely as of the publication of this report due to the COVID-19 pandemic)
- By phone to OPHD at (707) 664-4140
- By email to OPHD at ophd@sonoma.edu
- By phone or email to any Responsible Employee; Responsible Employees are required to refer all complaints to the appropriate university authority/official
- Confidential reporting to the University Confidential Advocate at advocate@sonoma.edu

Regardless of whether an employee, a student or a third party ultimately files a formal complaint under the applicable complaint procedure, if the University knows or has reason to know about possible sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking, the Title IX Coordinator must review the matter to determine if an investigation is warranted. When warranted, all such investigations must be prompt, thorough and impartial. The University must then take appropriate steps to eliminate the sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking, prevent its recurrence, and remedy its effects.

Complaints Made by Students

Executive Order 1097, entitled “Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students” is the appropriate systemwide procedure for all complaints of sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party. Executive Order 1097 can be viewed at [https://calstate.policystat.com/policy/6742744/latest/](https://calstate.policystat.com/policy/6742744/latest/).

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

Executive Order 1096, entitled “Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Staling Against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties” is the appropriate systemwide procedure for all complaints of sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party.

Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of sex discrimination or sexual harassment, including sexual misconduct, domestic violence, dating violence, and stalking shall use the grievance procedure specified in their collective bargaining agreement. Executive Order 1096 can be viewed at [https://calstate.policystat.com/policy/6743499/latest/](https://calstate.policystat.com/policy/6743499/latest/).
Complaints Made by Student-Employees

Executive Order 1096 is the appropriate system-wide procedure for all complaints of sex discrimination, including sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking, made by student-employees where the alleged sex discrimination, sexual misconduct, domestic violence, dating violence, and stalking arose out of the person’s status as an employee and not their status as a student. Executive Order 1096 can be viewed at https://calstate.policystat.com/policy/6743499/latest/

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

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

Either party may appeal from a dismissal of a formal complaint or any part of the complaint. The appeal must be filed within 10 working days from the date of the notice of dismissal. The appeal will be in writing and will be based only on one or more of the following grounds: a procedural irregularity occurred that affected the dismissal of the formal complaint; new evidence that was not reasonably available at the time the dismissal decision was made that could affect the decision to dismiss the formal complaint; or the title ix coordinator (or designee) who dismissed the formal complaint had a conflict of interest or bias for or against the complainant or respondent in this case or complainants or respondents in general.

Appeals will be filed with the Chancellor's Office (CO) and will be addressed to:
- Systemwide Title IX Unit
- Systemwide Human Resources
- Office of the Chancellor
- TIX-Dismissal-Appeals@calstate.edu

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

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

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

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

The CO appeal response is final and concludes the dismissal/referral process under Addendum B. If there is a mandatory dismissal of a formal complaint, it does not preclude the campus from later identifying a relevant policy or policies that address the alleged conduct, notifying the parties of the policy or policies, and moving forward under the procedures of those policies.

When the Title IX Coordinator receives a formal complaint, the Title IX Coordinator will simultaneously provide both parties a written Notice of Allegations.

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

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

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

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

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

- Informal resolution under Addendum B may only be offered where a formal complaint has been filed;
- the University cannot offer or facilitate informal resolution under addendum b to resolve allegations that an employee sexually harassed a student; and
- the University must obtain the parties' voluntary, written consent before starting the informal resolution process.

Once the Title IX Coordinator determines that informal resolution is appropriate, the parties should simultaneously be provided written notice regarding informal resolution that includes the following:

- the allegations of sexual harassment, as defined by Addendum B;
- the requirements of the informal resolution process including that once the informal resolution process is finalized neither party is permitted to file another formal complaint arising from the same allegations;
- an explanation that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal complaint process;
- an explanation of any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- the parties' right to consult with a support advisor, if any.
The Title IX Coordinator will oversee the informal resolution process and make the final determination on all informal resolutions facilitated by the Title IX Coordinator or designee regarding whether the terms agreed to by the parties are appropriate in light of all of the circumstances of the formal complaint.

The informal resolution process will be completed prior to any determination of responsibility being made, but no later than 60 working days after both parties provide voluntary, written consent to participate in the informal resolution process.

The University may not require the parties to participate in an informal resolution process under Addendum B, nor may a party be required to waive their right to the investigation and adjudication of a formal complaint as a condition of enrollment or employment, or continuing enrollment or employment.

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

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

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

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

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

Advisors
Support Advisor: The complainant and the respondent may each elect to be accompanied by a support advisor to any meeting, interview, or proceeding regarding the allegations that are the subject of a formal complaint. The support advisor may be anyone, including a union representative from the complainant’s or respondent’s collective bargaining unit, an attorney, or, in the case of the complainant, a sexual assault victim’s advocate. The support advisor may not
answer questions regarding the subject matter of the investigation for the complainant or the respondent or speak on behalf of a complainant or respondent. However, the support advisor may observe and consult with the complainant or respondent.

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

The Title IX Coordinator or Investigator will explain to the complainant and respondent that they may request that their support advisor, if any, be copied on communications during the formal complaint process. Any such request will be in writing to the Title IX Coordinator or Investigator and should include the support advisor's name and contact information. The Title IX Coordinator or Investigator will also explain that support advisors will receive a copy of the evidence and final investigation report, unless the party specifically directs in writing that this information should not be sent to their support advisor. Although reasonable efforts will be made to accommodate hearing advisors and support advisors, undue delays affecting the complaint resolution timeline will not be permitted. Disruptive, abusive, or disrespectful behavior also will not be tolerated. At the discretion of the Investigator or Title IX Coordinator during meetings or interviews and of the hearing officer during hearings, a hearing advisor or support advisor who engages in disruptive, abusive or disrespectful behavior will not be permitted to participate. If a hearing advisor is excused during a hearing, the University will either provide a party with another hearing advisor or allow the party to obtain another hearing advisor. It is within the hearing officer's discretion to proceed with or postpone the hearing in order to address the situation.

Notice of Meetings, Interviews and Hearings

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

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

Review of Evidence

Before issuing a final investigation report (Final Investigation Report), the Investigator will send to the Complainant and Respondent, and their respective Support Advisors, all evidence (including evidence upon which the University does not intend to rely) obtained as part of the investigation that is Directly Related to the allegations raised in the Formal Complaint (Preliminary Investigation Report). This includes inculpatory or exculpatory evidence whether obtained from a Party or other source, redacted if required by law. Each Party will be given a minimum of 10 Working Days for the initial Review of Evidence to respond to the list of disputed facts and evidence and submit additional questions for the other Party and witnesses. This timeframe may be extended at the discretion of the Title IX Coordinator (either on their own or in response to a Party's request). The extension must be made available to both Parties, who must be notified as such. During the Review of Evidence, each Party may:
1. meet again with the Investigator to further discuss the allegations;
2. identify additional disputed facts;
3. respond to the evidence in writing;
4. request that the Investigator ask additional specific questions to the other Party and other witnesses;
5. identify additional relevant witnesses; or
6. request that the Investigator gather additional evidence.

Final Investigation Report

After the review of evidence phase is concluded, the parties will receive a final investigation report that will summarize all relevant evidence (inculpatory and exculpatory), including additional relevant evidence received during the review of evidence. Any relevant documentary or other tangible evidence provided by the parties or witnesses, or otherwise gathered by the investigator will be attached to the final investigation report as exhibits. As part of an informal resolution, at the request of both parties, campuses will provide a written preliminary assessment of the evidence by the Title IX Coordinator. Neither the fact nor the substance of the assessment will be shared with the hearing officer or considered relevant at the hearing. The final investigation report shall be sent to the parties and their respective support advisors, if any, in electronic format (which may include use of a file sharing platform that restricts the parties and any support advisors from downloading or copying the evidence) or hard copy. The parties and their support advisors will be provided 10 working days to review and provide a written response to the final investigation report. Campuses will inform parties not to include any reference to the preliminary assessment and that any such references will be redacted. The written response will be attached to the final investigation report and provided to the hearing officer, if appropriate, and the parties. Any references to a preliminary assessment, assuming one was requested, will be redacted from this written response. No documentation should be provided to the hearing officer if an informal resolution is reached.

Timeframe for Completion of Investigation

Absent a determination of good cause made by the Investigator or Title IX Coordinator (of which the parties will receive written notice): (i) the investigation should be concluded within 100 working days from the date that the notice of allegations is provided to the parties; and (ii) the final investigation report should be completed and provided to the parties within 10 working days after the review of evidence has concluded. Extensions may be granted, and notice to the parties given, as set forth in Article V. E. of EO 1096 and EO 1097. Within 10 working days after the parties have been provided the final investigation report, the parties will be informed of the timelines that will apply to the pre-hearing and hearing processes described in Article IX below. The parties will be required to provide the name and contact information for their hearing advisor within 5 working days after notice of the hearing timeline.

Hearing Procedures

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

The parties will be given written notice of the date, time, location, participants, and purpose of the hearing, as well as the identity of the hearing officer. Notification of the hearing will be sent to the designated CSU campus email address, unless the recipient has specifically requested in writing to the hearing coordinator that notice be given to a different email address. Communications from the hearing coordinator will be deemed received on the date sent. The hearing will not be set sooner than 20 working days after the date of notice of hearing.
Any objections to an appointed hearing officer must be made in writing to the hearing coordinator within 5 working days after notice of the identity of the hearing officer has been communicated to the parties. The objection may only be based on an actual conflict of interest. A conflict of interest exists if the hearing officer has a personal relationship with one of the parties or witnesses or has demonstrated actual bias towards a party or witness. The fact that a hearing officer has previously served as a hearing officer in a university proceeding will not constitute a conflict of interest. The hearing coordinator will determine if a conflict of interest exists. In that event, the parties will be notified in writing of the name of the new hearing officer. The date for the hearing may need to be rescheduled. Any objection to the new hearing officer will be made in accordance with this section.

No later than 15 working days before the hearing, each party may provide to the hearing coordinator a proposed witness list that includes the names of, and current contact information for, that party’s proposed witnesses as well as an explanation of the relevance of each proposed witness’s testimony and the disputed issue to which the witness’s testimony relates. No later than 10 working days before the hearing, the hearing coordinator will share a final witness list with the parties and notify each witness of the date, time and location of the hearing.

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

Determination Regarding Responsibility
After the hearing, the hearing officer will make written findings of fact and conclusions about whether the respondent violated Addendum B with respect to the definition of sexual harassment.

The standard of proof the hearing officer will use is whether each allegation is substantiated by a preponderance of the evidence. The Title IX Coordinator will review the hearing officer’s report to ensure procedural compliance with Addendum B.

If no violation of the addendum is found, the president (or designee) will be notified along with the Parties. The notification will include the outcome of the hearing, a copy of the hearing officer’s report (redacted as appropriate or as otherwise required by law) and notice of the complainant’s and respondent’s right to appeal to the Chancellor’s Office.

If a violation of the addendum is found, within 5 working days of receiving such finding the parties may submit to the hearing coordinator an impact statement or other statement regarding discipline that is no more than 2000 words in length. The document is an opportunity for the parties to suggest disciplinary outcomes and to provide information that they believe is important for the hearing officer to consider. The Student Conduct Administrator and/or appropriate university administrator responsible for discipline and Title IX Coordinator may also submit a written statement regarding aggravating and mitigating factors that provides a recommendation regarding the disciplinary outcome, including information regarding prior disciplinary outcomes for similar conduct and whether the respondent was previously found to have violated University policy.
Within 5 working days after receiving and considering any impact or other statements submitted by the parties and other statements described above, the hearing officer will submit the hearing officer's report to the president (or designee). The hearing officer's report will be amended to include a statement of, and rationale for, any recommended disciplinary sanctions to be imposed on the respondent ("Final Hearing Officer's Report"). The Final Hearing Officer's Report will attach the final investigation report.

In cases where the hearing officer has found a violation of policy, the president (or designee) will review the final investigation report and the Final Hearing Officer's Report and issue a decision ("Decision Letter") concerning the appropriate sanction or discipline within 10 working days of receipt of the Final Hearing Officer's Report.

President's Sanction Decision/Notification

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

The president will simultaneously send the Decision Letter electronically to the respondent and complainant at the university-assigned or other primary email address linked to their university accounts. The decision letter will also be sent to the Student Conduct Administrator or other appropriate university administrator responsible for employee discipline and the hearing officer.

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

Employee Sanctions

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

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

Student Sanctions

The following sanctions may be imposed for violation of the Student Conduct Code:
Restitution
Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.

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.

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.

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.

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.

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

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.

A student who is suspended for one academic year or more shall be separated from student status but remains eligible to reapply to the university (subject to individual campus application polices) once the suspension has been served. Conditions for readmission may be specified.

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.

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

More than one sanction may be imposed for a single violation.
Other Considerations Related to Sanctions

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.

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 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.

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.

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 online classes. Violation of any condition of interim suspension shall be grounds for expulsion.

Admission or Readmission

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

Appeal of President’s Sanction

Filing an Appeal to the Chancellor’s Officer

Any complainant or respondent who is not satisfied with a formal complaint process outcome (determination regarding responsibility or recommended sanction) may file an appeal with the Chancellor’s Office no later than 10 working days after the date of the decision letter. All arguments and/or evidence supporting the appeal must be submitted by the

1 For matters involving processes other than those that fall under addendum B, this is not applicable.
2 For matters involving processes other than those that fall under addendum B, this is not applicable.
deadline to file the appeal. Evidence/arguments submitted after the appeal submission deadline will not be considered by the Chancellor’s Office.

The appeal must be in writing and may be based only on one or more of the grounds for appeal listed below: the hearing outcome is not supported by substantial evidence (in other words, there was no reasonable basis for such findings or conclusions); a procedural irregularity occurred that affected the outcome of the matter; new evidence that was not reasonably available at the time of the hearing and would have affected the hearing officer’s decision about whether the respondent violated the Executive Order, including Addendum B; the Title IX Coordinator, Investigator, or hearing officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter; and the sanction(s) imposed as part of the outcome of the formal complaint process constituted an abuse of discretion based on the substantiated conduct.

**Issues and Evidence on Appeal**

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

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

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

The Chancellor’s Office will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide prompt written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the campus Title IX Coordinator. The notice will include the right of the non-appealing party and the campus to provide a response to the appeal within 10 working days of the date of the notice. The appeal and appeal response shall be limited to 3,500 words, excluding exhibits.

**Registered Sex Offenders**

California’s sex offender registration laws require convicted sex offenders to register their status with the University Police Department if they are enrolled, residing, attending, carrying on a vocation (i.e., contractor or vendor on campus for more than 30 days in the year), or working with or without compensation for the institution. All public information available in California about registered sex offenders, to include the ability to look-up offenders by name, residence address, and zip code, is on the California Department of Justice Megan’s law web site at [http://www.meganslaw.ca.gov/](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.
Once UPD has received the report, the Chief of Police, (or management designee in the absence of the Chief), will confer with the appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency, if available, to confirm both:

1. an emergency or dangerous situation in fact exists in on-campus geography; and
2. the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community.

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

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

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

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

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

Students 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://emergency.sonoma.edu/communications or call the on-campus Office of Emergency Services at (707) 664-2308 for assistance.

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

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

**Testing the Emergency Notification System**

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

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 hours (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 more than 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 confidential 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 2020 Fire Safety Report is available at the following link: https://housing.sonoma.edu/resources/fire-safety.