

# HUMBOLDT STATE UNIVERSITY



**2021**

## **ANNUAL SECURITY REPORT**

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

Clery Crime Statistics 2018-2020

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# Humboldt State University

## ANNUAL SECURITY REPORT

### MESSAGE FROM THE PRESIDENT

Humboldt State University is the northernmost school of the 23-campus California State University system, 275 miles north of San Francisco in the scenic city of Arcata, California. Humboldt State sits in the northwestern portion of Wiyot ancestral territory and is surrounded by the traditional, ancestral, and present homeland of several indigenous nations.

One of the most beautiful natural environments in the world surrounds the university, in the midst of the pristine pacific coastline, wild rivers, and ancient redwood forests, the tallest (and arguably some of the oldest) trees in the world. We are in a place that has the historical and cultural overprints of indigenous peoples, of the timber, fishing, and mining industries, and of the creative and performing arts.

HSU has almost 6,500 students and 501 faculty members, and offers a wide array of academic opportunities through 52 majors, 12 graduate programs, and 14 credential programs across three colleges. Students enjoy an extraordinary university experience, with the opportunity to take advantage of a 19:1 student-to-faculty ratio, led by professors who know them by name. Our faculty members are among the top teachers and researchers in their fields. Academic offerings encompass nationally known programs and popular areas of studies in natural resources and sciences, arts, humanities, social sciences, and professional studies. Throughout the curriculum, students find a long-standing commitment to social and environmental responsibility and justice. HSU is a campus for those who seek above all else to improve the global human condition and our relationship with the environment.

During 2020, HSU transitioned to a mostly virtual environment in an effort to protect the health of students, employees, and visitors to CSU campuses during the COVID-19 pandemic. Campus leaders, faculty, staff, and students worked creatively and tirelessly to ensure we continued to provide our rich campus life outside of the classroom. Our more than 190 academic, career, cultural, sports, and lifestyle clubs as well as art exhibits and lectures moved online to our Virtual Quad. Humboldt State Athletics responsibly allowed student-athletes to participate in 12 NCAA Division II athletics teams in meaningful ways, while following the recommended COVID-19 safety precautions.

HSU is committed to providing a safer environment for our students, employees, and visitors. The 2021 Annual Security Report (ASR) is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act). This report contains crime statistics for January 1, 2018 through December 31, 2020 and includes only crimes that occur on campus or on public property directly adjacent to the campus (on sidewalks that are attached to campus), or in or on non-campus buildings, or property that the institution owns or controls (rents). We share this information in a spirit of openness and with a deep commitment to fostering a safer environment for teaching, learning and living. We recognize that cultivating a safer campus environment is a continuous journey, and thank the Clery Compliance Team for their efforts in developing the 2021 Annual Security Report.

The safety and well-being of HSU is a campus-wide effort, and we invite you to read this information and be a participatory member in our University community, working cooperatively to provide a safer educational setting in which all students thrive.

Sincerely,

Dr. Tom Jackson, President



## PREPARING THE ASR

This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and satellite facilities, and the Clery Compliance Team to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). Both the Clery Director and Clery Coordinator retired at the end of 2020. Allan Ford, the interim Title IX Coordinator and DHR Administrator, and Nicki Viso, the Program Analyst in the Title IX & DHR Prevention Office, filled these roles, respectively. This provided an opportunity to review the Clery Compliance Team's procedures and engage additional campus partners.

The Clery Compliance Team assists the Clery Director and Clery Coordinator with the following tasks:

1. The collection of information and required crime statistics;
2. Developing, writing, reviewing and ensuring the accuracy of the ASR and campus policies required to be included in the ASR;
3. The proper identification of relevant Clery Act geography;
4. Programming, developing, and providing training and outreach efforts on the campus for compliance; and
5. Overall compliance with the Clery Act and state student safety laws.

The Clery Compliance Team consists of representatives from the Humboldt State University Police Department (HSUPD), Housing & Residence Life, the Dean of Students Office, HSU Athletics, Student Health and Wellbeing Services, Facilities Management, Marketing & Communications, and Information Technology Services.

All incoming crime reports to the Title IX & DHR Prevention office, HSU Athletics, the Dean of Students Office, Housing & Residence Life, and HSUPD are reviewed every day, Monday through Friday, to determine if they meet the Clery Act's classification requirements by representatives in each of those offices. All Clery Act crimes are listed on the Daily Crime Log, which is maintained by HSUPD.

HSUPD maintains a working relationship with the Arcata Police Department, Eureka Police Department, the Humboldt County Sheriff's Office, as well as local fire departments and other emergency services in order to better serve and respond to the needs of the campus community. HSUPD has memorandums of Understanding (MOUs) with these allied agencies. Additionally, there is a regional Chief's meeting every month to maintain an effective working relationship between HSUPD and our local law enforcement agencies.

Arrests, allegations of crime on and around the main campus, and statistics for satellite properties include those reported to the HSUPD, to applicable local law enforcement agencies, and to designated campus officials defined as "campus security authorities". Some statistics, especially disciplinary referrals for law violations, are difficult to compare accurately from campus to campus because state criminal laws differ at many universities.

The Annual Security Report is published by October 1st for the previous calendar year, and made available for free to the public as well as current and prospective employees and students via the [Humboldt State University Clery Compliance website](#) and through copies at the Title IX & DHR Prevention Office. Copies can be requested by calling 707-826-3385 or by emailing [titleix@humboldt.edu](mailto:titleix@humboldt.edu). The HSU catalog also includes a direct link to this ASR.

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

The Annual Fire Safety Report is published by October 1<sup>st</sup> for the previous calendar year, and made available for free to the public as well as current and prospective employees and students via the Housing & Residence Life Department website (direct link: [https://housing.humboldt.edu/sites/default/files/annual\\_fire\\_safety\\_report\\_for\\_housing\\_2021.pdf](https://housing.humboldt.edu/sites/default/files/annual_fire_safety_report_for_housing_2021.pdf)). A printed copy of the Annual Fire Safety Report is available at the Housing & Residence Life front desk on the third floor of the Jolly Giant Commons from M-W 8 am-5 pm.

## CLERY CRIME STATISTICS 2018 - 2020

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Murder and Non-Negligent Manslaughter	2018	0	0	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	4	3	0	0
	2019	1	1	0	0
	2020	6	6	0	0
Fondling	2018	0	0	0	0
	2019	1	1	0	0
	2020	5	5	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	0	0	0	0
	2020	0	0	0	0
Robbery	2018	1	1	0	0
	2019	1	0	0	0
	2020	0	0	0	0
Aggravated Assault	2018	6	4	0	1
	2019	0	0	0	0
	2020	0	0	0	0
Burglary	2018	12	7	0	1
	2019	6	2	0	0
	2020	10	4	0	0
Motor Vehicle Theft	2018	0	0	0	0
	2019	2	0	0	0
	2020	1	0	0	0
Arson	2018	0	0	0	0
	2019	0	0	0	0
	2020	2	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON- CAMPUS	PUBLIC PROPERTY
Dating Violence	2018	1	1	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Domestic Violence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Stalking	2018	1	0	0	0
	2019	1	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON- CAMPUS	PUBLIC PROPERTY
Liquor Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	6	2	0	0
Liquor Law Referrals for Disciplinary Action	2018	70	70	0	0
	2019	20	20	0	0
	2020	1	1	0	0
Drug Law Arrests	2018	1	0	0	1
	2019	1	0	0	0
	2020	5	3	0	0
Drug Law Referrals for Disciplinary Action	2018	141	141	0	0
	2019	68	68	0	0
	2020	21	21	0	0
Weapons Law Arrests	2018	0	0	0	0
	2019	1	0	0	0
	2020	0	0	0	0
Weapons Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2018	2
	2019	2
	2020	2

There is a large decrease in both Alcohol and Drug law referrals for disciplinary action. The Clery Director and Clery Coordinator both retired in late 2020, prompting the Clery Compliance Team to reexamine our protocols and procedures around classifying Clery crimes and defining Clery geography. Our understanding of what constitutes a Liquor Law referral for disciplinary action and Drug Law referral for disciplinary action evolved, which has resulted in a decrease in our statistics between 2019 and 2020. These three factors contributed the most:

- Residence halls are considered private residences once a locked door is encountered
- Individuals who are 21+ can have possession of up to 28.5g of cannabis
- Individuals under 21 must have possession of a usable amount of cannabis to count as a statistic

Additionally, the California State University system created and implemented new, required Clery training and hired a systemwide Clery Compliance Officer to provide direction and support. Another factor was COVID-19; Starting mid-March 2020, the pandemic was a catalyst for the implementation of a number of safety measures that reduced the overall number of people living on and visiting the campus and noncampus properties, such as closing the main campus to the public, limiting the number of residents living on campus by at least half, closing several noncampus properties entirely, and directing all non-essential employees to telecommute or work remotely.

## HATE CRIMES

The below statistics show the number of hate crimes, if any, for each of the previous three calendar years, along with information regarding any such crimes.

### 2018

- Hate Crimes: 2
  - Offense: Vandalism; Bias Category: Race
  - Offense: Vandalism; Bias Category: Ethnicity

### 2019

- Hate Crimes: 2
  - Offense: Simple Assault, Intimidation; Bias Category: Race
  - Offense: Intimidation; Bias Category: Religion

### 2020

- Hate Crimes: 0

HSU uses the FBI's UCR Hate Crime Data Collection Guidelines and Training Manual (Version 2.0) to classify hate crimes appropriately. 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.

## REPORTING CRIMINAL ACTIONS & EMERGENCIES

If a crime, suspicious incident, or security problem is observed, all persons, including students and employees, are encouraged and requested to report the information to HSUPD by dialing 9-1-1 from any phone; reports can also be made by texting 9-1-1. All persons are encouraged to contact any campus official to seek their assistance in reporting

crimes, suspicious incidents, or security problems. For non-emergency or business calls, dial extension 5555 from any campus phone or 707-826-5555 from off-campus. Call or text 9-1-1 for police, fire or medical emergencies. The HSUPD dispatch center receives cell phone 9-1-1 calls directly from most wireless carriers and continues to work with other carriers to bring them into compliance with the state regulations. Certain areas of campus will route directly to the HSUPD, while others may still be answered by the California Highway Patrol or the Arcata Police Department.

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

It is essential that members of the Humboldt State University accurately and promptly report crime as required by law and institutional policy. HSU's Workplace Violence Prevention Program ([Policy Number: UML 01-04](#)) states that all faculty and staff are responsible for using safe work practices, for following all directives, policies, and procedures, and for assisting in maintaining a safe and secure work environment. This includes the reporting of security risks and cooperating in any investigation that may result. HSUPD Chief of Police has authority and overall responsibility for implementing the provisions of this program. In addition to this program, Humboldt State University has adopted a zero-tolerance policy for campus violence ([described here](#)) and established a Crisis Consultation Team ([described here](#)).

The zero-tolerance policy ([Violence and Threats of Violence Prohibited, Policy Number: EM:P01-02](#)) states that it is the responsibility of every administrator, faculty member, staff member and student to take any threatening behavior and violent act seriously and to report it to HSUPD. When confronted by an imminent or actual incident of violence, or a threat of possible violence, on campus, call 9-1-1- immediately.

## VOLUNTARY CONFIDENTIAL REPORTING

In addition to reporting to HSUPD, individuals are able to make a voluntary, confidential report of a crime for inclusion in the Annual Security Report through the use of several different online forms, listed below. These forms do not require the individual person to include their name when submitting them.

- Title IX & Discrimination, Harassment, and Retaliation Prevention Office website
  - direct link: [https://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout\\_id=10](https://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout_id=10)
- Dean of Students Office website, under "Reporting Students of Concern":
  - Behavioral Misconduct direct link: [http://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout\\_id=1](http://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout_id=1)
  - Hazing direct link: [http://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout\\_id=11](http://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout_id=11)
- Housing & Residence Life website, under "staff resources"
  - direct link: [https://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout\\_id=2](https://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout_id=2)

Humboldt State University encourages our professional and pastoral counselors to inform individuals they are counseling about the voluntary, confidential reporting options available to them.

## REQUIRED REPORTING EXEMPTION: PASTORAL OR PROFESSIONAL COUNSELORS

Certain individuals who have significant responsibility for student and campus activities are exempt from disclosing information. To be exempt from disclosing reported offenses, pastoral or professional counselors must be "acting" in the role of pastoral or professional counselors. Professional counselors are defined as a person whose official responsibilities include providing mental health counseling to members of the University's community and who is functioning within the scope of their license or certification. This definition applies even to professional counselors who are not employees of the University, but are under contract to provide counseling at Humboldt State University.

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

The institution will, upon written request to the Dean of Students Office, disclose 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.

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 HSUPD 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

Anyone that reviews incoming reports for Clery reportability completes a determination form for each incident that could potentially be a Clery reportable crime. An electronic copy of this form, regardless of if it results in a Timely Warning being issued, will be placed in a shared network server that is accessible to the Clery Director, Clery Coordinator, staff members in MarCom, and HSUPD.

## 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 HSUPD Chief of Police (or management designee) is responsible for collaborating with surrounding law enforcement agencies to encourage them to share information with HSUPD 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 HSUPD and a statement encouraging community members to report all information about crimes to HSUPD.
- 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. Marketing & Communications (MarCom) is the department responsible for issuing Timely Warnings. The HSUPD Chief of Police (or management designee) will communicate with MarCom when it is determined that the University needs to issue a Timely Warning. Distribution methods include, but are not limited to, the following:

- All employee and student email distribution
- University website banner (see additional specifications below)
- 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 HSUPD 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 HSUPD 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' Annual Security Report.

Humboldt State University uses the Rave Guardian Platform as an additional distribution method for Timely Warnings. Anyone, including campus members, community members, family members, and guardians can sign up to receive text message alerts through this system.

## UNIVERSITY WEBSITE BANNER CONSIDERATIONS

MarCom has established four tiers: Green, Yellow, Orange, and Red. There are rough guidelines regarding which tier for what kind of event can be utilized:

- Green: this is our normal day-to-day "No Emergency Conditions Exist" tier. This banner would run after an incident is over, for some time, to ensure people see the all-clear.
- Yellow: something like a power outage, where an emergency might be declared and campus closed, but there is no major threat to campus.
- Orange: potential threat or evacuation that is not immediate.
- Red: immediate, severe threat.

MarCom has the ability to quickly and easily change the tier color in response to events increasing or decreasing in severity. For example, if a yellow banner is up because of a power outage, but that causes a fire to break out or a gas leak or something on campus, MarCom would change that banner to red.

Additionally, there are two levels of emergency. These levels determine whether the emergency alert is a banner at the top of the homepage, or whether it fully takes over the homepage:

### Low Level

- No content is removed from the homepage
- A portion of the most recently posted Emergency Notice appears below the main navigation on the homepage

- All published Emergency Notices appear at <http://humboldt.edu/emergency> starting with the most recent notice

### High Level

- All content between the main navigation and the footer is removed from the homepage
- Emergency notices appear between the main navigation and footer
- All published Emergency Notices appear on the homepage and at <http://humboldt.edu/emergency> starting with the most recent notice

## SECURITY OF AND ACCESS TO CAMPUS FACILITIES

### ACCESS TO CAMPUS FACILITIES

#### RESIDENCE HALL ACCESS

The Card Access System is designed to enhance the residence hall building security. Residents are encouraged to always carry their HSU ID card. For safety reasons, residents must identify themselves and produce an HSU ID card when it is requested by housing staff or by other university officials. This card and the PIN allow residents to gain access to the building, floor, room to which they are assigned, and laundry facilities; these doors remain locked 24 hours a day, 7 days a week. The door batteries are changed out every summer by the Housing maintenance staff. Residents are able to change their PIN at the Housing Front Desk on the third floor of the Jolly Giant Commons. Residents are told to not give or lend their HSU ID card to anyone, and that doing so may result in student conduct action.

If a resident is locked out of their room Monday through Friday, 8am to 5pm they may obtain a temporary key card for their room from the Housing Office while they retrieve their HSU ID card from their room. If they lock themselves out or lose their key card after 5pm on weekdays or on the weekend or holidays, they can contact the Resident Advisor (RA) for their area to let them into their room. If they lose their HSU ID card, the Housing Front Desk can temporarily provide them access to their room until they purchase a new HSU ID card from the Housing Cashier the next weekday. Proper identification from all borrowers is required. In the event the Housing Front Desk is closed and they are unable to reach their RA on their phone, the resident can contact HSUPD for assistance getting into your room. For Campus Apartments residents, if they lose their key, they must report this immediately to the Housing Front Desk or the RA for safety and security reasons for themselves, their belongings, and suitemates.

The Housing & Residence Life Office is located on the third floor of the Jolly Giant Commons. Their service hours are Monday to Friday from 8:00am-5:00pm, Saturday and Sunday from 10:00am-5:00pm. The hours are subject to change for breaks and holidays. Additional service hours may be added, depending on COVID-19 restrictions; any changes will be posted and distributed to residents and campus partners.

#### OTHER CAMPUS FACILITIES

All campus facilities are key-accessed, and most are open daily for scheduled campus community use. Official building hours are published on the Facilities Management website. Campus key control and distribution is a function of Facilities Management, while key access control for the residential complex rests with the Housing & Residence Life Department. To provide for the security of campus facilities, HSUPD enforces Educational Code 89031 & Residential Life Housing Policies. Campus facility access may be revoked per Penal Code 626.

The Department of Facilities Management personnel perform daily building lock-up and monitor all maintenance issues in campus lighting, door locks, and general environmental safety in conjunction with HSUPD. A quarterly inspection and survey of campus indoor/outdoor lighting, shrubbery and walkways is conducted. The University participates in *Crime Prevention through Environmental Design* concepts for planning and improvements on campus. This would include a clear line of sight across campus. Examples include:

- not creating and/or eliminating hidden areas on campus
- controlling landscape to promote visibility
- maintaining and installing sufficient lighting for night visibility

- maintaining and creating an inviting and attractive space
- design to discourage transient use

HSUPD and Facilities Management follow protocol for building access if a person needs access to a certain building, but they are locked out or it is after building hours. If an officer is available, HSUPD will assist with building access. A photo ID or some other form of verification will be required in order to access a locked building space.

Requesters are asked to keep in mind that responses to medical aid and other life/safety incidents or major infrastructure failures will take precedence over access requests.

## BOUNDARY SECURITY, STAFF REPORTING, AND PATROLS

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

To help facilitate safety and security, the RAs conduct rounds in and around the residence halls and Housing grounds. After 5pm, these student staff members, in conjunction with Housing & Residence Life professional staff, are available to assist with emergencies, potential guideline violation response, lockouts, and other issues that may arise. Individuals may contact the RA directly after 5pm for assistance by calling the RA duty phone number for their area; signs with these numbers are posted prominently in and around the residence halls. If an individual needs general information or maintenance assistance, they are directed to call the Housing Office at (707) 826-3451.

## ON-SITE POLICE DEPARTMENT

HSUPD offices are located on the ground floor of the Student Business Services Building at the intersection of Harpst and Rossow Streets. The Department is marked with signs, and is open 24 hours a day as an area of relative safety and refuge. The Department is staffed on-site by trained professional 9-1-1 dispatchers who can personally communicate with a walk-up customer or others who may choose to contact the department by phone. During COVID-19 campus closures, HSUPD utilizes an outside call box to communicate with any walk-up customer.

## TELEPHONE ACCESS TO HSUPD

There are 63 courtesy phones and 69 public assistance “blue light” phones on campus, which are exterior phones and call boxes that are illuminated at night by blue lights. These assistance phones have direct-dial emergency access to HSUPD, many with the push of a large red button marked “HELP”. HSUPD conducts regular audits to ensure the phones are working. Any member of the community may also call HSUPD at extension 5555 from any campus phone, or may call 707-826-5555 with any cellphone or off-campus phone, for an on-campus “Safety Escort”. HSUPD may provide the escort while on foot, bike, or vehicle patrol, depending on officer availability.

## LAW ENFORCEMENT AUTHORITY

The University 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.

As a recognized California Law Enforcement agency, the HSUPD has full law enforcement powers and performs all law enforcement responsibilities for the Humboldt State University community 24 hours a day, 365 days a year. HSUPD meets all training requirements mandated by the California Commission on Peace Officers Standards and Training (POST) as well as training designed to meet the needs of the university community. As state peace officers,

their police authority extends throughout the state, including concurrent jurisdiction with the Arcata Police Department on the adjacent streets and surrounding community.

The professionally trained staff operates a 9-1-1 Public Safety Answering Point (PSAP) dispatch center; responds to emergency calls; protects life and property; and oversees crime deterrence, multi-hazard emergency management, general community-oriented patrol and security. Duties also include proactive law enforcement, criminal and traffic investigation, safety escorts of persons and persons carrying valuables, reporting of safety hazards, assistance to motorists, and assistance to other law enforcement agencies and social service agencies. Additionally, HSUPD administers LiveScan fingerprinting services; participates in public safety education programs; and supports Residence Hall presentations, building security programs, Building Evacuation Teams, bicycle registration, crime prevention and alert notices, drug awareness training, and property identification.

## AUTHORITY AS CAMPUS STAFF MEMBERS

The peace officers of HSUPD are designated staff members within the Administrative Affairs Division of the University. As such, they have the authority to respond to and investigate possible violations of the Student Code of Conduct, Housing Rules, and other University rules and regulations. Officers regularly prepare Incident Memorandums to Housing & Residence Life and Dean of Students judicial personnel documenting evidence of non-criminal policy violations, and of criminal acts. These violations can result in discipline.

## STATEWIDE AUTHORITY TO ARREST

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

## PRIMARY JURISDICTION

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

## GENERALIST PHILOSOPHY OF HSUPD

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

## LOCAL RELATIONSHIPS AND AGREEMENTS

HSUPD has positive working relationships and written operational agreements with state and local police departments. HSUPD assists Arcata PD nearly every day, often during incidents where students are present. HSUPD maintains contact with other local agencies, like the Eureka PD and the Humboldt County Sheriff's Office, through radio monitoring, electronic and voice communication, and regular inter-agency meetings. HSUPD has operational agreements with Arcata PD, Eureka PD, and the Humboldt County Sheriff's Department delineating responsibilities and jurisdictional understanding published in accordance with California Education Code § 67381 (the Kristin Smart Campus Safety Act of 1998). A copy of these agreements will be made available upon request to HSUPD.

Humboldt State University's policy prohibiting violence and threats of violence (policy number: EM:P01-02) states it is the responsibility of every administrator, faculty member, staff member, and student to take any threatening behavior and violent act seriously and to report it to HSUPD. When confronted by an imminent or actual incident of violence, or a threat of possible violence, on campus, people are directed to call 9-1-1- immediately. Supervisors,

Department Chairs, Directors, Managers and other administrators are encouraged to consult with HSUPD for assistance in assessing the level of danger, designing an intervention, and choosing appropriate safety measures.

## SECURITY PROCEDURES AND PRACTICES

During orientation programs at the beginning of the semester, the Dean of Students Office relays information regarding HSUPD's "Safety Escort" program. Per request of some athletic teams, officers of HSUPD present a structured lecture to incoming athletes regarding appropriate, lawful behavior, and encouraging members of the team to watch out for one another; this occurs at the beginning of the teams' seasons.

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

## HOUSING & RESIDENCE LIFE

Early in the academic semester, RAs facilitate floor and building meetings in the residence halls that cover topics such as safe behavior and security of the residence halls. Residents are notified that each residence hall room has evacuation procedures and other important safety information on the back of the door. RAs also briefly review various safety policies that are published within the ResLife + You Handbook with the residents during floor and building meetings at the beginning of the Fall semester.

During Housing's two-week Student Staff training in August, student staff receive emergency training learning how to respond to different crisis situations in the Residence Halls, such as fires, earthquakes, and active shooters.

Bi-annually, during the third and fourth week of each semester, Housing conducts a full-scale fire and evacuation drill in each of the Residence Hall buildings during the evening hours when most students are present. Residents are advised in advance of the drill through email and posters in their communities; they are not given the exact date or time of the actual drill requiring full participation and evacuation.

## INFORMATION SECURITY

Information Security awareness and training is an ongoing process on the HSU campus. All members of the campus community are required to accept the Responsible Use Policy (<https://hsu.link/rup>) when they first establish their accounts. Campus employees are required to complete Data Security and FERPA training bi-annually as well as annual focused training if they are in roles with expanded access to data. The Information Security Office also typically runs phishing awareness advertisements in the campus newspapers at the start of each term.

## RAVE GUARDIANS AND SAFETY TIMER

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

## DIRECT 911 ACCESS

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

## CRIME PREVENTION PROGRAMS

HSUPD meets with incoming freshman, athletics, Housing student and professional staff, faculty, and other HSU staff when requested to provide safety tips, discuss criminal laws that impact the campus, discuss what information is needed when you call 911, general tips on the importance of locking your car, walking with a friend a night, etc. Generally, a part of those discussions includes talking about dating violence and sexual assaults. These discussions

generally occur at the start of the Fall academic year. They are then held on a as needed basis after that. Anyone at the university, including student organizations, can request HSUPD to attend a meeting or program.

The Title IX & DHR Prevention Office provides information about reducing the risk of dating and domestic violence. It includes information about what dating and domestic violence can look like, warning signs to be aware of, and links to campus and national resources.

HSU's [Sexual Assault Prevention Committee \(SAPC\)](#) is comprised of faculty, staff, students, law enforcement, and community partners, including advocates from the [North Coast Rape Crisis Team](#). The SAPC is working toward eliminating rape and all forms of sexualized violence. Their website works within a survivor-centered framework in order to prioritize the healing and safety of the survivor.

[Students for Violence Prevention](#) is a learning community that stresses the importance of community, consent, respect, and supporting one another. Anchored by the national award-winning student bystander intervention program called CheckIT, it offers you the chance to develop skills in violence prevention and take courses from professors with expertise in non-violence and social justice. To learn more and apply, visit the SVP website.

[CHECK IT](#) launched at HSU in Feb. 2014. It is a student-led movement that is aimed at creating a more consent-centered culture and empowering the community to take action when we witness potential moments of sexual assault, dating violence and stalking in our community. It's also about creating a community where we listen to, believe, and support survivors and make clear to those who choose to commit acts of harm that it's unacceptable.

## CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS

No such organizations with noncampus locations exist during this reporting period (2018 – 2020), therefore no policy exists.

## ALCOHOL AND DRUGS

### OVERVIEW OF POLICIES AND STANDARDS OF CONDUCT

The faculty, staff, and administration of Humboldt State University are dedicated to creating an environment that allows students to achieve their educational goals. HSU believes that awareness through education is necessary to promote a healthy lifestyle for our campus, and that every member of the campus community should be encouraged to assume responsibility for their behavior.

All HSU students, faculty, staff, and visitors are subject to HSU policies, as well as local, state, and federal laws regarding the unlawful possession, manufacturing, distribution, sale, or use of alcohol and illegal drugs. As a Title IV participating institution, the University does not recognize medical marijuana authorization cards because marijuana, under federal Law (Title 21 U.S. Code), is classified as an illegal substance.

The unlawful manufacturing, distribution, possession, sale or use of controlled substances is absolutely prohibited and individuals in violation may be subject to arrest or citation. HSUPD enforces federal and state laws regulating alcohol and drugs at HSU-owned, controlled and officially recognized locations. Students, faculty, and staff in violation of alcohol and drug laws may also be referred to the Office of Student Rights and Responsibilities, Human Resources, or Academic Personnel Services for administrative discipline.

Applicable policies are listed below:

#### [\*Drug Free Workplace Act, 1988\*](#)

Employees of the University are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a [controlled substance](#) in accordance with the requirements of the [Anti-Drug Abuse Act of 1988 \(Public Law 100–690, 102 Stat. 4181\)](#). Within 30 days after receiving notice from an [employee](#) of a [conviction](#) pursuant to section [8102\(a\)\(1\)\(D\)\(ii\)](#) or [8103\(a\)\(1\)\(D\)\(ii\)](#) of this title, the University shall take appropriate personnel action against the employee, up to and including termination; or

require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for those purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

#### [Drug-Free Schools and Communities Act Amendment, 1989](#)

The Drug-Free Schools and Communities Act (DFSCA) of 1989 requires institutions of higher education to establish policies that address unlawful possession, use, or distribution of alcohol and illicit drugs. The DFSCA also requires the establishment of a drug and alcohol prevention program (DAAPP). These policies are briefly described below.

#### [Executive Order 1108](#)

This is the current University policy regarding smoking and tobacco and prohibits the use of cigarettes, cigars, pipes and other smoke emitting products, including e-cigarettes and vapor devices. Smoking, the use or sale of tobacco products, and the use of designated smoking areas are prohibited on all California State University properties. Members of the CSU community are expected to fully comply with the policy. Any sponsorship and/or advertising in respect to any university activity or event by a tobacco product manufacturer is prohibited unless explicitly authorized by the University President or designee. HSUPD shall reserve all enforcement authority with regards to any violation of existing state and federal law.

#### [Executive Order 1109](#)

This executive order permits each CSU campus to decide if it will permit the sale and service of alcoholic beverages at intercollegiate athletic events, regardless of whether those events are held at university-owned or operated facilities or other facilities over which the university has jurisdiction. HSU has established the *Alcoholic Beverages Policy*, detailed below, to establish procedures according to the specifications outlined in EO 1109.

#### [University Code of Rules and Regulations, Chapter V, Article iii](#)

This policy applies to all campus properties, non-campus properties, and residence halls and is enforced by HSUPD. Any drug, narcotic or controlled substance, the possession of which for any purpose is regulated or proscribed by any law of the United States, is prohibited on the university campus. The possession or consumption of any alcoholic beverage by any person under the legal age, pursuant to the Provisions of the California Business and Professions Code and the California Vehicle Code is prohibited. The consumption of alcoholic beverages or possession of any open container in which a measurable amount of alcoholic beverage remains is prohibited on the streets and grounds, or in any public place as described in Section 1100(I) of this code, except and only with the expressed permission of the president or president's designee upon prior notification of the HSUPD Chief of Police.

#### [Alcoholic Beverages Policy, P19-04, April 2019](#)

This policy establishes rules and procedures for the approval of service and consumption of alcoholic beverages at Humboldt State University. It is the University's expectation that when alcoholic beverages are served it will be under conditions that complement the orderly functioning of the University. All federal and state laws are applicable to Humboldt State University and to all individuals on the properties of the University. Only individuals 21 years of age or older can legally possess, consume, or purchase alcoholic beverages.

Enforcement of matters of law is the responsibility of the University Police Department. The institution may impose penalties for violations of standards of conduct up to and including expulsion, termination of employment, and criminal prosecution. Any disciplinary action resulting from violations of this policy shall be administered in a manner consistent with the terms of the applicable collective bargaining agreement and/or the applicable provisions of the California Education Code.

Disciplinary action directed at students will be in compliance with the Student Conduct Procedures, [Executive Order 1098](#). Penalties will be handled by the appropriate administrator. Additional penalties may be imposed by those areas that have jurisdiction over specific events.

## Alcohol and Drugs and Controlled Substances, Housing & Residence Life

These policies are based on the campus-wide policy; they prohibit the same conduct. Violations of either these policies will be addressed in the student conduct process and may have different results due to the nature of the violation(s). Outcomes may include educational administrative sanctions, a student's removal from Housing, referral to the Dean of Students Office, and possible legal charges (including citations and fines).

### DRUG-FREE SCHOOLS & COMMUNITIES ACT: ALCOHOL AND DRUG ABUSE PREVENTION

A key element of alcohol and drug abuse prevention is students working with other students to create healthy norms of behavior on campus. Through the Peer Health Education Program, students can become involved in bringing vital health outreach and leadership in a variety of health topics (including substance use) to the campus community. Contact the University Health Educator at 707-826-5228 or review their website (<https://healtheducation.humboldt.edu>) for more information. Additionally, the campus has an Alcohol and Other Drug Abuse Prevention Committee. This campus committee has three primary functions:

1. Education and Prevention: The Committee shall develop a plan for comprehensive education, prevention, and intervention programming concerning alcohol, tobacco and other drug use. The Committee shall assess community substance use and abuse and develop appropriate education and social norming strategies.
2. Review of and Recommendations for Policy: The Committee shall review and develop recommendations for campus policies and procedures related to alcohol, tobacco and drug use issues for students, staff and faculty. These recommendations will be forwarded to appropriate avenues for consideration.
3. Communication: The Committee shall serve as a forum for members and guests from a range of campus and community groups to communicate about issues, policies and activities related to substance use and abuse in the University community.

### ASSOCIATED HEALTH RISKS

Substance abuse can cause extremely serious health and behavioral problems, including short- and long-term effects upon the body and mind. The physiological and psychological responses differ according to the chemical ingested, and although chronic health problems are associated with long-term substance abuse, acute and traumatic reactions can occur from one-time and moderate use.

The health risks associated with each of five major classifications of controlled/illegal substances are summarized below. In general, however, alcohol and drugs are toxic to the body's systems. In addition, contaminant poisonings often occur with illegal drug use, and mixing drugs, or using "counterfeit" substances, can also be lethal. In addition, substance abuse impairs learning ability and performance.

Acute health problems may include heart attack, stroke, and sudden death, which, in the case of drugs such as cocaine, can be triggered by first-time use. Long lasting health effects of drugs and alcohol may include disruption of normal heart rhythm, high blood pressure, blood vessel leaks in the brain, destruction of brain cells and permanent memory loss, infertility, impotence, immune system impairment, kidney failure, cirrhosis of the liver, and pulmonary (lung) damage. Drug use during pregnancy may result in miscarriage, fetal damage and birth defects causing hyperactivity, neurological abnormalities, developmental difficulties, and infant death.

#### Alcohol

As many as 360,000 of the nation's 12 million undergraduates will ultimately die from alcohol-related causes while in school. This is more than the number who will get MAs and PhDs combined. Nearly half of all college students binge drink (binge drinking is defined as five or more drinks at a time for men, four or more drinks for women). On campuses where binge drinking is rampant (where more than 70 percent of the student body binge drinks), the vast majority of college students have experienced one or more problems as a result of their peers' binge drinking. These problems include physical assault, sexual harassment, and impaired sleep and study time. Alcohol on college campuses is a factor in 40 percent of all academic problems and 28 percent of all dropouts.

*Sources: Wechsler, Henry, et al. 'Health and Behavioral Consequences of Binge Drinking in College.' Journal of American Medical Association, Vol 272, Number 21 1994, p 1672-1677; Eigan, Lewis, 'Alcohol Practices, Policies and*

*Potentials of American Colleges and Universities," An OSAP White Paper, office for Substance Abuse Prevention, Rockville, MD, February 1991; Anderson, David, 'Breaking the Tradition on College Campuses: Reducing Drug and Alcohol Misuse," George Mason University, Fairfax, VA 1994.*

Long-term abuse of alcohol results in ulcers, gastritis, pancreatitis, liver disease, hepatitis, and cirrhosis and is associated with cancers of the digestive tract. Chronic heavy consumption can lead to stroke, heart disease, hypertension, anemia, susceptibility to tuberculosis, gastrointestinal bleeding, impotence and fertility loss. Episodic binge drinking can cause toxic reactions leading to death when large amounts are consumed or when alcohol is combined with other drugs. The most common negative health consequences from occasional drinking are trauma-related (accidents and violence), and involve both the drinker and non-drinking victims.

### Other Depressants

These drugs include narcotics (for example, opium, heroin, morphine, codeine, and synthetic opiates) and sedative-hypnotics and antianxiety medications (for example, Nembutal, Seconal, Quaalude, Miltown, Equanil). All are central nervous depressants that slow down physical and psychological responses. The most serious risk is toxic reaction, or overdose, which causes death when respiratory, cardiac, and circulatory systems slow down and cease to function. Sedatives and antianxiety drugs can cause temporary psychosis, hallucinations, paranoid delusions, interference with short-term memory, impaired judgment and motor performance. Naloxone is a life-saving prescription medication that can save the life of a person who is experiencing an opioid overdose. For more information on where to get Naloxone and how to use it please contact the health educator at 707.826.5228 or check <http://stopoverdosehumboldt.org/naloxone.htm>.

### Stimulants

These drugs include amphetamines, methamphetamines, and cocaine (crack). Stimulant drugs are exceedingly dangerous to both physical and mental health. Physical complications include heart attack, stroke, permanent brain damage, fatal heart rhythm abnormalities, convulsions, and physical exhaustion. Psychological complications include psychosis, paranoia anxiety, violent behavior, and depression that may lead to suicide. Injection of these drugs may lead to serious infections, including AIDS.

### Hallucinogens

These drugs include mescaline, psilocybin, LSD, MDMA (ecstasy), and various mushrooms. They involve health risks such as panic reactions, flashbacks, toxic reactions (overdose), hallucinations, and death. Psychological states induced can include paranoia and Psychosis. Misidentification of mushrooms can lead to serious or fatal illness.

### PCP

PCP users often become violent and oblivious to pain, leading to serious injuries to themselves and others.

### Cannabis

This drug simultaneously creates physical symptoms akin to both depressants (relaxation, sleepiness) and stimulants (increased respiratory and heart rates). Chronic cannabis smoking results in respiratory difficulties, bronchitis, and probably both emphysema and lung cancer. Episodic use can cause panic reactions, flashbacks, and depression. Psychosis may occur in susceptible individuals, and severe toxic reactions may result from ingestion of large quantities. Some of the most serious consequences of cannabis use result when decreased judgment, impaired perceptions and motor functions, and inability to carry out multi-step tasks lead to motor vehicle crashes and other trauma.

## AVAILABLE TREATMENT AND SUPPORT PROGRAMS

### Counseling and Psychological Services (CAPS)

CAPS offers a weekly counseling group called *Harm Reduction from Alcohol and Drugs*. This is described as “a supportive group where you can discuss your relationship with substances and discover strategies to make changes.” Information on how to join, and other CAPS groups, can be found on their website. CAPS has also created a list of self-help resources for those who want to assess their substance usage, including an educational Prezi, signs and symptoms of substance abuse, books, and self-help apps. Lastly, CAPS has curated a list of community resources

available to faculty, staff, and students at HSU. These community resources include AA-style groups and other peer support groups. Check the Counseling and Psychological Services website for dates and times of on campus groups, <https://counseling.humboldt.edu/groups-workshops-during-coronavirus>.

### Assistance for Resident Students

Residence Life staff are available to identify, informally counsel, support, and make referrals for students suffering from substance use issues. These interventions may include referral to on or off-campus professionals, group support, and/or directions to participate in online intervention programs.

### Employee Assistance Program (EAP)

LifeMatters, the Employee Assistance Program (EAP) through Empathia, is available to Humboldt State employees and their dependents/permanent household members. Employees can call LifeMatters 24/7/365 to speak with a licensed counselor about issues related to mental well-being, including job stress, financial issues, personal relationship issues, substance abuse concerns, or anything else that you may need to talk through.

In addition to this initial conversation and assessment of needs, the following benefits and services are available to HSU employees:

- 8 free, confidential counseling sessions. If continued services are required, Empathia will find a licensed counselor who will work with your insurance plan (if applicable)
- Access to lifematters.com (webinars, self-assessments, interactive courses, trainings, videos, and articles)
- Physical and behavioral health assessment
- Smoking cessation program

### Off-Campus Resources

The Department of Health and Human Services of Humboldt County administers a variety of Substance Use Disorder (SUD) Treatment Services and maintains a comprehensive list of other SUD resources in Humboldt County ([PDF](#)).

SUD treatment services are designed to empower participants to develop the self-awareness and personal motivation needed to make positive and permanent changes in their lives. Program services are provided by substance abuse counselors and may include:

- American Society of Addiction Medicine (ASAM) Assessment
- Consultation and referrals
- Plan development
- Individual and group counseling
- Treatment and recovery services
- Parenting skills
- Skill development
- Case management
- Service coordination
- Field services

### Substance Use Disorder Treatment Programs and Support Services in Humboldt County

- Aegis Treatment Centers: 2107 First St., Eureka, CA 95501; 707-273-6395
- Boys and Girls Club of the Redwoods: 939 Harris St., Eureka, CA 95501; 707-444-0153
- Crossroads/North Coast Substance Abuse Council (NCSAC): 1205 Myrtle Ave., Eureka, CA 95501; 707-445-0869
- Department of Health & Human Services (DHHS) Adolescent Treatment Program (ATP): 707-441-3773
- DHHS Healthy Moms Program: 2910 H St., Eureka, CA 95501; 707-441-5220
- DHHS Humboldt County Programs for Recovery (HCPR): 734 Russ St., Eureka, CA 95501; 707-476-4054
- Humboldt Area Center for Harm Reduction (HACHR) Low Barrier Medication-Assisted Treatment (MAT) Access: 1522 3rd Street, Eureka, CA 95501; 707-407-6013

- Humboldt Alcohol Recovery Treatment (HART) program – Fortuna Adventist Community Services: 2331 Rohnerville Road, Fortuna, CA 95540; 707-725-9381
- Humboldt Family Service Center: 1802 California St., Eureka, CA 95501; 707-443-7358
- Humboldt Recovery Center (HRC): P.O. Box 6310, Eureka, CA 95502; 707-443-0514
- Open Door Community Health Centers Medication-Assisted Treatment (MAT) for Substances Program Member Services Department: 707-269-7073
- Priority Care Center: 2316 Harrison Ave., Eureka, CA 95501; 707-442-0478
- Redwood Adult & Teen Challenge: 2212 Second St., Eureka, CA 95501; Administration Office: 707-268-8727, Adult Men’s Center: 707-268-0614, Adult Women’s Center: 707-442-4233, Pastor Tom Throssel-Executive Director: 707-268-8727 Ext. 102
- Two Feathers Native American Family Services: 1560 Betty Court, Suite A, McKinleyville, CA, 95519; 707-839-1933
- United Indian Health Services (UIHS): 1600 Weott Way, Arcata, CA 95521; 707-825-5000
- Waterfront Recovery Services (WRS): 2413 Second St., Eureka, CA 95501; 707-269-9590 Ext. 202
- Fortuna Community Health Center (also serving Ferndale): 1375 Rohnerville Road, Fortuna, CA 95540; 707-725-4477
- Redwoods Rural Health: 101 West Coast Road, Redway, CA 95560; 707-923-2783
- Singing Trees Recovery Center: 2061 US-101, Garberville, CA 95542; 707-247-3495
- Kí’ima:w Medical Center Behavioral Health Department: 535 Airport Road, Hoopa, CA 95546; 530-625-4261 Ext. 0450
- Willow Creek Community Health Center: 38883 Hwy 299, Willow Creek, CA 95573; 530-629-3111

### **Mutual Assistance/Advocacy**

- Al-Anon/Alateen/Adult Children of Alcoholics: P.O. Box 6425, Eureka, CA 95502; 707-443-1419
- Alcoholics Anonymous of Humboldt and Del Norte Counties: P.O. Box 7102 Eureka, CA 95502; 844-442-0711
- Mothers Against Drunk Driving: For location of Victim Impact Panel, call 916-481-6233
- Narcotics Anonymous: P.O. Box 6634, Eureka, CA 95502; 707-444-8645, 866-315-8645

### **HIV/AIDS Testing**

- Planned Parenthood Northern California: 3225 Timber Fall Court, Suite B, Eureka, CA 95503; 707-442-5700
- Humboldt Open Door Clinic: 770 10th St., Arcata, CA 95521; 707-826-8610

### **Smoking Cessation**

- American Cancer Society: 611 Harris St., Eureka, CA 95501; (707) 443-2241
- California Smoker’s Helpline: 800-NO-BUTTS, 800-662-8887, 1-844-8-NO-VAPE, 1-844-866-8273
- Open Door Community Health Centers Smoking Cessation Services Member Services Department: 707-269-7073

### **Other Resources**

- DHHS Mobile Outreach Program: Crisis Line - 707-445-7715, Toll-Free - 888-849-5728
- ED Bridge Program Substance Use Navigator (SUN): 2700 Dolbeer St., Eureka, CA 95501; Hospital - 707-445-8121 ext. 5840, SUN - 707-499-1072
- Humboldt RISE Project Perinatal Navigator: 707-267-6469
- Humboldt Domestic Violence Services: P.O. Box 969, Eureka, CA 95502; 24-hour support line: 707-443-6042
- North Coast Resource Hub: (707) 443-4563 ext 126
- The Road to Resilience Project: 325 Second St., Suite 201, Eureka, CA 95501; 707-445-7379
- St. Joseph Health CARE Network: 2200 Harrison Ave., Eureka, CA 95501; 707-445-8121 ext. 5825

*This list is updated on an annual basis by the Substance Use Prevention (SUP) Program of the Healthy Communities Division of Humboldt County DHHS Public Health Branch. For questions about this list or to request an update to information on this list, please contact: [publichealthaad@co.humboldt.ca.us](mailto:publichealthaad@co.humboldt.ca.us).*

## DISCIPLINE AND SANCTIONS

Discipline for employees 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

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

- **Restitution:** Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.
- **Loss of Financial Aid:** Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, canceled 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 and sororities), and/or University events, or other remedies intended to discourage similar 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,9 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.

- **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 set forth herein, including the completion of all sanctions imposed.

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

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

The University has contracted with Not Anymore to provide educational programming to start in Fall of 2021. The University will place a hold on any student's account that does not complete this mandatory training program. These programs focus on prevention and awareness for all incoming students and new employees (i.e., faculty and staff) and ongoing awareness and prevention campaigns for students and employees that:

- Defines what behavior and actions constitute consent to sexual activity as set forth within The California State University;
- Provides safe and positive options for bystander intervention; and
- Provides information on risk reduction.

The University has additional primary prevention and awareness programs that include the distribution of educational materials to new students and new employees at such events as Freshman Orientation and New Employee orientations held throughout the year. These required orientation events cover the following information:

- Identifies domestic violence, dating violence, sexual misconduct, and stalking as prohibited conduct at the University;
- Defines what behavior constitutes domestic violence, dating violence, sexual misconduct, and stalking using definitions set forth by California State University Executive Orders 1096 and 1097 (in compliance with federal and state law – see Appendix A for California State jurisdictional definitions);
- Includes a description of safe and positive options for bystander intervention;
- Provides information on risk reduction; and
- Covers information on procedures the institution follows when one of these crimes is reported and rights within disciplinary proceedings set forth by California State University Executive Orders 1096 and 1097.

The Office of Student Life requires Title IX training for student leaders, all Rec Sports members, and Fraternity & Sorority Life members. Housing & Residence Life, as well as Humboldt State Athletics, requires annual Title IX training for all student-athletes, coaches, resident advisors, and residence life professional staff. Lastly, all current employees of HSU, including student employees and faculty members, are required to complete *Gender Equity & Title IX*’.

In addition, ongoing prevention and awareness events are offered throughout the year for students and employees, which include such events as: Consent Project, CHECK IT Anniversary Party, Take Back the Night, Love KNOWS Boundaries, and Check IT Bystander Intervention workshops. In June, incoming students receive emails with the link to the annual Course Catalog which includes a section called “Student Rights, Responsibilities & The Fine Print” that contains:

- the Anti-Hazing & Initiation Policy;
- Student Conduct;
- Whom to Contact If You Have Complaints, Questions or Concerns;
- Information Regarding Campus, Criminal, and Civil Consequences of Committing Acts of Sexual Violence;
- Confidentiality and Sexual Violence, Dating Violence and Stalking;
- Sexual Assault and Domestic Violence Counselors and Advocates;
- Reporting to University or Local Police, Reporting to the Title IX Coordinator and Other University Employees;
- and the Notice of Non-Discrimination on the Basis of Gender or Sex.

## CALIFORNIA DEFINITIONS

See appendix A for California definitions. These definitions are provided in the primary prevention programming.

## BYSTANDER INTERVENTION

CHECK IT, a student-led movement launched in 2014 that is aimed at creating a more consent centered culture, is creating a common language on the University’s campus regarding Bystander Intervention. CHECK IT is a call for action and a choice to do something if a student sees a situation where someone may be harmed. CHECK IT is used as a verb meaning to check in, to intervene, to do something when someone sees harm happening around them, empowering the campus community to take action when they witness potential moments of sexual assault, dating violence, and stalking in the University community. CHECK IT provides three safe and positive options for bystanders to intervene:

- be Direct: respond directly to the aggressor or physically intervene if necessary. Be confident, assertive, calm.
- Delegate: bring in a 3rd party to help, possibly someone with more perceived authority.

- Distract: distract either the harasser or the target with conversation unrelated to the harassment to derail and de-escalate the situation.

## RISK REDUCTION

### Dating & Domestic Violence

Dating/Domestic violence is a pattern of abusive behaviors used to exert power and control over a partner. It can be physical, sexual, emotional, economic or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone.

Dating/Domestic violence can happen to anyone regardless of race, sexual orientation, social economics, education, age, religion, etc., and can also affect family, friends, co-workers and members in the community, in addition to the victim and abuser. Domestic violence can occur regardless of the relationship status, including individuals who are dating, cohabitating, or married.

There usually is a pattern or a repeated cycle of dating violence, starting with the first instance of abuse.

- Tension Building: Relationship begins to get strained or tense between partners.
- Explosion: Outburst that includes verbal, emotional, or physical abuse.
- Honeymoon: Apologies where the abuser tries to reconnect with their partner by shifting the blame onto someone or something else.

### What Dating/Domestic Violence Can Look Like

- Any actions used for the intent of gaining power and control over a person:
- Physical Abuse: any intentional use of physical force with the intent to cause injury (i.e. grabbing in a way to inflict pain, hitting, shoving, strangling, kicking)
- Emotional Abuse: non-physical behaviors such as threats, insults, constant monitoring, humiliation, intimidation, isolation, silent treatment, or stalking
- Sexual Abuse: any action that impacts the partner's ability to control their sexual activity or the circumstance which sexual activity occurs, including rape, coercion or restricting access to birth control

### Warnings or Signs of Potential Dating/Domestic Violence

Ask yourself if your partner engages in one or any of the following activities:

- Checks my cell phone or email without my permission
- Monitors where I'm going, who I'm going with, what I'm doing
- Repeatedly says or does things to make me feel inadequate or inferior to them
- Extreme jealousy or insecurity
- Isolates me from my friends and family
- Explosive temper
- Mood swings
- Assumes financial control over my access to financial resources
- Tells me what to do
- Possessiveness
- Physically hurts me in any way

The [OneLove Project](#) has additional resources on how to love better and recognizing healthy and unhealthy relationship behaviors. CHECK IT, our campus' sexual violence bystander intervention program also has activities around healthy relationships called "[Love KNOWS Boundaries](#)".

### Sexualized Violence

If you find yourself in the position of being the initiator of sexual behavior, you owe sexual respect to your potential partner. These suggestions may help you to reduce your risk of being accused of sexual misconduct:

- Clearly communicate your intentions to your sexual partner and give them a chance to clearly relate their intentions to you.
- Understand and respect personal boundaries.
- DON'T MAKE ASSUMPTIONS about consent, about someone's sexual availability, about whether they are attracted to you, about how far you can go or about whether they are physically and/or mentally able to consent. If there are any questions or ambiguity then you DO NOT have consent.
- Mixed messages from your partner are a clear indication that you should stop, defuse any sexual tension and communicate better. You may be misreading them. They may not have figured out how far they want to go with you yet. You must respect the timeline for sexual behaviors with which they are comfortable.
- Don't take advantage of someone's drunkenness or drugged state, even if they did it to themselves. Incapacitation means a person is unable to give valid consent.
- Realize that your potential partner could be intimidated by you, or fearful. You may have a power advantage simply because of your gender or size. Don't abuse that power.
- Understand that consent to some form of sexual behavior does not automatically imply consent to any other forms of sexual behavior.
- Silence and passivity cannot be interpreted as an indication of consent. Read your potential partner carefully, paying attention to verbal and non-verbal communication and body language. You need Affirmative Consent.

### Reducing Your Risk

Risk reduction tips can often take a victim-blaming tone, even unintentionally. With no intention to victim-blame and with recognition that only those who commit sexual violence are responsible for those actions, these suggestions may nevertheless help you to reduce your risk of experiencing a non- consensual sexual act:

- If you have limits, make them known as early as possible.
- Tell a sexual aggressor "NO" clearly and firmly.
- Try to remove yourself from the physical presence of a sexual aggressor.
- Find someone nearby and ask for help.
- Take affirmative responsibility for your alcohol intake/drug use and acknowledge that alcohol/drugs lower your sexual inhibitions and may make you vulnerable to someone who views a drunk or high person as a sexual opportunity.
- Take care of your friends and ask that they take care of you. A real friend will challenge you if you are about to make a mistake. Respect them when they do.
- In an emergency, call 9-1-1

### 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;
- 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:

1. 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
2. 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
3. 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 ASSUALT (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. University police can also provide access to a Sexual Assault Victim Advocate. Regardless of whether an individual chooses to notify the police, they are strongly encouraged to seek assistance from the campus Title IX Coordinator and/or a Sexual Assault Victim Advocate or counselor who can provide information on options, rights and remedies.

A written explanation of rights and options must be provided to a Student, Employee or Third Party who reports to the University that they have 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.

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

## PRIVILEGED AND CONFIDENTIAL REPORTS

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

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

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

## EXCEPTIONS TO CONFIDENTIALITY

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

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

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

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

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

## REPORTING OPTIONS

Victims have several reporting options including those with confidentiality and may pursue one or all of these options at any time. Victims have a right to have a friend, family member, sexual assault victim advocate, or other representative present while reporting the incident. They also have the right to have a sexual assault victim advocate

and support person of their choice present with them during a rape examination. The campus Title IX Coordinator can assist in notifying the police. Victims may also take any of the actions below.

## REPORTING TO THE POLICE

Reporting to University Police and/or local police is an option at any time. Victims who choose not to report to the police immediately following a Sexual Misconduct/Sexual Assault, Dating 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 University Police Department by dialing 911. The University Police will support all victims of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking regardless of their decision to seek criminal prosecution of the offender or not. Victims have the option to report anonymously to the police and the decision to seek criminal prosecution remains with the victim. University Police will protect the confidentiality of the victim to the extent permitted by applicable California State law.

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

Formal complaints can be filed with the Title IX & Discrimination, Harassment, and Retaliation Prevention Office by emailing a completed form to [titleix@humboldt.edu](mailto:titleix@humboldt.edu) or directly to any of the staff within the office. The forms are available on the Title IX & Discrimination, Harassment, and Retaliation Prevention Office website.

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. 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). Protective or restraining orders can be obtained at the Humboldt County Superior Court. This courthouse is located at 825 5th St, Eureka, CA 95501. Assistance with protective or restraining orders is contained on the Humboldt County Superior Court's website under the "Self Help" section.

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. Those who have a protective or restraining order can notify HSUPD and the Dean of Students Office for assistance.

The Title IX Coordinator provides access to the most applicable entity designed to assist the specific needs of the student. This could include the HSU campus Legal Lounge, Two Feathers Native American Family Services, Humboldt County Behavioral Services, North Coast Rape Crisis Team, the Arcata Police Department, or an additional resource.

## DISCIPLINARY PROCEDURES

### 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/>. This policy is provided in writing on an annual basis to all employees and students at HSU, as well as when the Title IX & DHR Prevention Office conducts initial outreach to complainants, witnesses, respondents, and third parties.

### 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/>. This policy is provided in writing on an annual basis to all employees and students at HSU, as well as when the Title IX & DHR Prevention Office conducts initial outreach to complainants, witnesses, respondents, and third parties.

### 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/>. This policy is provided in writing on an annual basis to all employees and students at HSU, as well as when the Title IX & DHR Prevention Office conducts initial outreach to complainants, witnesses, respondents, and third parties.

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 counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus 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.

## 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. Those wishing to file a disciplinary complaint can do so by filling out a Complaint Form for either [Executive Order 1096](#) or [Executive Order 1097](#). These complaint forms are located on the Title IX & DHR Prevention website under the “Reporting Process” tab, and then under the “Reporting Options” section. The Title IX Coordinator will determine which procedure (detailed below) the complaint will fall under. 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

AA 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

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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.

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.

## 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.

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.

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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.

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.

## TIMELINE FOR ALL INFORMAL RESOLUTIONS

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:

### 1. 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.

### 2. 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.

### 3. 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.

### 4. 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.

### 5. 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.

### 6. 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 WITHOLDING 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<sup>4</sup>. These requirements shall not be waived in connection with any resolution agreement.

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

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

**DENIAL OF PRESENCE ON CAMPUS DURING INTERIM SUSPENSION:** During the period of an interim suspension, the student charged may not, without prior written permission from the campus president, enter any campus of the California State University other than to attend the hearing regarding the merits of the interim suspension and any disciplinary hearing. The president may also restrict the student's participation in University-related activities on a case-by-case basis, such as attending off-campus activities and/or participating in 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.

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

<sup>4</sup> This is not applicable in matters that fall under Addendum B.

## 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:

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

## 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<sup>18</sup> 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 HSUPD 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 HSUPD 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.

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
- 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. The Chief of Police will determine if notification to the larger community is appropriate. MarCom shall have primary

responsibility for ensuring the accurate preparation and delivery of information submitted to the Chancellor's Office for public release, including distribution to the larger community. Distribution methods, including distribution to the larger community, vary depending on the nature of the emergency and may include:

- A campus mass notification system, including but not limited to phone, campus email, or text messaging
  - Systems should provide 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
- Audio/visual message boards
- Audible alarms/sirens
- Campus public address systems
- In person or door-to-door notifications in a building or residence halls
- Local media, radio stations, and/or press releases
- Phone Tree system
- Social media
- University banner notifications
- Other means appropriate under the circumstances

## TESTING AND EVACUATION SYSTEM

In compliance with Executive Order 1056, HSU's [Emergency Operations Plan & Guidelines \(EOP-G\)](#) or portions thereof are exercised on an annual basis. Risk Management & Safety Services department is responsible for coordinating and scheduling all drills, exercises, and appropriate follow-through activities. The exercise, training, and emergency management event schedule can be requested from the Risk Management & Safety Services department at (707) 826-4635 or [EOC@humboldt.edu](mailto:EOC@humboldt.edu).

Instructor-led emergency management training is held on a regular basis. Classes include:

- Introduction to HSU's Emergency Operation Center
- ICS Basics
- NIMS/SEMS Overview
- ICS Forms
- Operations/Planning/Logistics/Finance/Command Section Specific Training

Housing & Residence Life coordinates with local fire departments, police departments, the Risk Management & Safety Services department, campus officials, and ambulance companies, and then schedules the following types of tests:

- Fire evacuation drills within the first two months of each semester (Fall and Spring) for all occupied residence halls
- A Tabletop exercise at the beginning of every Spring semester for Housing & Residence Life professional staff
- An Emergency Simulation during Residence Life Student Leader training every Fall semester for Housing & Residence Life student leaders

The tests may be announced or unannounced. Tests are scheduled, contain drills, exercises and appropriate follow-through activities, and are designed for assessment and evaluations of emergency plans and capabilities. At least one test will be publicized in conjunction with the campus' emergency response and evacuation procedures. Each test will be documented to include a description of the exercise, the date of the test, the start and end times of the test, and whether the test was announced or unannounced. [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.

## MISSING STUDENT NOTIFICATION

Housing & Residence Life oversees HSU's Missing On-Campus Resident Student Policy, which can be accessed here: [https://housing.humboldt.edu/sites/default/files/missing\\_persons\\_policy\\_2021.pdf](https://housing.humboldt.edu/sites/default/files/missing_persons_policy_2021.pdf). The specific portions of this policy that are applicable to the annual security report follow:

### PURPOSE

The purpose of this policy is to establish procedures for Humboldt State University's response to reports of missing students residing on campus, as required by the Higher Education Opportunity Act of 2008. For purposes of this policy, a student residing on campus may be considered to be a "missing person" if the person's absence is contrary to their usual pattern of behavior and/or unusual circumstances may have caused the absence. People do not need to wait 24 hours to report someone as missing.

### POLICY

Individuals having reason to believe that a resident is a missing person must immediately notify HSUPD, either in-person on campus in the Student Business Services building, Room 101, or by calling (707) 826-5555. A sworn police officer will initiate an investigation in accordance with the HSUPD's missing person policy, procedures, and regulations, which includes notifying and collaborating with local law agencies within 4 hours of UPD receiving a missing person report.

Additionally, anyone may make a missing person report to any department on campus, including:

- Housing & Residence Life Office located on the 3rd floor of the Jolly Giant Commons or by calling (707) 826-3451
- Dean of Students Office in Siemens Hall 211 or by calling (707) 826-3504

All reports of a missing person are forwarded to HSUPD immediately.

On-campus housing students have an option to identify a confidential contact (separate from their emergency contact) person to be notified within 24 hours when the student has been determined to be missing. All resident students will be advised of this option by Housing staff at check-in, and will be told how to make any necessary changes to this information in the future, if needed. Additionally, all resident students shall be advised by Housing at check-in that in the event they are reported missing, HSUPD shall be notified, regardless of whether or not they have registered a "Confidential Contact" person.

Missing person contact information will be retained and confidential, accessible only to the authorized university officials who retain the information, and may not be disclosed except to law enforcement personnel in furtherance of an official missing person investigation.

The parents and listed confidential contact, if any, of on-campus housing students that are minors under the age of 18 and not emancipated, will be notified within 24 hours of an official determination that they are missing. HSUPD will also be notified within 24 hours of an official determination that they are missing.

## FIRE SAFETY ACT

The 2021 Annual Fire Safety Report is available at the following link:

[https://housing.humboldt.edu/sites/default/files/annual\\_fire\\_safety\\_report\\_for\\_housing\\_2021.pdf](https://housing.humboldt.edu/sites/default/files/annual_fire_safety_report_for_housing_2021.pdf).

## APPENDIX A: CALIFORNIA 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.

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(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.