

# SONOMA STATE UNIVERSITY



## Sonoma State University

### 2021 Annual Security Report

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

Crime Statistics 2018 – 2020

Jeanne Clery Disclosure of Campus Security Policies & Campus Crime Statistics

# Table of Contents

Message from the Vice President for Administration & Finance .....	1
Preparing the Annual Security Report .....	1
Compiling Crime Statistics .....	2
Clery Crime Definitions.....	3
Clery Geography .....	3
Clery Crime Statistics 2018 – 2020.....	5
Hate Crimes.....	7
Reporting Criminal Actions & Emergencies .....	7
Reporting Crimes to Campus Security Authorities .....	8
Voluntary Confidential Reporting.....	9
California Education Code section 67380(a)(6)(A).....	9
Timely Warning Policy .....	10
Additional Considerations.....	11
Contents of a Timely Warning .....	11
Methods of Distribution.....	12
Security of and Access to Campus Facilities .....	12
Academic and Administrative Buildings .....	12
On-Campus Student Housing Facilities .....	12
Maintenance of Campus Facilities .....	13
Law Enforcement Authority .....	13
Security Procedures and Practices.....	14
Building Safety Marshals.....	14
Crime Prevention Programs.....	15
Criminal Activity at Noncampus Locations of Student Organizations .....	15
Alcohol and Drugs .....	15
Sexual Violence .....	16
Prevention, Education, and Awareness .....	17
Definitions per Executive Orders 1095-1097.....	19
Affirmative Consent.....	20
Procedures for Reporting a Crime of Sexual Violence/Sexual Misconduct.....	22
Privileged and Confidential Reports .....	23
Exceptions to Confidentiality .....	24
Preservation of Evidence .....	24
Reporting Options .....	25
Disciplinary Procedures.....	29

Supportive Measures .....	30
Complaint Procedures .....	30
Appeal of a Formal Complaint Dismissal/Referral.....	33
Investigative Procedures .....	34
Hearing Procedures .....	36
Determination Regarding Responsibility .....	38
Informal Resolution .....	39
Employee Discipline .....	41
Student Sanctions .....	41
Appeals .....	43
Issues and Evidence on Appeal: Executive Order 1096 and 1097 .....	44
Issues and Evidence on Appeal: Addendums A & B.....	44
Registered Sex Offenders.....	45
Emergency Notification Policy .....	45
Contents of the Emergency Notification .....	46
Methods of Distribution.....	46
Testing and Evacuation System.....	47
Missing Student Notification.....	48
Fire Safety Act .....	48
Appendix I: California Crime Definitions .....	49
Appendix II: Executive Order 1095, Attachment C.....	58
Appendix III: Title IX Complaint Resources .....	59

## Message from the Vice President for Administration & Finance

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 2021 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 Clery Act crime statistics for the last three calendar years.

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 the COVID-19 pandemic provided multiple mediums of instruction, much of our campus operations remained virtual during 2020 as reflected in the attached report. 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. As we saw with the COVID-19 public health crisis, SSU remains committed to campus safety in all ways.

We appreciate your continued support and efforts on behalf of campus safety.

## Preparing the ASR

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, 20 USC § 1092(f), Higher Education Act of 1965, is a federal law that requires colleges and universities to disclose certain timely and annual information about campus crime and security policies. All public and private post-secondary educational institutions participating in federal student aid programs are required to comply. 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 1, that contains policies and procedures that are current as of the publication date, and crime statistics for the previous three calendar years.

The complete text of the Clery Act and the U.S. Department of Education regulations can be found on the [Department of Education website](https://www2.ed.gov/admins/lead/safety/campus.html) at <https://www2.ed.gov/admins/lead/safety/campus.html> The California State University reporting requirements are outlined in [Executive Order 1107](http://www.calstate.edu/eo/EO-1107.html) 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.

Many of the university staff who are tasked with contributing towards the development of the Annual Security Report serve on the Clery Compliance Team (CCT). The CCT meets at least quarterly and is responsible for identifying Clery geography, programming and training for students and employees, identifying campus security authorities (CSAs), and ensuring Clery

crimes are reported to the Clery office and the police department. More information on the CCT, including current membership, can be found on the [Clery Compliance Team website at http://clery.sonoma.edu/clery-compliance-team](http://clery.sonoma.edu/clery-compliance-team).

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](http://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](mailto:missy.brunetta@sonoma.edu).

## Compiling Crime Statistics

Many crimes are not reported to the police. By collecting reports of crimes from other sources other than the police, the university can obtain a more accurate count of crimes on campus and affiliated locations. A crime is considered “reported” when a witness, a victim, a third party, or the offender, regardless of that person’s affiliation, brings the crime to law enforcement or a campus security authority. In turn, the university discloses crimes and alleged criminal incidents in the statistical portion of this report regardless of whether the police have investigated the crimes and whether a finding of guilt or responsibility has been assigned.

The Clery Compliance Office coordinates the collection of crime statistics. Crime statistics are compiled from reports submitted by campus security authorities, Sonoma State SSU Police Department (SSUPD), and other local police departments.

Campus security authorities (CSA’s) are designated employees who have significant responsibility for students and student activities. CSA’s are required to report any Clery-reportable crime that has been reported to them to the Clery Compliance Office. It is not necessary that a reported crime be investigated, or be determined to be true. CSA’s must report to the Clery Compliance Office any crime that is reported to them.

Crime statistics are also collected annually from law enforcement agencies surrounding the university and off-site properties or facilities owned or controlled by Sonoma State University. These law enforcement agencies provide information about reported crimes occurring on campus properties or public property immediately adjacent to university properties or facilities.

Through annual CSA training and the CCT, the Clery Compliance Office maintains close relationships with those areas that are most likely to report Clery crimes, including SSU Police Department, Residential Education and Campus Housing (REACH), student conduct, the Office for the Prevention of Harassment and Discrimination (Title IX administration), and athletics.

To support the need for local law enforcement agencies to report crimes involving university property and crimes that occur in the areas adjacent to campus or on university property that is patrolled by another police department, SSU Police Department engage closely with neighboring police departments by engaging in local police committees, participating in joint training, and frequently engaging with department leadership on opportunities to enhance campus and community safety. Additionally, all police departments identified as responsible for patrolling locations identified as Clery geography receive a formal request from SSU Police Department for information about Clery crimes that were reported to that agency that may be reportable under the Clery Act.

As reports of crimes are submitted to the Clery Compliance Office, employees who have received extensive Clery Act training review the information reported to determine if the crime meets any of the requirements for the various Clery crimes and how many crimes may have occurred in the reported incident. One incident may have multiple crimes or multiple counts of the same crime included in the statistics. Additionally, the location of the crime is evaluated to determine which geography may apply. If there is no crime that meets the Clery Act crime definitions or if the crime did not occur on any of the university’s identified geographic areas, the crime is not counted. Additionally, the Clery Compliance Office may contact the CSA or police department that made the report if more information is needed to make a determination about counting the crime.

The statistics in this report provide a summary of crimes at Sonoma State University between January 1, 2018 and December 31, 2020.

## Clery Crime Definitions

The following definitions are used for classifying 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.

A listing of all Clery crimes and the specific definitions can be found on the [university Clery Act website at clery.sonoma.edu](http://clery.sonoma.edu).

## 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 continuous 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 continuous 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, that are 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](mailto: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 is 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 for administrative or other operational use in support of the university's educational mission.
- 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 in 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](mailto:missy.brunetta@sonoma.edu).

For the 2020 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*)

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.

Clery Crime Statistics 2018 - 2020

Offense	Year	On-Campus Total	Campus Residential	Non-Campus	Public Property
Murder and Non-Negligent Manslaughter	2018	1	1	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Rape	2018	13	12	0	0
	2019	16	15	0	0
	2020	3	2	0	0
Fondling	2018	4	4	0	0
	2019	3	2	0	0
	2020	1	1	0	0
Incest	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2018	0	0	0	0
	2019	1	1	0	0
	2020	1	0	0	0
Robbery	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2018	2	2	0	0
	2019	2	0	0	0
	2020	0	0	0	0
Burglary	2018	9	5	0	0
	2019	27	27	1	0
	2020	9	5	0	0
Motor Vehicle Theft	2018	0	0	0	0
	2019	0	0	0	0
	2020	1	0	0	0
Arson	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0



Offense	Year	On-Campus Total	Campus Residential	Non-Campus	Public Property
Dating Violence	2018	2	0	0	0
	2019	13	11	0	0
	2020	1	0	0	0
Domestic Violence	2018	6	5	0	0
	2019	3	2	0	0
	2020	6	3	0	0
Stalking	2018	5	2	0	0
	2019	0	0	0	0
	2020	1	0	0	0

Offense	Year	On-Campus Total	Campus Residential	Non-Campus	Public Property
Liquor Law Arrests	2018	9	3	0	0
	2019	2	0	0	0
	2020	1	0	0	0
Liquor Law Referrals for Disciplinary Action	2018	17	15	0	0
	2019	4	1	0	0
	2020	7	6	0	0
Drug Law Arrests	2018	6	0	0	0
	2019	1	1	0	0
	2020	11	0	0	0
Drug Law Referrals	2018	6	6	0	0
	2019	6	6	0	0
	2020	0	0	0	0
Weapons Law Arrests	2018	3	2	0	0
	2019	1	0	0	0
	2020	2	1	0	0
Weapons Law Referrals for Disciplinary Action	2018	1	1	0	0
	2019	4	2	0	0
	2020	2	2	0	0

Offense	Year	Total
Unfounded Crimes	2018	0
	2019	1
	2020	0

## 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 includes 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 2018, there were two hate crimes. One was an aggravated assault motivated by a racial bias in residential geography. The other was vandalism motivated by a bias against religious affiliation in on-campus geography.

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

There were no hate crimes reported in 2020.

## Reporting Criminal Actions & Emergencies

The Sonoma State Police Department (SSPD) strongly encourages immediate reports of crimes, emergencies, and/or suspicious, disturbing, or threatening behaviors to SSPD by calling 9-1-1 or (707) 664-4444. Prompt reporting ensures an appropriate response, the consideration of the issuance of a Timely Warning or an Emergency Notification, and assists in properly gathered statistics. Crimes or incidents occurring outside of the UC Santa Cruz jurisdiction should be reported immediately to the agency having jurisdiction where the incident occurred.

SSPD has a 9-1-1 dispatch center, operated by the City of Cotati Police Department, 24 hours a day, 365 days a year, and can receive calls from a cell phone, landline phone, text messaging, blue light phone, emergency call box, elevator phone or TDD machine.

SSPD 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 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 call police dispatch at 707-664-4444.

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 priority during an emergency.

In addition to calling 9-1-1, SSPD has implemented text to 911 service that enables an individual to text "9-1-1" for emergency services. Text to 9-1-1 is capable of accepting Short Message Service (SMS) messages and Real-Time Text (RTT) messages. This method of contacting 9-1-1 can be critical, and can save lives when a voice call to 9-1-1 is not possible, or may further endanger the caller. Texting to 9-1-1 should only be used when the caller cannot make a voice call to 9-1-1.

How to text 9-1-1 in an emergency:

- Enter the numbers "911" in the "To" field.
- The first text message to 9-1-1 should be brief and contain the location of the emergency and type of help needed.

- Push the “Send” button.
- Be prepared to answer questions and follow instructions from the 9-1-1 call taker.
- Text in simple words — do not use abbreviations.
- Keep text messages brief and concise.

Below are a few tips that are important to know if you need to text 9-1-1:

- Text location information is not equal to current location technology.
- As with all text messages, 9-1-1 messages can take longer to receive, can get out of order or may not be received.
- Text-to-9-1-1 is not available if you are roaming.
- A text or data plan is required to place a text-to-9-1-1.
- If texting to 9-1-1 is not available in your area or is temporarily unavailable, you will receive a message indicating that texting 9-1-1 is not available and to contact 9-1-1 by other means.
- Photos and videos cannot be sent to 9-1-1 at this time.
- Text-to-9-1-1 cannot include more than one person. Do not send your emergency text to anyone other than 9-1-1.
- Do not text and drive.

Once a police report is made, a SSU Police officer will take a statement from the victim and any witnesses regarding the incident. The officer will ask the victims and witnesses questions to ascertain a description of the assailants, crime scene, weapons used, and other relevant information for successful apprehension and prosecution in the case. Be advised that questioning can be difficult, and a victim may have a support person of their choice present during the interview. If the crime did not occur within the jurisdiction of the university, SSUPD may notify the appropriate authorities having jurisdiction on the victim’s behalf or the victim may contact the proper law enforcement agency directly.

Under the circumstances prescribed in Government Code §6254(f), information from police reports may be released. However, if the victim desires to remain confidential, pursuant to Penal Code §293, the SSPD withholds information that may identify crime victims or other activity.

## **Reporting Crimes to Campus Security Authorities**

If victims do not wish or are unable to file a police report, they, or others acting on their behalf, can report crimes informally and confidentially (no names or criminal investigation conducted) to a CSA. In general, reports from CSAs do not include personally identifiable information, unless the victim permits sharing identifying information or want the police to conduct an investigation.

Sonoma State University has designated over 220 employees as campus security authorities (CSAs). CSA’s, who are required to notify the Clery Compliance Office of any crimes reported to them, include administrators, residential advisors (RAs) and other Residential Education and Campus Housing (REACH) staff, Title IX employees, advisors to student clubs, student affairs and activities advisors and coordinators, and athletic coaches. CSAs are provided annual notification of their role and training regarding their responsibilities.

In addition to UPD or a CSA, any of the following university officials can receive a report of a crime for the purpose of initiating a timely warning or for inclusion in the annual security report. Please note that due to the COVID-19 pandemic, many university personnel will continue to work remotely or have a limited on-campus presence, however, all offices are staffed during business hours (Monday through Friday, 8:00 am to 5:00 pm) beginning August 16, 2021. 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
- Clery Director, Risk Management & Safety Services, Salazar Hall, (707) 664-4039
- Clery Coordinator, Risk Management & Safety Services, Salazar Hall, (707) 664-3408

## Voluntary Confidential Reporting

In addition to reporting a crime to a CSA or SSU Police Department, any person may report certain incidents or crimes using online forms. Reporting using these tools is voluntary and confidential, and the report can be made anonymously. While these tools provide for anonymity and confidentiality, crimes reported using these tools are reported to the Clery Office.

- Bias Incident: Any person who was the subject or witness to a bias incident, criminal or noncriminal, may report that incident at using the Office for Prevention of Harassment and Discrimination [Bias Incident Reporting Form](#).
- 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 using the OPHD [Sexual Misconduct/Discrimination Reporting Form](#).

Reports of crimes made to professional or pastoral counselors and the university confidential advocate are confidential and not reported to the Clery Office. However, the university encourages such counselors and advocates to notify any person reporting crimes to them of all reporting options available, including the confidential options above.

Note: all publicly available record keeping will be maintained without the inclusion of personally identifiable information about the victim.

The institution will disclose, upon written request, to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such a victim shall be treated as the alleged victim.

## California Education Code section 67380(a)(6)(A)

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

- 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.

## Timely Warning Policy

The primary intent of this policy is to provide members of the community with information to aid in preventing them from becoming victims of crimes posing a serious or ongoing threat to the campus communities. Additionally, it is intended to provide faculty, staff, and students with timely information about Clery reportable crimes occurring within the defined Clery geography of their campuses, and to comply with the Timely Warning requirements of the Jeanne Clery Act. The systemwide Timely Warning Policy shall serve as the authoritative statement of policy on Timely Warning for each campus. Lastly, the intent of this policy is to provide uniformity in the manner in which CSU campuses evaluate and communicate the occurrence of these crimes.

As required by the Clery Act, CSU campuses will keep their campus communities informed by providing a timely warning when appropriate.

- Upon receipt of a Campus Security Authority (CSA) report of a Clery Crime on Clery Geography, a Timely Warning analysis shall be completed and documented by the Clery Director. The Clery Director shall have authority to delegate this responsibility as appropriate. It is not necessary to complete and document a Timely Warning analysis for referrals to disciplinary action.
- If it is determined that the report includes a Clery crime on Clery geography, the Clery Director and Chief of Police (or management designees) will confer to analyze the known pertinent facts to determine whether they constitute a serious or ongoing threat to the campus community. The unavailability of the Clery Director shall not unduly delay the issuance of a timely warning.
- If a CSA report includes 1) a Clery crime 2) on Clery geography and 3) a discernable serious or ongoing threat, a timely warning as described below shall be issued expeditiously.
- In the absence of any of these three elements, no timely warning will be issued.
- The Chief of Police (or management designee) shall have ultimate authority and responsibility for determining whether to issue a Timely Warning issuance.
- The Chief of Police, or designee, is responsible for drafting the content of the timely warning based on the facts known at that time. When possible, the Clery Director, or designee, will approve final notices. Strategic Communications is responsible for publishing the warning.

Each reported incident must be analyzed on a case-by-case basis. All known factors shall be considered in the case-by-case analysis to determine whether a timely warning should be issued. No single factor should govern the decision regarding the issuance of a timely warning. Campuses are prohibited from circumventing a case-by-case analysis by issuing a blanket rule that timely warnings will be issued for all reports of any given Clery reportable crime. Requests from an outside law enforcement agency to refrain from issuing a timely warning is insufficient grounds on its own for not issuing or delaying the issuance of a timely warning, unless the Chief of Police concurs that by issuing a timely warning, an identified risk can be articulated that would compromise the law enforcement efforts of the outside agency investigating the crime to gather evidence and/or apprehend suspect(s).

The case-by-case analysis will involve reviewing relevant factors including, but not limited to, the following, if known:

- The timing of the report: shortly after the occurrence of the crime vs. days or weeks after the occurrence of the crime, *i.e.*, a "cold report"
- Physical injury to the victim

- Use of weapons
- Forced entry used and/or tools used in commission of the crime
- A suspect arrested or incapacitated by injury
- A suspect that is identified or otherwise can be located by law enforcement
- A suspect that is out of the area
- A victim who fears for their safety from the suspect
- A clear modus operandi and/or pre-planning indicated
- Multiple suspect(s) involved
- A pattern of similar crimes established
- The possible risk of compromising law enforcement efforts, such as to gather evidence and/or apprehend suspect(s), if a warning was issued

### **Additional Considerations**

The Clery Director (or management designee) shall notify the campus president, as soon as practicable, that a timely warning will be or has been issued.

The Chief of Police (or management designee) is responsible for collaborating with surrounding law enforcement agencies to encourage them to share information with UPD about crimes reported to local law enforcement that occur in Clery geography.

Nothing in this policy precludes campuses from maintaining a campus policy about informing, re-publicizing and/or sharing with the campus community crimes or other informational notices, (e.g., traffic advisories, events, prevention information) the campus deems may be of interest to the campus community. Such a policy is separate and distinct from this timely warning policy. Such notices must differ in appearance or be distributed in a manner that assures that members of the community understand such notices are different from a timely warning notification required by the Clery Act; members of the campus community should not be misled to believe such notices are timely warnings.

### **Contents of a Timely Warning**

When a Timely Warning is issued it shall be entitled "Timely Warning Crime Bulletin" and contain the following:

- A statement that reads, "This Timely Warning Crime 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."
- Identify the Clery crime that occurred (i.e. rape, burglary, motor vehicle theft, arson, etc.)
- The date, time, and location the crime occurred
- The date the timely warning is issued
- Description of the suspect when deemed appropriate, and only if there is sufficient detail. Only include a description of the suspect when the descriptors provided by the reporting party could reasonably lead to conclusive identification of the perpetrator(s).
- At least three preventative tips or points of information specifically related to the circumstances of the crime which occurred that could help others from becoming the victim of a similar crime
- The phone number of UPD and a statement encouraging community members to report all information about crimes to UPD
- If appropriate, the phone number of support services

The Timely Warning shall not include, under any circumstances, the name of the victim, or information so specific (i.e. specific address or dorm room number or floor) that would, or likely could, identify the victim of the crimes of sexual violence, rape, dating violence, domestic violence, or stalking. Timely Warnings should use gender-inclusive and culturally-appropriate language and avoid victim blaming and bias language.

## **Methods of Distribution**

Timely Warnings will be distributed as quickly as possible in a manner that will likely reach the entire campus community. Distribution methods vary from campus to campus and include, but are not limited to, any of the following:

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

This list is not intended to be exhaustive or intended to prioritize the method of distribution. The Chief of Police will confer with the Clery Director (or management designee), if available, to determine the most appropriate method(s) to distribute a Timely Warning. In the absence of the Clery Director (or management designee) the Chief of Police will determine the appropriate method of distribution. Campuses are required to maintain a list of distribution methods for timely warnings and include said list in the campus's Annual Security Report.

In addition to the distribution methods listed above, Sonoma State University also uses the Guardian safety mobile application to distribute timely warnings. All members of the campus community are encouraged to download the application.

## **Security of and Access to Campus Facilities**

### **Academic and Administrative Buildings**

Sonoma State University is a public institution and, as such, academic and administrative buildings are open to the public during normal business hours. Most buildings have individual hours, which are based on the operational and academic schedules of each building. Building business hours may vary at different times of the year (e.g., weekends, holidays, non-academic periods).

Access to buildings is controlled by key, card access, or automated building systems, and all buildings have varied levels of access control. Employees or students who are issued building or room keys agree to terms restricting the use of that key to business purposes and agree not to provide the key to any other person.

Although buildings may be open to the public, access within the building may be restricted to members of the general public, based on the use of the space. Access to classrooms, administrative and academic offices, laboratories, event spaces, and other indoor spaces is restricted to persons with a valid academic or business purpose.

SSPD police officers patrol the academic and administrative buildings on a regular basis. Access control for a specific building is managed by a designated building manager, a department head, or other designee based on a specific university need.

### **On-Campus Student Housing Facilities**

Access to university housing buildings is limited to residents, their guests, and appropriate staff. Residents are issued card keys and pass codes to access their assigned housing units. The university does not have housing facilities that allow for

students and visitors to check in at a central location. Residents are responsible for ensuring they only allow access to their apartment to roommates or authorized guests. Residents should report concerns about unknown persons in their village or immediate area of their apartment to REACH personnel or to police if the individual is exhibiting suspicious or dangerous behavior.

SSPD and on-duty Residential Education and Campus Housing (REACH) personnel, to include Residential Advisors (RAs) and Residential Area Coordinators (ACs), patrol the Residential Community cooperatively and regularly. RAs and ACs enforce housing facility rules and the student code of conduct to ensure a safe and respectful housing community. Students who violate the terms of their housing contract or the student code of conduct are subject to cancellation of their housing contract or other student conduct sanctions.

## Maintenance of Campus Facilities

SSU Facilities Services maintain university facilities and grounds. Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. Additionally, Facilities Management and police personnel regularly patrol campus to identify and report malfunctioning lights, security deficiencies, and other unsafe physical conditions to Facilities Management for correction.

A multidisciplinary work group, which includes students and employees, conducts annual lighting surveys and makes additional recommendations to enhance the safety of campus facilities. SSPD also conduct crime prevention surveys and analysis when a crime trend occurs or when requested by an administrator. 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 SSPD of any activation.

All students and employees are encouraged to take an active role in facility safety by reporting any hazards or unsafe conditions to Facilities Management, Risk Management, or Sonoma State Police Department. Non-urgent maintenance concerns can be reported by filing a [work order](#). Urgent safety issues should be reported to Facilities Management by calling (707) 664-2317 or reported to SSPD at (707) 664-4444.

## Law Enforcement Authority

The SSU Police Department has statewide law enforcement authority to enforce federal and state laws under Penal Code § 830.2, and primary concurrent jurisdiction within a mile of campus under the California Education code § 89560. The officers are armed and have the same authority to arrest under the law as municipal police officers. Officers patrol the university campus 24 hours a day, 365 days a year. They enforce applicable local, state, and federal laws and provide a full range of police-related services, including immediate response to medical and fire emergencies.

The Sonoma State Police department has written agreements with surrounding law enforcement agencies to share information and resources, monitor and record criminal activity by students at non-campus locations, and works closely with these agencies to respond to crime. When necessary, the department collaborates with state and federal agencies.

Additionally, the university maintains operational agreements/memorandums of understanding that comply with the Kristin Smart Campus Safety Act clarifying that SSU Police Department is the primary law enforcement agency for all crimes occurring on the SSU main campus and the Fairfield Osborn Preserve. Other university properties, including the Los Guillicos Preserve in Santa Rosa, the Galbreath Preserve in Mendocino County, the Marina Crossing apartment building, and the land parcels at 5573 Petaluma Hill Road, are under the primary law enforcement jurisdiction of the local law enforcement agency. The department maintains a service for investigative services with the Sonoma County Sheriff's Department and may seek such service agreements from other local law enforcement agencies as needed.



SSUPD encourages accurate and prompt reporting of all crimes to SSUPD or, if the crime occurred in a different jurisdiction, to the appropriate law enforcement agency, including when a victim is unable to make a report.

## Security Procedures and Practices

A safe and secure environment is essential to carrying out the mission of the University. Preventing harm depends on community members identifying and communicating hazardous conditions and behaviors of concern. Early identification allows for effective planning, mitigation, response and recovery from any situation.

The university has a multi-pronged safety awareness campaign based on the national **See Something, Say Something, Do Something** effort to promote campus safety for students, academic and staff personnel. SSPD provides security procedures and practices training to all staff upon hire and to student groups upon request.

SSU Police Department, 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.

Members of the University community must assume responsibility for their own safety and the security of their personal property. The following precautions provide guidance:

- Report all crimes and suspicious activities to SSPD immediately.
- If you see or smell any evidence of fire, smoke, gas or other hazardous conditions call 911 immediately. Even fires that have been extinguished should be reported.
- Be aware of your surroundings. If possible, don't walk alone during late-night hours. Walk in groups whenever you can — there is always safety in numbers. Stay in well-lit areas as much as possible.
- Never take personal safety for granted. Trust your instincts. If something or someone makes you uneasy, avoid the person or leave.
- Let a family member or friend know your destination and your estimated time of arrival or return. That way, the police can be notified as quickly as possible if there is a problem.
- Carry only small amounts of cash. Never leave valuables (wallets, purses, books, phones, etc.) unattended or in plain sight.
- Carry your keys at all times and do not lend them to anyone.
- Always lock the door to your residence hall room, whether or not you are there. Be certain that your door is locked when you go to sleep, and keep windows closed and locked when you are not at home.
- Don't let people into residence halls or other protected locations, unless you know them, are your guest or are authorized to enter.
- Inventory your personal property and insure it appropriately with personal insurance coverage. Engrave serial numbers or owner's recognized numbers, such as a drivers license number, on items of value.
- Lock up bicycles and motorcycles. Lock car doors and close windows when leaving your car.
- In the event of a fire alarm sounding, follow all building evacuation procedures.
- Save any evidence. Do not remove any evidence until officers are able to respond and investigate.

## Building Safety Marshals

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

Crime prevention is the anticipation, recognition, and the appraisal of a crime risk and the initiation of action to remove or reduce it. SSPD provides support and services to campus community members to make Sonoma State a safer place to work, learn and live.

Members of the police department conduct crime prevention presentations when requested by various community groups, including students and employees of the University. During these presentations, the following information is typically provided: crime prevention tips; statistics on crime at SSU; emergency notification and timely warning policies and procedures; and information regarding campus security procedures and practices, including encouraging participants to be responsible for their own security and for the security for others on campus.

SSPD, Risk Management, Emergency Services, Environmental Health & Safety partner to provide safety and crime prevention assessments. These assessments provide university departments with information about how to respond to emergencies in their workplace (including earthquake, fire, or active shooter), how to protect personal and university property, and identify hazards in the workplace. Additionally, these departments are available to make crime-prevention and physical security systems recommendations for the planning process of new buildings, and landscaping design.

University departments will often partner to host events such as “Coffee with the Chief,” Public Safety Fairs, and town hall style meetings to address community concerns or provide information about an incident or condition of concern on campus. While many of these activities have been suspended or delivered virtually due to the COVID-19 pandemic, they are expected to resume for academic year 2021-2022.

In addition to the police department, staff from REACH, Title IX, and Student Affairs conduct programs regarding alcohol education, personal safety and crime prevention for the campus community. These programs include general crime prevention forums, programs and discussions about topics such as alcohol abuse, domestic violence, fire safety, sexual assault prevention and theft prevention.

New employees attend an orientation, which includes information about campus safety, crime prevention, emergency response, emergency notification, and other safety topics.

## Criminal Activity at Noncampus Locations of Student Organizations

Sonoma State University does not have any officially recognized student organizations that have facilities, including housing, off-campus, therefore, the campus has no policy directing the monitoring or reporting of criminal activities at such locations.

## 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 university policy and 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.

Consumption of alcoholic beverages shall occur only in the public areas approved for alcohol sales by the university or at university-sponsored functions or events. University Culinary Services employees are trained in responsible alcoholic beverage service and in the recognition of valid identification cards. It is unlawful to sell, furnish or give away alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. SSPD will enforce California underage drinking laws.

A complete description of the university policy outlining alcohol use on campus can be found at <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://web.sonoma.edu/housing/docs/publications/policies2018.pdf>.

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

Employees in violation of the university alcohol and drug policies may be subject to arrest, corrective action, 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 [Drug and Alcohol Abuse Prevention Program](#) and the [Biennial Review](#).

## 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/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/sexual assault, 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 offender(s). If requested by the victim, university personnel will assist the victim in notifying the appropriate law enforcement authorities.

## **Prevention, Education, and Awareness**

The university prioritizes personal safety education and programming that is collaborative, comprehensive, and intentional. Program initiatives, aimed at both employees and students include programming initiatives, strategies, and campaigns intended to increase awareness and prevention of incidents of rape, acquaintance rape, 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.

SSU Executive Order 1095 mandates that all new and returning students receive yearly, ongoing training in sex discrimination, sexual harassment, sexual misconduct, dating and domestic violence, and stalking. The "Not Anymore" online training modules are provided yearly for all students.

CSU Executive Order 1095 mandates that all incoming and current employees receive yearly, ongoing training in sex discrimination, sexual harassment, sexual misconduct, dating and domestic violence, and stalking. Annual training for employees is provided through CSU Learn.

Primary prevention programs include the five elements below:

- A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking;
- Include crime definitions for the local jurisdiction for dating violence, domestic violence, sexual assault, stalking, and of consent, in reference to sexual activity in the state of California; these definitions can also be found on page 52 of this document as Appendix I;
- Include a description of safe and positive options for bystander intervention;
- Include information on risk reduction; and
- Include information on procedures the institution follows when one of these crimes is reported and rights within disciplinary proceedings.

SSU considers bystander intervention and risk reduction as integral components of sexual violence prevention. Accordingly, these concepts are broadly integrated into training curriculum for online training and programming delivered by REACH, OPHD, SSU Police Department, and Student Involvement that includes:

- Crime prevention
- Personal safety
- Healthy relationships

- Consent
- Alcohol and drug use
- Sexual violence prevention

Bystander intervention and risk reduction are emphasized in the online training that all members of the campus community are required to complete and through in-person training to over 1,000 students annually.

## **Bystander Intervention**

Green Dot 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.

Green Dot approaches all students, staff, administrators, and faculty as allies. The original Green Dot 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 Ds: 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 Ds is that no one has to do everything, but everyone has to do something.

## **Risk Reduction**

Risk reduction refers to options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

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

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

## 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 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.

### Sexual Harassment

Addendum B: 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; and
- 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 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.

## **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. Sexual misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Persons of all genders can be victims of these forms of sexual misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

## **Sexual Assault (Addendum B)**

- Rape: 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: 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**

- An informed, affirmative, conscious, voluntary, and mutually agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure affirmative consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean affirmative consent, nor does silence mean consent. Affirmative consent must be voluntary, and given without coercion, force, threats, or intimidation.
- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent. A request for someone to use a condom or birth control does not, in and of itself, constitute affirmative consent.

- Affirmative consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- Affirmative consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions.
- Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain affirmative consent before engaging in sexual activity.
- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  - The person was asleep or unconscious;
  - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  - The respondent's belief in affirmative consent arose from the intoxication or recklessness of the respondent;
  - The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

## Domestic Violence

Addendum B: 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: 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.



## Dating Violence

Addendum B: Physical violence or threat of physical violence committed by a person —

1. Who is or has been in a social relationship of a romantic or intimate nature with the complainant; and
2. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - a. The length of the relationship
  - b. The type of relationship
  - c. The frequency of interaction between the persons involved in the relationship

Executive Order: 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.

## Stalking

Addendum B: 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: 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. SSU Police Department 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 or 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 or domestic violence, or stalking victims. The written explanation of rights and options is described in detail later in this document.

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

The University’s primary concern is the safety and well-being of every member of the campus community. The use of alcohol or drugs never makes the victim at fault. If a campus community member has experienced sexual misconduct, dating violence, domestic violence, or stalking they should not be deterred from reporting the incident out of a concern that they might be disciplined for related violations of drug, alcohol, or other university policies. 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.

SSU Police Department, 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 SSU Police Department. 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.

See more about voluntary confidential reporting in the Voluntary Confidential Reporting section above.

### **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 preserve text messages, social media postings, or notes that demonstrate the course of conduct. Contemporaneous photos of bruises or other injuries are helpful. In cases of sexual assault or violence, the victim should not change clothes, bathe, douche, or shower following the attack. Sexual Assault Response Team (S.A.R.T.) medical personnel are trained to collect, process, and preserve physical evidence of sexual misconduct, and are committed in their assistance to the victim. Victims may request a S.A.R.T. exam to preserve forensic evidence without completing a police report. This evidence may be used in the case a victim wishes to report the assault at a later date. Victims are not financially responsible for S.A.R.T. exams and the cost will be the responsibility of the local law enforcement jurisdiction.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not to make a complaint regarding an incident, nevertheless, should consider speaking with SSU Police Department 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 SSU Police Department 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 and domestic violence, or stalking incident, can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on the victim's behalf.

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 SSU Police Department by dialing 911. The SSU Police Department 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. SSU Police Department 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 SSU Police Department 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. SSU Police Department 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. All publicly available record keeping will be maintained without the inclusion of personally identifiable information about the victim.

## 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 (CSAs). 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 CSAs are required to report incidents of sexual misconduct/sexual assault, dating violence, dating violence and stalking to the Title IX Coordinator. Title IX Coordinator reporting responsibilities are described in detail below.

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

## 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 and domestic violence, and stalking. The campus Title IX Coordinator is available to explain and discuss rights to file a criminal complaint and to assist in doing so; the University's relevant 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.

Students or employees who want to report an incident of sexual misconduct/sexual assault, dating and domestic violence, or stalking can do so using the [online reporting form](#) or in-person at the Office for the Prevention of Harassment and Discrimination (OPHD) at International Hall, 2<sup>nd</sup> floor, or by calling (707) 664-4140. The office is open Monday through Friday between and 8 a.m. and 5 p.m.

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 provide 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)" which includes written information to victims about supportive measures. This includes information on 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. Additionally, the Title IX Coordinator provides the complainant with written materials including existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims, both within the institution and in the community. A comprehensive list of resources provided to complainants can be found in Appendix III.

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;
- Make connections to individuals on campus who can provide support and solutions with respect to a variety of logistics, including transportation assistance, visa/immigration assistance, and financial aid 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, including supervisory reporting relationships and leaves of absence; 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 Title IX Coordinator remains available to assist the victim and provide reasonable supportive measures requested throughout the reporting, investigative, and disciplinary processes, and thereafter.

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 and domestic violence, or stalking to the police and/or campus Title IX Coordinator so that steps may be taken to protect them and the rest of the campus community. However, non-reporting is also an option.

### **Civil Lawsuit**

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

### **Restraining Orders**

Victims may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, sexual misconduct/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. In addition to visiting the court to request a restraining order, victims may contact [Sonoma State Police Department](http://www.sonomastatepolice.org) at (707) 664-4444 or the [Confidential Advocate](http://www.sonomacourtadvocate.org) at (707) 664-2698 for assistance and support. Additional information for Sonoma County can be found by visiting <http://sonoma.courts.ca.gov/node/21>.

Once a restraining order has been obtained, SSPD recommends a copy be provided to the police department so that officers can support the victim should the need for enforcement arise. SSPD will also ensure the student is aware of on-campus support services and provide safety advice and resources. Should SSPD determine that there are extenuating circumstances that threaten either the protected person or the campus at-large, they will work with other campus departments to take additional steps to ensure the safety of the campus community.

## Disciplinary Procedures

The following disciplinary procedures apply based on the relationship of the complainant to the university. The Title IX Coordinator will make all disciplinary procedures (as outlined in Executive Orders 1096 and 1097) in writing to both the complainant and the respondent.

### Complaints Made by Students

Executive Order 1097, entitled "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students" is the appropriate systemwide procedure for all complaints of sex discrimination, sexual harassment, sexual misconduct, sexual violence, domestic violence, dating violence, and stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party. Executive Order 1097 can be viewed at <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 Stalking Against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties" is the appropriate systemwide procedure for all complaints of sex discrimination, sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party.

Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of sex discrimination or sexual harassment, including sexual misconduct, domestic violence, dating violence, and stalking should use the grievance procedure specified in their collective bargaining agreement. Executive Order 1096 can be viewed at <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, dating and domestic violence, and stalking, made by student-employees where the alleged sex discrimination, sexual misconduct, domestic violence, dating violence, and stalking arose out of the person's status as an employee and not their status as a student. Executive Order 1096 can be viewed at <https://calstate.policystat.com/policy/6743499/latest/>

The following is a description of the CSU's disciplinary procedures for matters involving allegations of sexual misconduct/sexual assault, dating violence, domestic violence, and stalking. Full policies and procedures are contained within [CSU Executive Order 1095](#), [CSU Executive Order 1096](#), and [CSU Executive Order 1097](#). Any questions about CSU Title IX-related policy should be directed to the campus Title IX Coordinator.

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

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 an investigation and 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 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.

## **Standard of Evidence**

The standard of evidence that will be used during all CSU disciplinary proceedings arising from allegations of sexual misconduct/sexual assault, dating violence, domestic violence, and stalking is the preponderance of the evidence. Preponderance of the evidence means the greater weight of the evidence, i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side.

## **Supportive Measures**

Supportive measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to a complainant or respondent regardless of whether a complaint is filed under CSU Executive Order 1096 or 1097 (including Addendum A or Addendum B) or with campus police or local law enforcement. Supportive measures are designed to restore or preserve equal access to CSU education programs or activities without unreasonably burdening the other Party, including to protect the safety of all parties or the educational environment. Supportive measures may include, but are not limited to, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus safety escorts, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

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.

After receiving a report of sexual misconduct/sexual assault, domestic violence, dating violence, or stalking, the Title IX Coordinator will contact the complainant promptly to discuss the availability of supportive measures. During the discussion, the Title IX Coordinator will consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a complaint, and explain the process for filing a complaint. A complainant may request supportive measures or additional measures at any time during the reporting, investigative, and disciplinary processes, and thereafter by contacting the Title IX Coordinator.

## **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, domestic violence, dating violence, and stalking. The complaint procedures that will apply in a particular case will depend on certain factors described below. There are three sets of procedures that could apply:

## **Executive Order 1096 or 1097 Single Investigator Process**

Executive Order 1096 is the applicable policy and procedure for a complaint made by an employee or third party. Executive Order 1097 is the applicable policy and procedure for a complaint made by a student. The complaint procedures under Executive Orders 1096 and 1097 are called a “single investigator process.” This means that an Investigator interviews the parties and witnesses, and gathers any documentary evidence. The parties have an opportunity to review the evidence gathered, request that additional evidence be gathered, and respond to the evidence gathered. Once the evidence is reviewed by the parties, the Investigator makes a determination as to whether the policy was violated. The single investigator process will be used in response to complaints of sexual misconduct/sexual assault, domestic violence, dating violence, and stalking that are not mandated to be addressed under either “Addendum A: State Mandated Hearing Addendum, or Addendum B: Federal Mandated Hearing Addendum” (see below).

### **Addendum A: State Mandated Hearing Addendum**

In January 2019, a California Court of Appeal ruled that students accused of sexual misconduct who face severe discipline (expulsion or suspension) at any California university have the right to a hearing to cross-examine (question), directly or indirectly, their accusers and other witnesses if witness credibility is “central” to the case. To implement the new requirements, the CSU created an addendum to Executive Orders 1096 and 1097. This addendum is known as “Addendum A: State Mandated Hearing Addendum (“Addendum A”)”, and it describes the investigation and resolution process for cases that meet the above requirements. Cases that proceed under Addendum A **do** involve a hearing (where the case is not resolved through informal resolution).

### **Addendum B: Federal Mandated Hearing Addendum**

On May 6, 2020, the United States Department of Education, Office for Civil Rights (OCR) issued and amended Title IX Regulations implementing Title IX of the Education Amendments of 1972. The Regulations are titled “*Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*” (34 C.F.R. 106).

To implement the requirements of the Title IX regulations, the CSU created a further addendum to Executive Orders 1096 and 1097. This addendum is known as “Addendum B: Federal Mandated Hearing Addendum” (“Addendum B”), and it describes the investigation and resolution process for cases covered by the Title IX regulations. Addendum B applies to cases involving allegations that are defined by the Title IX regulations as “Sexual Harassment in an Education Program or Activity” against a person (including, but not limited to students and employees) in the United States. Cases processed under Addendum B **do** involve a hearing (where the case is not resolved through Informal Resolution).

## **University Response to Reports of Sexual Misconduct/Sexual Assault, Domestic Violence, Dating Violence, and Stalking**

Regardless of whether an employee, a student or a third party ultimately files a complaint under the applicable complaint procedure, if the University knows or has reason to know about possible sexual misconduct/sexual assault, domestic violence, dating violence, and stalking, the Title IX Coordinator will 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 sexual misconduct/sexual assault, domestic violence, dating violence, and/or stalking, prevent its recurrence, and remedy its effects.

Complaints alleging sexual misconduct/sexual assault, sexual assault, domestic violence, dating violence, and stalking will initially be assessed to determine if they meet the requirements for the case to proceed under Addendum B.

When the Title IX Coordinator receives a formal complaint,<sup>1</sup> the Title IX Coordinator will simultaneously provide both parties a written notice of allegations. The notice of allegations includes the factual allegations and policy violations alleged.

### **Mandatory and Discretionary Dismissal of a Formal Complaint**

When the Title IX Coordinator receives a formal complaint, or information from a third party, 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 to Executive Order 1096 (if the complainant is an employee or a third party) or Executive Order 1097 (if the complainant is a student). A determination that allegations in a formal complaint do not meet the requirements of Addendum B 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. During the process, a formal complaint or any allegation in the formal complaint, may be dismissed under the circumstances listed below.

The Federal Regulations, Addendum B, require that there be two types of dismissals: mandatory and discretionary.

#### ***Mandatory Dismissal/Referral***

A formal complaint must be dismissed as to any conduct alleged that:

1. Would not meet the definition of sexual harassment even if proved;
2. Did not occur in an education program or activity; or
3. Did not occur in the United States.

#### ***Discretionary Dismissal***

At any time during the process, it is within the discretion of the Title IX Coordinator to dismiss a formal complaint, or any conduct alleged within a formal complaint, where:

1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any part of it;
2. The respondent is no longer a student or employee; or
3. If the specific circumstances prevent the university from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

### **Written Notice**

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 (Notice of Dismissal). 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.

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<sup>1</sup> A Formal Complaint is defined as a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature or a document signed by the Title IX Coordinator alleging Sexual Harassment (as defined under Addendum B) against a Respondent and requesting an investigation of the allegation of Sexual Harassment. At the time that the Formal Complaint is filed, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the CSU. A Formal Complaint may exist even without a signature where something otherwise indicates that the complainant is the person filing the formal complaint. An e-mail from the Complainant would be sufficient.

## Appeal of a Formal Complaint Dismissal/Referral

either party may appeal from a dismissal of a formal complaint or any part of the complaint to the Chancellor's Office (CO) Systemwide Title IX Unit. 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) Systemwide Title IX Unit and will be addressed to:

Systemwide Title IX Unit  
Systemwide Human Resources  
Office of the Chancellor  
[TIX-Dismissal-Appeals@calstate.edu](mailto:TIX-Dismissal-Appeals@calstate.edu)

If you are any individual who is unable to file an appeal or a response to an appeal electronically, please should 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.

## **Investigative Procedures**

The Title IX Coordinator will either promptly investigate a complaint or assign this task to another Investigator.

### **Advisors**

During the investigations the parties may be accompanied by support advisors. During Addendum B hearings, the parties must also have a hearing advisor to conduct cross-examination.

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 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 Advisors – Addendum B Hearings Only***

In matters proceeding under Addendum B, the complainant and respondent must each 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.

### **Gathering of Evidence**

The complainant and the respondent shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation. 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.

### **Review of Evidence**

After gathering evidence and before issuing a final investigation report, the investigator will share with the complainant and respondent,<sup>2</sup> all evidence (including, in an Addendum B case, evidence upon which the university does not intend to rely) obtained as part of the investigation that is relevant (single investigator process or Addendum A) or directly related (Addendum B) to the allegations raised in the formal complaint (preliminary investigation report). In matters proceeding under Addendum A or Addendum B, the preliminary investigation report will also identify the material facts — disputed and undisputed, with explanations as to why any material fact is disputed.

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<sup>2</sup> For an Addendum B matter, this information will also be sent to the Parties' respective support advisors, if any.

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 during the review of evidence, each party may:

- Meet again with the Investigator to further discuss the allegations;
- Identify additional disputed facts;
- Respond to the evidence in writing;
- Request that the Investigator ask additional specific questions to the other party and other witnesses;
- Identify additional relevant witnesses; or
- Request that the Investigator gather additional evidence.

The investigator will share with the parties the answers to questions posed during the review of evidence. If additional disputed material facts are identified or evidence is gathered, it will be included in the preliminary investigation report (or in a separate addendum) and shared with all parties, who will be given a reasonable opportunity to respond to the new evidence and submit additional questions to the other party and other witnesses about the new evidence only. The investigator determines when it is appropriate to conclude the review of 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, including any 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.

### **Written Response to Final Investigation Report – Addendum B Only**

Under Addendum B, the parties and their support advisors will be provided 10 working days to review and provide a written response to the final investigation report for an Addendum B matter.

### **Timeframe for Completion of Investigation**

#### *Executive Order 1096 Or 1097 Single Investigator*

An investigation conducted under the Executive Order 1096 or 1097 single investigator process shall be completed no later than **60 working days** after the intake interview, unless the timeline has been extended pursuant to Article V. E. of EO 1096 and EO 1097. The timeline should not be extended for a period longer than an additional 30 working days from the original due date.

#### *Addendum A or Addendum B*

Absent a determination of good cause made by the investigator or Title IX Coordinator (of which the parties will receive written notice): (i) an Addendum A or Addendum B 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 below. Under Addendum B, 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

The following will only apply to cases that proceed under Addendum A or Addendum B to Executive Order 1096 or 1097. Differences between the hearing processes under Addendum A and Addendum B are indicated where applicable.

After the investigation and review of evidence, there will be a hearing to determine if the policy was violated.

The Parties will be given written notice of the date, time, location, participants, the identity of the hearing officer and, for an Addendum B hearing, the purpose of the hearing. The hearing will not be set sooner than **20 working days** after the date of notice of hearing.

The Parties can object to the appointed hearing officer 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 proceedings will not constitute a conflict of interest. The hearing coordinator will determine if a conflict of interest exists.

No later than **15 working days** before the hearing, each party will, under Addendum A: a. 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. Under Addendum B, the parties may, but are not required to provide this information. 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.

No later than **5 working days** prior to the hearing, the parties will under Addendum A, and may under Addendum B, submit a list of proposed questions to the hearing coordinator. The questions will be provided to the hearing officer. The proposed questions will not be shared with the other party.

Live hearings will be conducted using videoconferencing technology, unless circumstances are such that videoconferencing would not be appropriate. Neither party will be required to be physically present in the same room as the hearing officer, each other, or witnesses. CSU will utilize technology that ensures that parties will be able to simultaneously see and hear all of the proceedings and testimony.

The complainant and respondent may be present (physically or virtually) at all times during the hearing.

The hearing will begin with an overview of the hearing process given by the hearing officer, after which the parties will be given an opportunity to ask questions about the hearing process. Each party will be given an opportunity to make an opening statement that may not last longer than 10 minutes. Only the parties themselves will be permitted to make opening statements. Hearing advisors and any support advisors, where present, are not permitted to make the opening statement. The support advisor may not speak during an Addendum A or Addendum B hearing. Closing arguments will not be made.

Generally, the hearing officer will start the questioning of witnesses and parties. The investigator or the Title IX Coordinator (if not the investigator) will be the first witness and will describe the complaint, investigation process, and summarize the evidence. The hearing officer may ask questions of any party or witness who participates in the hearing.

### **Questioning by a Hearing Officer during an Addendum A Hearing Only**

As set forth above, under Addendum A, the parties will give the hearing coordinator a written list of any questions that they would like the hearing officer to ask the witnesses. The parties may also propose follow-up questions to the hearing officer during the hearing, at appropriate times designated by the hearing officer.

The hearing officer will ask the questions proposed by the parties except for questions that:

- i. Seek information about the complainant's sexual history with anyone other than the respondent (unless such evidence about the complainant's sexual behavior is offered to prove that someone other than the respondent committed the alleged misconduct);
- ii. Seek information about the respondent's sexual history with anyone other than the complainant, unless such information is used to prove motive or pattern of conduct;
- iii. Seek information that is unreasonably duplicative of evidence in the hearing officer's possession; or
- iv. The hearing officer determines are not relevant to material disputed issues, are argumentative or harassing or unduly intrude on a witness's privacy.

The hearing officer has discretion to modify or change the wording of a question proposed by a party (for example, when a question is unclear or inappropriate in tone) as long as the substance of the question is preserved.

Absent extenuating circumstances, the hearing officer will not rely on prior statements made by the parties or witnesses during the investigation whose credibility is central to the determination unless those parties or witnesses make themselves available for examination by the hearing officer.

### **Questioning by Hearing Advisors During an Addendum B Hearing Only**

Under Addendum B, hearing advisors will be permitted to ask relevant questions once the hearing officer has concluded their questioning of the other party and each witness. Parties themselves may not directly ask questions of each other and witnesses.

Each party's hearing advisor is permitted to ask all relevant questions of the other party, the investigator, and any witnesses, and is also permitted to ask follow-up questions, including those questions challenging credibility. A party may not be directly questioned by their own hearing advisor. The hearing officer controls the hearing and determines whether a question is relevant.

A question is not considered relevant if it relates to the complainant's sexual predisposition or prior sexual behavior, unless such question about the complainant's prior sexual behavior is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the question concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and is asked to prove consent.

Even if a question relates to a relevant subject or issue, the hearing officer may determine that the party or witness being asked the question is not required to answer if the question is repetitive or duplicative of prior questions.

the hearing officer has the discretion to request information from the parties or hearing advisors regarding questions prior to making a determination about the relevancy of the question. Neither the parties nor hearing advisors may assert objections to questions.

Immediately after each question is asked by the hearing advisor, and before the question is answered, the hearing officer will indicate whether the question is relevant, and if it is not, provide an explanation as to why the question is excluded as not



relevant. A complainant, respondent, or witness will only answer questions posed by a hearing advisor that the hearing officer determines are relevant.

In reaching a determination, the hearing officer will not rely on statements made by the parties or any witness unless those parties or witnesses make themselves available for questioning. The hearing officer may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer questions.

### **In Relation to Hearings under Addendum A and Addendum B**

Abusive or otherwise disorderly behavior that causes a material disruption will not be tolerated. The hearing officer may excuse from the hearing anyone (including either party or their hearing advisor/support advisor/support person) whose behavior causes a material disruption. Should a hearing advisor be removed from a proceeding, the university will provide a hearing advisor. The hearing officer, in their discretion, may postpone the hearing. In making a determination whether to postpone the hearing, the hearing officer will consider the equity of postponement as to both parties.

Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing.

### **Determination Regarding Responsibility**

After the hearing, the hearing officer will make written findings of fact and conclusions about whether the respondent violated university policy.

The hearing coordinator will simultaneously send the hearing officer's report promptly to the parties, the Title IX Coordinator, and the appropriate university administrator, usually within **10 working days** (Addendum A) or **15 working days** (Addendum B) of the close of the hearing.

If no violation 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 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. 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 president will also send the decision letter to the Title IX Coordinator so that they may determine whether any additional remedies (or other supportive measure) will be provided or undertaken in order to maintain a safe and nondiscriminatory university environment.

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).

## Notice of Investigation Outcome — Single Investigator Process Only

The following applies only in relation to an investigation conducted under CSU Executive Order 1096 or 1097 in which an Investigator, as opposed to a hearing officer determines whether or not there is a violation of university policy.

Within **10 working days** of issuance of the final investigation report, the Title IX Coordinator will notify the complainant and respondent in writing of the outcome of the investigation. The notice will advise the complainant and respondent of their right to file an appeal under the executive order.

Where a complaint is made against another student and the executive order is found to have been violated, the Title IX Coordinator will also notify the campus student conduct administrator of the investigation outcome, and provide a copy of the investigation report.

Where the respondent is an employee, Human Resources or Academic/Faculty Affairs shall be notified and provided a copy of the investigation report.

## Informal Resolution

### Informal Resolution under EO 1096/1097 Single Investigator Process

To initiate the informal resolution process under the EO 1096/1097 single investigator process, the complainant should contact the Title IX Coordinator who shall promptly meet with the complainant to discuss their concern and possible resolutions as appropriate.

Complainants shall be informed about the range of possible outcomes, including supportive measures or disciplinary actions that might be taken against the respondent, and information about the procedures leading to such outcomes.

Participation in the informal resolution process is voluntary. It may include an inquiry into the facts, but does not include an investigation. Means for resolution shall be flexible. Resolution options include but are not limited to discussions with the parties, a resolution facilitated by the Title IX Coordinator, separating the parties, referring one or both of the parties to counseling programs, an agreement between campus and the respondent regarding disciplinary action, conducting targeted preventive educational and training programs or providing remedies to persons harmed by violations of this policy.

The Title IX Coordinator shall meet with the complainant, the respondent, and any other persons or witnesses they may determine to be necessary.

If resolution is reached, a written record of the resolution shall be documented and maintained in accordance with applicable campus recordkeeping policies. The matter shall be considered closed.

where the respondent is another student, the Title IX Coordinator shall inform the student conduct administrator of the outcome of the informal resolution process, including any supportive measures afforded to the complainant. Where the respondent is an employee, Human Resources or Academic Affairs shall be informed as appropriate.

If resolution is not reached, the campus shall promptly notify the complainant and, where applicable, the respondent in writing that the informal resolution process is terminated, and the termination effective date. The Title IX Coordinator shall also determine whether the matter is appropriate for investigation, and so notify the parties in writing. The complainant shall be provided written notification of the right to file a complaint.

The complainant shall be notified that the complainant or the campus may at any time elect to terminate the informal resolution process. In that event, the Title IX Coordinator shall promptly notify the complainant and the respondent in writing that the informal resolution process has terminated, the effective date thereof, and inform the complainant of the right to file a complaint.

### **Informal Resolution under Addendum A**

If the Title IX Coordinator or either party believes that it may be possible to resolve a complaint processed under Addendum A in a prompt, fair, and reasonable manner without a hearing, the Title IX Coordinator may suggest that the parties consider an informal resolution subject to the following:

1. Both parties must agree to engage in the informal resolution process;
2. any agreed-upon remedies and disciplinary sanctions will have the force and effect of sanctions imposed following a hearing;
3. The terms of any resolution must be memorialized in writing and signed by the parties and the Title IX Coordinator; and
4. The resolution will be final and not appealable by either party.

### **Informal Resolution under Addendum B**

Under Addendum B, 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:

1. Informal resolution under this addendum may only be offered where a formal complaint has been filed;
2. The university cannot offer or facilitate informal resolution under this addendum to resolve allegations that an employee sexually harassed a student; and
3. 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.

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 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.

### **Written Preliminary Assessment — Addendum B Only**

As part of an informal resolution under Addendum B, 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.

### **Employee Discipline**

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. Discipline is 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 as defined in Article V, California State University Executive Order 1098 may be imposed for violation of the Student Conduct Code:

#### ***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 policies) 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<sup>3</sup>.

### ***Record of Discipline***

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

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<sup>3</sup> This is not applicable in matters that fall under Addendum B.

### *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 on-line 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.

## Appeals

### **CSU Executive Order 1096 Or 1097**

Any complainant or respondent who is not satisfied with a campus investigation outcome may file an appeal with the CSU Chancellor's Office (CO) no later than 10 working days after the date of the notice of investigation outcome.

1. The appeal shall be in writing and shall be based only on one or more of the appeal issues listed below:
  - a. The investigation outcome is unsupported by the evidence, based on the preponderance of the evidence standard;
  - b. Prejudicial procedural errors impacted the investigation outcome to such a degree that the investigation did not comply with this executive order; or
  - c. New evidence not available at the time of the investigation.

### **Addendum A**

Any complainant or respondent who is not satisfied with a campus hearing outcome may file an appeal with the Chancellor's Office (CO) no later than **10 working days** after the date of the decision letter.

The appeal must be in writing and may be based only on one or more of the grounds for appeal listed below:

### **Appeal Grounds**

1. The hearing outcome is not supported by substantial evidence (in other words, there was no reasonable basis for such findings or conclusions);
2. Prejudicial procedural errors impacted the hearing outcome to such a degree that the hearing did not comply with this Executive Order;

3. 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 CSU policy; or
4. The sanction(s) imposed constituted an abuse of discretion based on the substantiated conduct.

### ***Addendum B***

Any complainant or respondent who is not satisfied with a campus hearing outcome may file an appeal with the chancellor's office (co) no later than **10 working days** after the date of the decision letter.

The appeal must be in writing and may be based only on one or more of the grounds for appeal listed below:

1. The hearing outcome is not supported by substantial evidence (in other words, there was no reasonable basis for such findings or conclusions);
2. 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;
3. 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;
4. 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: Executive Order 1096 and 1097**

The issues and evidence raised on appeal shall be limited to those raised and identified during the investigation, unless new evidence becomes available after the campus investigation process and is made part of the appeal by the appealing party. The CO may conduct an interview, at the CO's discretion, with the appealing party to clarify the written appeal.

The CO shall provide prompt written acknowledgement of the receipt of the appeal to the appealing party, and will provide written notification of the appeal to the other party and the campus Title IX Coordinator.

If an investigation is to be reopened, the CO will return the matter to the campus and will specify in writing the timeline by which a reopened investigation must be completed. The CO will notify the parties of the reopening of the investigation and the timeline for completion of the reopened investigation. The campus will complete the reopened investigation and provide the CO with an amended investigation report. The campus will also provide the parties with amended notices of investigation outcome, and such notices will provide the parties the opportunity to appeal any new or amended findings, in accordance with the executive order. Upon receipt of the amended investigation report, the CO will contact the appealing party to determine whether that party wishes to continue with the appeal.

A copy of the final CO appeal response shall be forwarded to the complainant and respondent, as well as the campus Title IX Coordinator. The CO will respond to the appealing party no later than 30 working days after receipt of the written appeal unless the timeline has been extended as specified in Article V, E. of EO 1096 and 1097.

### **Issues and Evidence on Appeal: Addendums A & B**

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 CO may communicate, at the CO's discretion, with the appealing party, the responding party, and/or the campus to clarify the written appeal.

The CO 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.

In relation to an appeal under Addendum B, the appeal and appeal response shall be limited to 3,500 words, excluding exhibits.

If a matter is to be reopened, the CO will return the matter to the campus and will specify in writing the timeline by which a reopened hearing must be completed. The CO will simultaneously notify the parties of the reopening of the hearing and the timeline for completion of the reopened hearing. The campus will complete the reopened hearing and provide the CO with an amended hearing officer's report. The campus will also provide the parties with amended notices of hearing outcome, and such notices will provide the parties the opportunity to appeal any new or amended findings, in accordance with the executive order. Upon receipt of the amended hearing report, the CO will contact the appealing party to determine whether that party wishes to continue with the appeal.

If the hearing outcome (determination regarding policy violation) is not supported by the facts as determined by the hearing officer, the CO may vacate and reverse the hearing officer's decision, but only with respect to whether University policy was violated. The CO may reverse the hearing officer's decision under extremely limited circumstances, and the factual findings will remain intact.

A copy of the final CO appeal response will be sent simultaneously to the complainant and respondent, as well as the campus Title IX Coordinator. The CO appeal response is final and concludes the complaint and CO review process under the Executive Order. The CO will respond to the appealing party no later than 30 working days after receipt of the written appeal unless the timeline has been extended as specified in article V. E. of EO 1096 and 1097.

Additional detail about the processes described above can be found in the following university policies governing complaints made by students; employees, former employees, third parties, and applicants for employment; and student-employees, respectively.

## Registered Sex Offenders

California's sex offender registration laws require convicted sex offenders to register their status with the SSU 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/>

## Emergency Notification Policy

The primary intent of this policy is to provide uniformity in the manner in which emergency notifications required under the Clery Act are processed. The systemwide Emergency Notification Policy shall serve as the authoritative statement of policy on Emergency Notifications for each campus. This policy outlines the procedures campuses will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees occurring on the campus.

Any member of the campus community with information believed to constitute a significant emergency or dangerous situation that poses an imminent or immediate threat shall report the information to UPD and/or by calling "911." Examples include, but are not limited to, the following types of incidents:

- Severe weather warning (e.g., flash flooding, tsunami, hurricane, etc.)



- Environmental emergency within an on-campus facility (e.g., hazardous chemical spill, fire, earthquake, building collapse)
- Criminal activity with an imminent threat to campus community (e.g., active shooter, murder, fleeing suspect with a weapon)
- Public Health Emergency (e.g., measles outbreak, swine flu outbreak, etc.)

Once UPD has received the report, the Chief of Police (or management designee) will, without delay and taking into account the safety of the community, 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) a legitimate emergency or dangerous situation exists impacting on-campus geography; **and** 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community. This confirmation process may include, but is not limited to, visual observation, officer investigation, the assistance of key campus administrators, local or campus first responders, and/or official government reporting through agencies such as the National Weather Service.

If both of the above factors are not met, no emergency notification is required. If it is determined that both of the above factors are met, then an emergency notification as described below shall be issued. The Chief of Police (or management designee) will confer with the Clery Director, if available, to prepare the content of the notification and determine which members of the campus community are threatened and need to be notified. The content of the message will be developed based on a careful but swift analysis of the most critical facts. Content for emergency notifications will be developed by the Chief of Police, or their designee. When appropriate, the content will be based on previously developed templates that are annually reviewed by the Chief of Police, the Clery Director and Coordinator, the university emergency manager, and the Associate Vice President for Strategic Communications.

Once the notification is prepared, the Chief of Police and/or the Clery Director (or their management designees) 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. If an emergency notification is issued, a timely warning shall not be issued for the same incident.

## Contents of the Emergency Notification

The emergency notification shall contain the following information:

- A statement as to what the emergency or dangerous situation is, in specific terms (e.g., chemical spill, active shooter, building fire);
- A statement providing direction as to what actions the receiver of the message should do to take precautions for their own safety; and
- A statement as to where or when additional information may be obtained.

The Clery Director (or management designee) will provide updates to the emergency notification with pertinent updates or direction to persons for their safety when new information becomes available. Updates will be provided in regular intervals until the emergency has been mitigated or no longer poses an imminent threat, e.g., fire is out and building has re-opened.

## Methods of Distribution

Emergency Notifications will be distributed as quickly as possible in a manner that will likely reach the segment(s) of the on-campus community threatened by the emergency. Segmentation will be considered by the Chief of Police (or management designee) by evaluating which persons are likely to be at risk, and notifying those persons. Segmentation should not be considered if making this determination would delay issuing the emergency notification. Distribution methods include:

- The campus mass notification system, RAVE Alert, including but not limited to phone, campus email, or text messaging. The system allows currently enrolled students, faculty and staff the ability to adjust their subscription preferences to select multiple contact methods from text messages, emails and phone calls, or if desired, to 'opt out' of the service and not receive any notifications. The RAVE Alert system is activated using an internet browser-based program. Alternatively, if that system is unavailable, the person initiating the alert can call RAVE directly to have the message sent.
- Networked computer monitors and audio/visual message boards, which are initiated using RAVE Alert.
- Audible alarms/sirens activated by SSU Police Department
- Campus public address systems, initiated by operators of those systems in specific buildings
- In person or door-to-door notifications in a building or residence halls, initiated by resident assistants or building marshals
- Local media as directed by Strategic Communications
- Social media posts by Strategic Communications
- Other means appropriate under the circumstances

If the campus emergency may affect the surrounding community, the Chief of Police, or designee, will determine if notification to the larger community is appropriate. When notification is ordered, SSU Police Department or the emergency manager will notify the regional dispatch center or Sonoma County Department of Emergency Management, who will determine the most effective manner of distribution based on the Sonoma County alert and warning plan.

The Office of Emergency Services and Strategic Communications maintain procedures for the activation of all of the above systems as part of the Crisis Communications Plan.

## Testing and Evacuation 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's 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. The [California State University Emergency Management Policy](#) describes these tests and defines responsibility for their completion. A copy of the documentation will be provided to the Clery Director. At SSU, the university emergency manager, Chief of Police, and Associate Vice President of Strategic Communications, develops the annual emergency notification-testing plan.

In 2020, SSU performed two tests of the emergency notification system. The first test was performed on January 25, 2020 at 10:40 am. It was an unannounced test to a pre-designated group of employees who were participating in a functional lockdown exercise. The second test was performed on December 11, 2021 at 11:05 am. It was targeted to all users and was announced to the campus community.

For 2021, emergency notification test alerts were sent to the whole campus community on June 9 and August 25. An exercise to assess the response capacity of the campus phone system was conducted using the emergency notification system on August 12, 2021. Additionally, all campus notifications will be sent out on September 15, as part of the Hi-Lo Siren evacuation order exercise, and on October 14, as part of the Shake Out earthquake response exercise. Additionally, an all-campus test alert will be conducted in early spring semester 2022.

Students and employees are encouraged to enter their mobile phone number into MySSU. This allows automatic enrollment in the emergency notification system within 24 hours of the entry. Alternately, any person can text SSUALERTS to 67283 from a

mobile phone. All university email addresses are automatically enrolled in the system. To opt-out of text message alerts, text STOP to 23177 or 63079. For more information on emergency notification at SSU, visit <http://emergency.sonoma.edu/notifications> or call the Office of Emergency Services at (707) 664-3408.

## Missing Student Notification

SSU will provide every student living in campus housing the opportunity and means to identify an individual, through the current housing management software, to be contacted in the event they are missing. This contact is confidential and strictly used for missing person purposes only, and is a separate contact from their emergency contact, but may be the same person. This information is directly entered by each student and is accessible by Residential Education and Campus Housing (REACH) staff. Every resident is notified of the missing student notification procedure as part of their housing confirmation and contract process.

If a member of the SSU community has reason to believe a student who resides in on-campus housing is missing, they should report the missing student immediately to Sonoma State Police by calling (707) 664-4444 or 911 if the person is in immediate danger. SSPD will receive the report and give priority to its handling pursuant to California Penal Code section 14211(a).

A member of the University community may also make the report to REACH professional staff, housing Area Coordinators, Resident Assistants, student health staff, Athletics coaches, trainers and staff members, Office of Student Affairs staff, faculty club and organization advisors, or the Dean of Students. Any university employee receiving report of a missing student should notify SSPD as soon as possible.

No waiting period exists before an officer or the specified individuals will take a missing person report. A student is considered missing when his or her whereabouts are unknown and knowledgeable persons regard the disappearance as unusual or uncharacteristic. All reports of missing students should be made without delay. Missing persons reports should be forwarded to SSPD as soon as possible but **shall** be reported to law enforcement within 24 hours of when the student's whereabouts were unknown, unless it was law enforcement who made the determination that the student was missing.

SSPD, in accordance with all applicable Federal and State laws, shall investigate all reports of missing students in accordance with department policy and state law. If, upon being reported to SSPD, the student is not located during the initial investigation, or if extenuating circumstances exist (e.g., the student is missing for a full 24 hours), the Dean of Students, or their designee, will contact the student's designated missing person contact(s). If the student is under 18 years of age and not emancipated, the Dean of Students, or their designee, will notify the custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to any additional contact person designated by the student. In all missing student situations, local and other relevant law enforcement agencies, as determined by SSPD, will be notified by SSPD of its determination that the student is missing within 24 hours.

## Fire Safety Act

The 2021 Fire Safety Report is available at the following link: <https://housing.sonoma.edu/resources/fire-safety>.

## Appendix I: California Crime Definitions

### Rape (CA Penal Code Chapter 1 Section 261)

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(b) As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.

(c) As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

### Sodomy (CA Penal Code Chapter 1 Section 286)

Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

(b) (1) Except as provided in Section 288, any person who participates in an act of sodomy with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of sodomy with another person who is under 16 years of age shall be guilty of a felony.

(c) (1) Any person who participates in an act of sodomy with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of sodomy when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of sodomy with another person who is under 14 years of age when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 9, 11, or 13 years.

(C) Any person who commits an act of sodomy with another person who is a minor 14 years of age or older when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 7, 9, or 11 years.

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

(f) Any person who commits an act of sodomy, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), a person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing

with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of sodomy, where the victim is prevented from resisting by an intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for three, six, or eight years.

(j) Any person who commits an act of sodomy, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) Any person who commits an act of sodomy, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury, or death.

## **Oral Copulation (CA Penal Code Chapter 1 Section 287)**

(a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

(b) (1) Except as provided in Section 288, any person who participates in an act of oral copulation with another person who is under 18 years of age shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(2) Except as provided in Section 288, any person over 21 years of age who participates in an act of oral copulation with another person who is under 16 years of age is guilty of a felony.

(c) (1) Any person who participates in an act of oral copulation with another person who is under 14 years of age and more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(2) (A) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of oral copulation upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(3) Any person who commits an act of oral copulation where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is under 14 years of age, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 10, 12, or 14 years.

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

(f) Any person who commits an act of oral copulation, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act, shall be punished by imprisonment in the state prison for a period of three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the oral copulation served a professional purpose when it served no professional purpose.

(g) Except as provided in subdivision (h), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison, for three, six, or eight years. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.

(h) Any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally

disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(i) Any person who commits an act of oral copulation, where the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(j) Any person who commits an act of oral copulation, where the victim submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(k) Any person who commits an act of oral copulation, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(l) As used in subdivisions (c) and (d), "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

## **Bigamy, Incest, and the Crime against Nature (CA Penal Code Chapter 1 Section 289)**

(a) (1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

(B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

(C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.

(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.

(2) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and



Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

(1) Was unconscious or asleep.

(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.

(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(f) Any person who commits an act of sexual penetration when the victim submits under the belief that the person committing the act or causing the act to be committed is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

(g) Any person who commits an act of sexual penetration when the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.

(i) Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.

(j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) As used in this section:

(1) "Sexual penetration" is the act of causing the penetration, however slight, of the genital or anal opening of any person or causing another person to so penetrate the defendant's or another person's genital or anal opening for the purpose of sexual arousal, gratification, or abuse by any foreign object, substance, instrument, or device, or by any unknown object.

(2) "Foreign object, substance, instrument, or device" shall include any part of the body, except a sexual organ.

(3) "Unknown object" shall include any foreign object, substance, instrument, or device, or any part of the body, including a penis, when it is not known whether penetration was by a penis or by a foreign object, substance, instrument, or device, or by any other part of the body.

(l) As used in subdivision (a), "threatening to retaliate" means a threat to kidnap or falsely imprison, or inflict extreme pain, serious bodily injury or death.

(m) As used in this section, "victim" includes any person who the defendant causes to penetrate the genital or anal opening of the defendant or another person or whose genital or anal opening is caused to be penetrated by the defendant or another person and who otherwise qualifies as a victim under the requirements of this section.

## **Fondling (CA Penal Code Chapter 9. Section 243.4, Assault and Battery)**

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a

county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(d) Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(e)(1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Department of Fair Employment and Housing for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

(2) As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, through the clothing of the person committing the offense, or through the clothing of the victim.

(f) As used in subdivisions (a), (b), (c), and (d), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.

(g) As used in this section, the following terms have the following meanings:

(1) "Intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.

(2) "Sexual battery" does not include the crimes defined in Section 261 or 289.

(3) "Seriously disabled" means a person with severe physical or sensory disabilities.

(4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) "Minor" means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.

(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(j) A person who commits a violation of subdivision (a), (b), (c), or (d) against a minor when the person has a prior felony conviction for a violation of this section shall be guilty of a felony, punishable by imprisonment in the state prison for two, three, or four years and a fine not exceeding ten thousand dollars (\$10,000).

### **Statutory Rape (CA Penal Code, Chapter 1, Section 261.5)**

(a) Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator, if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years and an "adult" is a person who is at least 18 years of age.

(b) Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three years older or three years younger than the perpetrator, is guilty of a misdemeanor.

(c) Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.

(d) Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony, and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170 for two, three, or four years.

### **Incest (CA Penal Code, Chapter 1, Section 285)**

Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

### **Abuse: (CA Family Code, 6203 (definitions) and 6211)**

(a) For purposes of this act, "abuse" means any of the following:

(1) To intentionally or recklessly cause or attempt to cause bodily injury

(2) Sexual assault

(3) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another

(4) To engage in any behavior that has been or could be enjoined pursuant to Section 6320

(b) Abuse is not limited to the actual infliction of physical injury or assault

"Domestic violence" is abuse perpetrated against any of the following persons:

(a) A spouse or former spouse

(b) A cohabitant or former cohabitant, as defined in Section 6209

(c) A person with whom the respondent is having or has had a dating or engagement relationship

(d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).

(e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.

(f) Any other person related by consanguinity or affinity within the second degree.

### **Domestic Violence/Dating Violence (CA Penal Code, Chapter 2, Section 273.5 and Section 243)**

(a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.

(b) Subdivision (a) shall apply if the victim is or was one or more of the following:

(1) The offender's spouse or former spouse

(2) The offender's cohabitant or former cohabitant

(3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship

(4) The mother or father of the offender's child

#### CA Penal Code 243

(e)

(1) When a battery (willful and unlawful use of force or violence upon the person of another) is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a dating or engagement relationship, the battery is punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail for a period of not more than one year, or by both that fine and imprisonment.

#### Stalking CA Penal Code, Chapter 2, Section 646.9

(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, punishable by imprisonment in a county jail for not more than one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

#### CA Penal Code, Chapter 2, Section 653m

(a) Every person who, with intent to annoy, telephones or makes contact by means of an electronic communication device with another and addresses to or about the other person any obscene language or addresses to the other person any threat to inflict injury to the person or property of the person addressed or any member of his or her family, is guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith.

(b) Every person who, with intent to annoy or harass, makes repeated telephone calls or makes repeated contact by means of an electronic communication device, or makes any combination of calls or contact, to another person is, whether or not conversation ensues from making the telephone call or contact by means of an electronic communication device, guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith or during the ordinary course and scope of business.

#### Consent to Sexual Activity (CA Penal Code, Chapter 1, section 261.6)

In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, in which consent is at issue, "consent" shall be defined 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.

A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under Section 261, 262, 286, 287, or 289, or former Section 288a.

## Appendix II: Executive Order 1095, Attachment C

See next page.

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**RIGHTS AND OPTIONS  
FOR VICTIMS<sup>1</sup> OF SEXUAL MISCONDUCT/SEXUAL ASSAULT,  
DATING AND DOMESTIC VIOLENCE, AND STALKING<sup>2</sup>**

The University is committed to creating and sustaining an educational and working environment free of sexual misconduct/sexual assault, dating and domestic violence, and stalking. If you experience any of these forms of misconduct, you are strongly encouraged to utilize the various on and off campus resources described below. Your safety and well-being is the University's priority. This publication is intended to help you understand your rights and options, as well as provide you with information regarding support and assistance.<sup>3</sup>

**WHAT SHOULD I DO?**

***Call 9-1-1 if you are in the midst of any kind of emergency, immediate harm or threat of harm.***

If you have experienced sexual misconduct/sexual assault, dating or domestic violence, or stalking, you are encouraged to ***seek immediate assistance from police and healthcare providers*** for your physical safety, emotional support and medical care.

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<sup>1</sup> The term "victim" is used throughout this document, which is in keeping with the language contained within the laws and regulations (Violence Against Women Reauthorization Act of 2013 (20 U.S.C. 1092(f))(VAWA), pursuant to its Campus Sexual Violence Elimination Act provision (Campus SaVE Act)) requiring the provision of a written explanation of rights and options to individuals who are alleged to have been subject to sexual misconduct/sexual assault, dating or domestic violence, or stalking. Use of the term "victim" does not mean or imply that any assumption or determination of responsibility has been made with respect to a respondent who has been accused of engaging in sexual misconduct/sexual assault, dating or domestic violence, or stalking.

<sup>2</sup> As required by the Violence Against Women Reauthorization Act of 2013 (20 U.S.C. 1092(f))(VAWA), pursuant to its Campus Sexual Violence Elimination Act provision (Campus SaVE Act) and related laws and regulations.

<sup>3</sup> Terms contained within this Notice are intended to be gender neutral.

University police can escort you to a safe place and transport you to a hospital or a sexual assault response center for a medical examination, if needed. University police can also provide access to a confidential Sexual Assault Victim's Advocate. If you would prefer not to notify the police, you are strongly encouraged to seek assistance from the campus Title IX Coordinator who can provide you with information on your options, rights and remedies, and/or the Campus Sexual Assault Victim's Advocate. The campus Title IX Coordinator is available to assist you in notifying the police, if you wish. The Sexual Assault Victim's Advocate listed below can also assist you in notifying the police and/or the campus Title IX Coordinator.

You have the right to decide whom and when to tell about what happened. However, it is very important that you get confidential medical attention after being assaulted. Following the incident, you may be physically injured, there may be a chance you contracted a sexually transmitted disease or that you may become pregnant.

### **WHOM SHOULD I CONTACT?**

The University has designated a Title IX Coordinator to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to sexual misconduct/sexual assault, dating and domestic violence, and stalking. Your Campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint; the availability of Supportive Measures; the University's relevant complaint process, and your right 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.

#### **Sonoma State University Title IX Coordinator:**

- Sarah Clegg
- cleggs@sonoma.edu
- 707.664.2480
- Monday-Friday, 8:00am-5:00pm
- 1801 East Cotati Ave., International Hall 207

#### **Campus Sexual Assault Victim's Advocate**

- Susan Pulido-Confidential Advocate
- susan.pulido@sonoma.edu
- (707) 664-2698
- 1801 East Cotati Ave., Classico 117

**University Police**

- **In an emergency dial: 9 1 1**
- 24-hour Non-emergency: (707) 664-4444
- Fax: (707) 664-2248
- [police@sonoma.edu](mailto:police@sonoma.edu)
- 1801 East Cotati Avenue. Rohnert Park, CA 94928
- Nader Oweis- Chief of Police

**Local Police**

- **In an emergency dial: 9 1 1**
  
- **Rohnert Park Police Department**
- Non-emergency: (707) 584-2600
- 500 City Center Dr, Rohnert Park, CA 94928
  
- **Cotati Police Department**
- Non-emergency: (707) 792-4611
- 203 W Sierra Ave, Cotati, CA 94931

**U.S. Department of Education, Office for Civil Rights:**

- (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov)
- If you wish to fill out a complaint form online with the OCR, you may do so at:  
<https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

**Medical & Counseling Services**

**Campus Services**

**Student Health Center**

(707) 664-2921  
<https://health.sonoma.edu/>

**Counseling & Psychological services**

(707) 664-2153



<https://caps.sonoma.edu/>

**Off-Campus Services**

**Verity- Sonoma County Rape Crisis Center**

24/7 Crisis Line: (707) 545-7273

835 Piner Rd, Santa Rosa, CA 95403

<https://www.ourverity.org/>

**YWCA- Sonoma County**

24/7 Domestic Violence Crisis Line: (707) 546-1234

811 3rd St, Santa Rosa, CA 95404

<https://www.ywcasc.org/>

**Family Justice Center- Sonoma County**

(707) 565-8255

2755 Mendocino Ave, Santa Rosa, CA 95403

<https://www.fjcsc.org/>

**Sonoma County 24 Hour Crisis Stabilization Unit**

(707) 576-8181

Crisis Stabilization Unit 2225 Challenger Way, Santa Rosa, CA 95407

<https://sonomacounty.ca.gov/Health/Behavioral-Health/Crisis-Services/>

**Petaluma and Rohnert Park Health Centers,**

(707) 559-7500

1179 North McDowell Blvd Petaluma, CA 94954 & 5900 State Farm Drive Rohnert Park, CA 94928,

<https://phealthcenter.org/services/mental-health/>

**SOS Community Counseling**

(707) 284-3444

Locations in Rohnert Park, Santa Rosa, and Windsor

<http://soscommunity.org/>

**Santa Rosa Community Health**

(707) 303-3600

Multiple locations across Santa Rosa

<https://srhealth.org/>

**Jewish Community Free Clinic**

(707) 585-7780

50 Montgomery Drive, Santa Rosa, CA 95404

<https://www.jewishfreeclinic.org/>

**West County Health Centers**

(707) 824-3391

Locations in Forestville, Guerneville, Occidental, Sebastopol,

<https://www.wchealth.org/>

**THE IMPORTANCE OF PRESERVING EVIDENCE**

It is important that you take steps to preserve and collect evidence; doing so preserves the full range of options available to you, be it through the University's administrative complaint procedures or criminal prosecution. To preserve evidence: (1) do not wash your face or hands; (2) do not shower or bathe; (3) do not brush your teeth; (4) do not change clothes or straighten up the area where the assault took place; (5) do not dispose of clothes or other items that were present during the assault, or use the restroom; and, (6) seek a medical exam immediately. If you already cleaned up from the assault, you can still report the crime, as well as seek medical or counseling treatment. You may consult with the Campus Title IX Coordinator or Sexual Assault Victim's Advocate (see contact information above) for assistance as well.

**WHAT REPORTING OPTIONS DO I HAVE?**

*The University's primary concern is your safety and the safety of the Campus community.* The use of alcohol or drugs never makes the victim at fault for sexual misconduct/sexual assault. If you have experienced sexual misconduct/sexual assault, dating or domestic violence, or stalking you should not be deterred from reporting the incident out of a concern that you 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 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.

You have several reporting options, and you may pursue one or more of these options at any time. It is your right to have a friend, family member, Sexual Assault Victim's Advocate, or other representative present with you while reporting the incident. You also have the right to have a sexual assault counselor, Sexual Assault Victim's Advocate and/or support person of your choice present with you during a rape examination.

The Campus Title IX Coordinator or Sexual Assault Victim's Advocate can assist you in notifying the police if you choose.

**Criminal**: Reporting to University Police and/or local police is an option at any time. If you choose not to report to the police immediately following an incident, you 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 your behalf.

**Administrative**: You may report to the Campus Title IX Coordinator, who will provide you with written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident. The Title IX Coordinator will also provide you with information regarding resources available to you, as well as information regarding your rights and options. Contact information for the Title IX Coordinator is listed above.

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

If it is determined that University policy<sup>4</sup> was violated, the Respondent may be subject to discipline, up to and including dismissal from University employment or expulsion from the University. You are entitled to be accompanied to any related meeting or proceeding by a Support Advisor of your choice, including a Sexual Assault Victim's Advocate or domestic violence counselor. However, if you do not wish to participate in an investigation or hearing process, you have the right to decline to do so. Please know if you choose not to participate in the process, the University's ability to take action may be limited.

**Health/Counseling/Clergy:** You may choose to seek advice and assistance from physicians, psychotherapists, professional counselors, clergy, sexual assault and domestic violence counselors and advocates, including individuals who work or volunteer for them.

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

You 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 or domestic violence, or stalking. University Police and your Campus Title IX Coordinator can offer assistance with obtaining a protective or restraining order.

**Non-reporting:** You are strongly encouraged to report any incidents to the police and/or Campus Title IX Coordinator so that steps may be taken to protect you and the rest of the campus community. However, non-reporting is also an option.

## **CONFIDENTIALITY – KNOW YOUR OPTIONS**

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<sup>4</sup> [Executive Order 1096 \(Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Procedure for Addressing Such Complaints by Employees and Third Parties\);](#)  
[Executive Order 1097 \(Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students\).](#)

We encourage victims of sexual misconduct/sexual assault, dating or domestic violence, or stalking to talk to someone about what happened – so you can get the support you 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. This information is intended to make you aware of the various reporting and confidential disclosure options available to you – so you can make informed choices about where to turn for help. The University encourages victims to talk to someone identified in one or more of these groups.

As explained below, some employees are required by law to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Other Employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Some 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. A report to these employees constitutes a report to the University, and generally creates a legal obligation for the University to investigate the incident and take appropriate steps to address the situation.

### **Privileged and Confidential Communications**

*Physicians, Psychotherapists, Professional Counselors and Clergy*<sup>5</sup> – Physicians, psychotherapists, professional, licensed counselors, and clergy who work or volunteer on or off campus acting solely in those roles or capacity, in the provision of medical or mental health treatment or counseling (*including those who work or volunteer in those offices*) may **not** report **any** information about an incident of sexual misconduct/sexual assault to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from physicians; psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal your identity or the fact of your disclosure. *However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to you, if applicable.* Following is the contact information for professional counselors and physicians (if any) on campus:

#### **Sonoma State Counseling & Psychological services**

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<sup>5</sup> See Cal. Evid. Code § 990 *et seq.*, § 1010 *et seq.*, and § 1030 *et seq.*

(707) 664-2153  
<https://caps.sonoma.edu/>

**Laura Williams**  
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**willaur@sonoma.edu**  
**(707) 664-2153**

**Isabel Avila**  
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**Courtney Avvampato She/ Her/ Hers**  
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(707) 664-2153

**Melle Browning He/Him/His**  
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**Andrew Kerlow-Myers He/Him/His**  
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kerlowmy@sonoma.edu  
(707) 664-2153

**Rociel Martinez**  
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(707) 664-2153

**Ashley Murphy She/ Her/ Hers**

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**Tara Quinn**

Administrative Support Coordinator  
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(707) 664-2153

**Elisa Vasquez She/ Her/ Hers**

Counselor  
elisa.vasquez@sonoma.edu  
(707) 664-2153

**Irene Wise She/ Her/ Hers**

Licensed Staff Psychologist  
wisei@sonoma.edu  
(707) 664-2153

*Sexual Assault and Domestic Violence Counselors and Advocates*<sup>6</sup> – Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women’s centers, and health centers (*including all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision*) may talk to you without revealing any information about you or the incident of sexual misconduct/sexual assault to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal your identity or that you disclosed an incident to them. *However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to you, if applicable.* Following is contact information for sexual assault and domestic violence counselors and advocates:

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<sup>6</sup> See Cal. Evid. Code § 1035 *et seq.* and § 1037 *et seq.*

**Susan Pulido-Confidential Advocate**

Classico 117  
susan.pulido@sonoma.edu  
(707) 664-2698

**Sonoma State Counseling & Psychological services**

(707) 664-2153  
<https://caps.sonoma.edu/>

**Sonoma State Student Health Center**

(707) 664-2921  
<https://health.sonoma.edu/>

**Verity- Sonoma County Rape Crisis Center**

24/7 Crisis Line: (707) 545-7273  
835 Piner Rd, Santa Rosa, CA 95403  
<https://www.ourverity.org/>

**YWCA- Sonoma County**

24/7 Domestic Violence Crisis Line: (707) 546-1234  
811 3rd St, Santa Rosa, CA 95404  
<https://www.ywcasc.org/>

If you speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate, you must understand that the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the perpetrator, if you choose to maintain confidentiality.

Even so, these individuals will still assist you in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services. They may not, however, be able to assist you with University academic support or accommodations, or changes to University-based living or working schedules, or assist with adjustments to course schedules. Only the University and the Title IX Coordinator can assist with those matters (see below). 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. These counselors and advocates can provide you with that assistance if you wish. These counselors and advocates 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:** 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 he or she provides medical services for a *physical condition* to a patient/victim who he or she knows 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 and dating and domestic violence).<sup>7</sup> This exception does *not* apply to sexual assault and domestic violence counselors and advocates. Health care practitioners will explain this limited exception to you, if applicable.

Additionally, under California law, *all* professionals described above (physicians, psychotherapists, professional counselors, 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.<sup>8</sup> These professionals will explain this limited exception to you, 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;<sup>9</sup> or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the incident.<sup>10</sup> If applicable, these professionals will explain this limited exception to you.

### **Reporting to University or Local Police**

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<sup>7</sup> Assaultive or abusive conduct is defined to include a list of 24 criminal offenses, including sexual battery, incest, rape, spousal rape, abuse of a spouse or cohabitant, and any attempt to commit these crimes. See Cal. Penal Code §§ 11160-11163.2.

<sup>8</sup> See Cal. Penal Code §§ 11164-11174.3; see also [CSU Executive Order 1083](#) or any superseding executive order.

<sup>9</sup> See Cal. Evid. Code § 1024.

<sup>10</sup> See Cal. Evid. Code § 1035.4.

If you report certain sex offenses to local or University Police, the police are required to notify you that your name will become a matter of public record ***unless confidentiality is requested.***<sup>11</sup> If you request that your identity be kept confidential, your name will not become a matter of public record and the police will not report your identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator your name/identity, 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, your name/identity will not be included.

### **Reporting to the Title IX Coordinator and Other University Employees**

Most University employees have a duty to report disclosed incidents of sexual misconduct/sexual assault, dating and domestic violence, and stalking when they are on notice of it. When you tell the Title IX Coordinator or another University employee about an incident, you have 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, we strongly encourage victims to report sexual misconduct/sexual assault, dating and domestic violence, and stalking directly to the Title IX Coordinator.***

As detailed above, all University employees ***except*** physicians, licensed counselors, sexual assault victim's advocates must report to the Title IX Coordinator all relevant details about 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 employee will be 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 except as otherwise required by law or University policy. A report may result in the gathering of extremely sensitive information about you and

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<sup>11</sup> See Cal. Penal Code § 293; Cal. Gov. Code § 6254(f).

other 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 reported incident. In such cases, efforts will be made to redact the records, as appropriate, in order to protect your identity and privacy and the privacy of other involved individuals.

The Title IX Coordinator can be reached at:

**Sarah Clegg**  
**cleggs@sonoma.edu**  
**707.664.2480**  
**Monday-Friday, 8:00am-5:00pm**  
**1801 East Cotati Ave., International Hall 207**

If you request of the Title IX Coordinator or another University employee that your identity remain completely confidential, the Title IX Coordinator will explain that the University cannot always honor that request and cannot guarantee complete confidentiality. If you wish to maintain confidentiality 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 you. Under those circumstances, the Title IX Coordinator will determine whether your 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 your 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 you prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response. The Title IX Coordinator will remain mindful of your well-being, and will take ongoing steps to protect you from retaliation or harm, and work with you to create a safety plan. Retaliation against you, whether by students or employees, will not be tolerated. The University and Title IX Coordinator will also:

- Provide Supportive Measures requested by you, if they are reasonably available, regardless of whether you choose to report sexual misconduct/sexual assault, dating or domestic violence, or stalking to Campus or local police;
- Assist you in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Provide other 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 you of your right to report a crime to University or local police – and provide you with assistance if you wish to make such a report.

The University will not require you to participate in any investigation or disciplinary proceeding if you do not wish to participate.

The University will not generally notify parents or legal guardians of your report unless you are under the age of 18 or you provide the University with written permission to do so.<sup>12</sup>

Under California law, and pursuant to University policy, certain 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.<sup>13</sup> However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.<sup>14</sup>

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

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<sup>12</sup> If there is a health and safety issue (e.g., immediate threat to self or others), the University may notify parents or legal guardians, regardless of the victim's age, as allowed under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

<sup>13</sup> See Cal. Penal Code §§ 11164-11174.3; see also [CSU Executive Order 1083](#) or any superseding executive order.

<sup>14</sup> See Cal. Penal Code § 11167(d).

The Office of the Ombuds, if available on your specific Campus, provides confidential, neutral and informal dispute resolution services, provides information about University policies and procedures, and makes referrals. However, in sexual misconduct/sexual assault, dating and domestic violence, and stalking cases, the Ombuds as well as all other University employees (except for physicians, licensed counselors, sexual assault counselors and advocates as discussed above) must report incidents to the Title IX Coordinator.

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

**AS A REPORTER, AM I PROTECTED FROM RETALIATION?**

Yes, University policies prohibit retaliation against a person who:

- Reports sexual misconduct/sexual assault, dating or domestic violence, or stalking;
- Assists someone with such a report; or
- Participates in any manner in any related investigation or resolution.

No officer, employee or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his/her rights or responsibilities. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education. Retaliation, if proven, is a violation of University policies and may result in discipline, up to and including termination of employment or expulsion from the University.

**WHAT ELSE MIGHT HAPPEN IF I NOTIFY UNIVERSITY POLICE?**

Should you choose to notify University Police, you will be escorted to a safe place if necessary, and may be transported to a hospital or sexual assault response center for a medical exam. University police can also provide access to a confidential Sexual Assault Victim's Advocate, if desired. First and foremost, the medical exam you receive from a hospital or sexual assault response center treats any physical injury or effect. The exam may include a vaginal and/or anal

examination, testing, and prophylactic treatment for sexually transmitted infections and possible pregnancy.

Second, the medical exam properly collects and preserves evidence. Seeking a medical exam for treatment and evidence collection does not commit you to any particular course of action, and your medical records are confidential.

### **WHAT CSU PROCEDURES ARE AVAILABLE?**

The University has formal written procedures that provide for a Campus investigation of reports of sexual misconduct/sexual assault, dating and domestic violence, and stalking, hearings where applicable, written findings sent to the Complainant and the Respondent, and a review of the campus findings by the CSU Chancellor's Office. The procedure for CSU employees and third parties is separate from, but similar to the procedure for CSU students.<sup>15</sup> Your Campus Title IX Coordinator can explain these procedures in detail.

At the conclusion of the University's complaint procedure, any employee or student found to have violated University policy may be subject to discipline. Discipline would be administered consistent with applicable collective bargaining agreements and MPP/confidential personnel plans (for employees), University policies and legal requirements. ***You are not required to participate in any University disciplinary procedure and may choose not to be a part of it.*** Disciplinary procedures for sexual misconduct/sexual assault, dating and domestic violence, and stalking will:

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on sexual misconduct/sexual assault, dating and domestic violence, and stalking, including how to conduct a process that protects the safety of members of the campus community and promotes accountability;

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<sup>15</sup> [Executive Order 1096 \(Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Procedure for Addressing Such Complaints by Employees and Third Parties\)](#); [Executive Order 1097 \(Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students\)](#); [Executive Order 1095 \(Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy\)](#).

- Provide the Complainant and the Respondent the same opportunity to be accompanied to any related meeting or proceeding by a Support Advisor of their choice;
- Simultaneously inform the Complainant and the Respondent in writing of:
  - The disciplinary outcome;
  - The procedures available to appeal the results of the disciplinary outcome;
  - Any change to the disciplinary results that occurs prior to the time such results become final; and
  - When disciplinary results become final.

## Appendix III: Title IX Complaint Resources

### Upon Receipt of a Complaint:

#### Academic and Support Services:

- [Undergraduate Studies](#) or
- [Graduate Studies](#)
- [Advising Central](#)
- [Confidential Advocate](#)
- [Counseling and Psychological Services \(CAPS\)](#)
- [COVID19](#)
- [Disability Services for Students \(DSS\)](#)
- [Office of the Dean of Students \(VPSA website\)](#)
- [Office for the Prevention of Harassment and Discrimination \(OPHD\)](#)
- [Student Conduct](#)
- [Student Health Center \(SHC\)](#)
- [SSU Police Department \(UPD\)](#)

#### Programs & Services

- [The Advising & Transfer Center](#)
- [Basic Needs](#)
- [CAPS Support Groups and Workshops](#)
- [Career Center](#)
- [Dream Center \(Undocumented Student Services\)](#)
- [The HUB Cultural Center](#)
- [Learning and Academic Resource Center \(LARC\)](#)
- [Military and Veteran Resource Center \(MAVRC\)](#)
- [Residential Education and Campus Housing \(REACH\)](#)
- [TRIO Student Support Services](#)
- [UPD: Campus Safety Escorts](#)

#### People

- [Deans, Chairs, and Academic Program Coordinators](#)
- [Division of Student Affairs Directory](#)
- [Faculty & Staff Directory](#)

#### Additional Resources

- Susan Pulido, SSU Confidential Advocate - (707) 664-2698, [susan.pulido@sonoma.edu](mailto:susan.pulido@sonoma.edu)
- SSU Police - (707) 664-4444
- Counseling and Psychological Services (CAPS) - (707) 664-2153
- Verity 24/7 Rape Crisis Hotline - (707) 545-7273
- YWCA 24-hour Domestic Violence Hotline Call 707-546-1234
- Empathia - FOR EMPLOYEES ONLY: Empathia is Sonoma State's Employee Assistance provider and is providing virtual counseling sessions for employees. For 24/7 telephone assessment/counseling call 1-800-367-7474.



## Upon scheduling with complainant:

### Confidential Sexual Violence Advocate

The Confidential Advocate, Susan Pulido, is available to support students through crisis counseling, Title IX advocacy/advising, and any other type of advocacy via video conferencing. Contact her via email:

[susan.pulido@sonoma.edu](mailto:susan.pulido@sonoma.edu).

### CAPS – Counseling and Psychological Services

[CAPS](#) provides individual and group counseling and crisis intervention, now by phone and Zoom. We have also planned new group offerings and workshops.

### CARE Team

Students who may be experiencing academic, personal, relationship, and/or financial difficulties may submit a report to the [CARE Team](#), use this online report: [Student of Concern Report](#). The care team works individually with students to connect them to resources on campus and in the community.

### SSUPolice Department

**If a student or employee appears to be in imminent danger of harming themselves or others, please call 911.** Reports of sexual violence or dating/domestic violence involving students or employees may still be reported to [SSU Police Department](#) 707-664-4444.

### Community Resources

- [Verity's](#) (Sonoma County's Rape Crisis, Trauma and Healing Center) sexual assault and rape crisis line is available 24-hours a day, seven days a week for anyone desiring to speak with a confidential counselor at 707- 545-7273.
- [Sonoma County Family Justice Center](#) assists survivors of domestic and/or dating violence, sexual assault, child & elder abuse, and stalking. They are continuing some services remotely. Call 707- 565-8255.
- [YWCA Sonoma County](#) provides a 24/7 Domestic Violence Hotline. For help call 707-546-1234 The YWCA Sonoma County supports families affected by domestic violence by providing safe shelter, therapy, advocacy, and ongoing support.
- [Sonoma County District Attorney Victim Services Division](#)
- The Sonoma County Victim Services Division is designed to reduce the trauma and insensitive treatment victims and witnesses may experience following a crime. Call 707-565-8250.
- Homeless Outreach Services Team: 1-855-707-4678
- [Jewish Community Free Clinic](#) Free care including counseling to those in need regardless of religious affiliation. Call 707-585-7780. The clinic is currently closed, but is providing services remotely.

### At Meeting with Complainant:

- Executive Order 1095: Attachment C