
Title IX Campus Resources



2024

CAMPUS CONFIDENTIAL ADVOCATES



Jacqueline Urtez (she/ella),
Lead Campus Confidential
Advocate



Rocio Telumbre (she/ella),
Campus Confidential
Advocate

“We provide ***confidential support*** to students, staff and faculty who have been impacted by sexual assault, dating or domestic violence, stalking or harassment”

Services Provided

- Confidential crisis intervention, emotional support and safety planning
- Advocacy on behalf of victim/survivor with other individuals, departments and agencies
- Accompaniments to medical exams, counseling appointments, university & criminal investigations, and court appointments
- Linkage to support services on campus and in the community

When should I refer someone to an Advocate?

- Request confidential support services
- Benefit from Supportive Measures (i.e academic and housing reassignments)
- They need off campus accompaniment
- Would like to learn about their options and who to go to for help

How can I reach out to an advocate?

Location: Student Health Services

Hours: 8am – 5pm

Monday – Friday

Email: advocate@csulb.edu

Phone: (567) 985 – 2668

After Hours: YWCA – GLA 24hr Crisis Hotline
(877) 943 - 5778



CSULB's Title IX Rights & Resources

Dear Student,

My name is Larisa Hamada, and I'm the [Title IX Coordinator](#) for the CSULB Office of Equity & Compliance. We are providing you with campus resources, rights, and information regarding a sexual misconduct related matter.

First and foremost, **we want to make sure you are safe and that you are receiving the support you need.** You may know that our Office's role is—in part—to facilitate the Title IX complaint process and investigate campus complaints covered under Title IX against CSULB students and employees. We are available to provide you with information about what that process looks like if applicable to your situation.

*However, many students don't know that you also may have rights under Title IX to **supportive measures** without filing an official complaint, including things like referral to supportive resources and academic or university housing accommodations (i.e., an extension on an assignment if you're struggling or the ability to move into another dorm). Some of these options are available even if there is no other student or employee involved in your particular situation.*

If you would like more information or you need additional support, please call our office at **(562) 985-8256** Monday through Friday between 8 a.m. and 5 p.m. to schedule a 30-minute phone or Zoom appointment, or you can respond directly to this e-mail with your availability. Please know that, while our office treats information with sensitivity and care, we are not a fully confidential resource due to legal obligations that require us to act if a safety risk is present on campus.

Second, we recognize that it can be a difficult decision to come forward and to meet with our office and to share your story or to file a formal complaint. To help you in this process, you have a right to access services from the **Campus Confidential Advocate** or "CCA." A CCA can help you to decide whether you'd like to file a formal campus complaint with our office and can work with you to advocate for you in meetings with our office. You can learn more about CSULB's Campus Confidential Advocate on their website <https://cla.csulb.edu/natb/confidential-advocacy-support/> and in this [informational video](#) explaining their role. *You may also receive an email or call directly from the CCA regarding this concern.* **In addition, you may contact the Campus Confidential Advocate directly via telephone at: 562.985.2668.**

I've also provided a list of confidential and other resources for you below. If you require further resources, please feel free to contact me directly and I am happy to assist you in finding the right support. In the following documents, I have included the **CSU's Anti-Discrimination, Harassment, Sexual Misconduct, and Retaliation** policies below, which contains our university's policies with regard to the complaint process and supportive measures under Title IX.

We know that it may be distressing to receive an e-mail like this, so please know that you are not required to respond to or contact our office. We are available via e-mail or appointment to answer any questions you may have. Again, you have the right—and are encouraged to—connect with the Campus Advocate or



other Advisor of your choice (see the linked policy below for more information about Advisors, or you may ask us), and that person can accompany you to any meetings you schedule with our office.

We look forward to speaking with you soon, in the event that you do wish to speak with us.

Confidential Campus Resources:

Campus Confidential Advocate

[Informational video](#) explaining the role of the Campus Advocate

Student Health Services – Behavioral Health | 562.985.2668

<https://cla.csulb.edu/natb/confidential-advocacy-support/>

ATOD/Violence Prevention & Sexual Misconduct Counselor

Student Health Services – Linda Peña | 562.985.1732

<https://www.csulb.edu/student-affairs/student-health-services/sexual-misconduct-and-support-services>

Counseling and Psychological Services (Confidential - Students Only)

Brotman Hall, Room 226 | 562.985.4001 (24hr) | www.csulb.edu/caps

Confidential Community Resources:

YWCA Greater Los Angeles Sexual Assault Crisis Services - 877.943.5778 (24hr) | ywcagla.org

Suicide and Crisis Hotline (24/7 Crisis Line) – Dial 988

National Sexual Assault Hotline (24/7 Crisis Line) – 1.800.656.4673

Trevor Project (for LGBTQ+ youth up to 25 years old) – Text **START** to 678-678 or call 1-866-488-7386

National Domestic Violence Hotline (24/7 Crisis Line) – 1.800.799.7233

Crisis Text Line (24/7 Text-Based Crisis Support): Text **BEACH** to 741-741

Non-Confidential Resources:

If your concern is also a criminal matter, you may report it to the University Police Department. Please note that you are not required to file a police report in order to file a Formal Complaint with OED, to access the services of the Campus Confidential Advocate, or to obtain supportive measures or referrals to resources from our Office.

You may contact University Police by calling 911 (Emergency Only) or 562.985.4101 (non-emergency) | or visit them online at: www.csulb.edu/police



CALIFORNIA STATE UNIVERSITY

LONG BEACH

Office of Equity & Compliance

Policies & Procedures:

[CSU's Nondiscrimination Policy & Procedure](#)

Take care,

Larisa Hamada
Assistant Vice President
Equity & Compliance
562-985-8490 (Phone)
562-985-5982 (Fax)
California State University Long Beach
6300 State University Drive MS-0605, FND-160
Long Beach, CA 90815-0605
[Equity & Compliance](#) | [Title IX](#)

COVID-19 Update: The Office of Equity & Compliance continues to remain open to serve our Beach community both in person and virtually. We are available to provide assistance by email- OEC@csulb.edu; phone- 562-985-8256; or in person during the 8AM-5PM business hours. We recommend scheduling a Zoom or in person appointment in advance. You may also utilize our online form to file a [Title IX and DHR complaint](#), as well as access Title IX [confidential campus resources](#). For campus updates, please visit: [COVID-19 Campus Information](#).

CONFIDENTIALITY NOTICE: This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by e-mail and destroy all copies of the original message.

On Campus Resources

Campus Confidential Advocates

Offers:

- Crisis Intervention
- Advocacy
- Accompaniment
- Information and Referral

Location: Student Health Services

Hours: 8am – 5pm

Monday – Friday

Email: advocate@csulb.edu

Phone: (567) 985 – 2668

Website:

cla.csulb.edu/natb/confidential-advocacy-support/

Counseling and Psychological Services

Offers:

- Counseling
- Crisis Intervention
- Group Counseling

Location: Brotman Hall, Room 226

1250 Bellflower Blvd. Long Beach

Hours: 8am – 5pm

Monday – Friday

Phone: (567) 985 – 4001

Website:

www.csulb.edu/student-affairs/counseling-and-psychological-services

Student Health Services

Offers:

- Pharmacy
- Primary Care Visits
- Reproductive Health
- Immunizations
- Stress Less Workshops
- Nutrition Services

Location: Student Health Services

6003 Beach Drive

Long Beach, CA 90815

Hours: 8am – 5pm

Monday – Friday

Email: wellness@csulb.edu **Phone:**

(567) 985 – 4771

Website:

www.csulb.edu/student-affairs/student-health-services

ATOD / Violence Prevention & Sexual Misconduct Counselor: Linda Pena

Offers:

Education of potential consequences of drug and alcohol use and/or abuse. peer education, campus outreach, and community collaborations.

Location: Student Health Services

268

Hours: 8am – 5pm

Monday – Friday

Email: Linda.Penda@csulb.edu

Phone: (567) 985 – 1732

Website:

www.csulb.edu/student-affairs/alcohol-tobacco-other-drugs

Off Campus & Community Based Resources

Interval House

Offers:

- 24-Hour Crisis Hotlines
- 24-Hour Teen Crisis Hotlines
- Emergency Response Team
- Community Service Centers
- Housing Program
- Counseling
- Legal Assistance

Email: admin@intervalhouse.org

Phone: (562) 594-9492
(714) 891-8121

Website: intervalhouse.org

Su Casa

Offers:

- Emergency Shelter
- Community Housing
- Children's & Teen Program
- Workshops
- Education

Location: 3750 East Anaheim Street,
Suite #100

Long Beach, CA 90804

Email: info@sucasadv.org

Phone: (562) 421-6537

Website: sucasadv.org

WomenShelter of Long Beach

Offers:

- 24-Hour Domestic Violence Hotline
- Emergency Housing
- Resource Center
- Support Group
- Children and Youth Services
- Family Services

Location: 4201 Long Beach Blvd., Ste.
102

Long Beach, CA 90807

Hours: 8am – 5pm
Monday – Friday

24-Hour Crisis Hotline
(562) 437-4663

DV Resource Center
(562) 437-7233

Website: www.womenshelterlb.org

East Los Angeles Women's Center

Offers:

- Sexual Assault & Domestic Violence Services
- Wellness Center
- Housing
- Hospital Based Emergency Services

Main Office

1431 S. Atlantic Blvd. Los Angeles,
CA 90022

The Wellness Center @ Los Angeles General Medical Center

1200 State St. Suite 1049 Los
Angeles, CA 90033

Phone: (323)526-5819

Crisis Hotline (Bilingual):
(800)585-6231

Website: www.elawc.org

Off Campus & Community Based Resources

The LGBTQ Center of Long Beach

Offers:

- Youth & Family Services
- Health Services
- Legal Services
- Mental Health Counseling

Location: 2017 E 4th Street
Long Beach, California 90814

Phone: (562)434-4455

Website: www.centerlb.org

YWCA

Offers:

- Child and Court Advocacy
- Mental Health Services
- Economic Empowerment
- Employment Assistance
- Support Groups

Location: 1020 S. Olive Street, 7th
Floor Los Angeles, CA 90015

Email: info@ywcagla.org

Phone: (213) 365-2991

Website: www.ywcagla.org

Laura's House

Offers:

- Crisis Hotline
- Children's Programs
- Legal Services
- Transitional Housing
- Emergency Shelter
- Counseling
- Outreach & Education

**Location: Counseling & Resource
Center**

33 Journey, Ste 150
Aliso Viejo, CA 92656

**Domestic Violence Advocacy
Center**

12453 Lewis Street, Suite 201
Garden Grove, CA 92840

24 hour Hotline: (866)498-1511

Counseling: (949) 361-3775

Domestic Violence Advocacy:
(714) 450-6131

Website: www.laurashouse.org

Orange County Rape Crisis Center

Offers:

- Support Groups
- Therapy
- Advocacy
- Education

Location:

1229 East Franklin St.
Chapel Hill, NC 27514

Hours: 8am – 4pm

Monday – Friday

Phone: (919)968-4647

Call & Text 24 hour Hotline:

(919) 967-7273

Website: ocrcc.org

Required Disclosures under CSU's Interim Anti-Discrimination, Harassment, Sexual Misconduct, and Retaliation Policy

The California State University system requires our office to provide you with the following information because we received a report of sexual misconduct, sexual harassment, sexual exploitation, dating or domestic violence, or stalking raising the possibility that you may have a Title IX concern:

- The role of our campus's Title IX Coordinator (Larisa Hamada) is to coordinate the University's efforts to comply with its obligations under Title IX, a federal law covering gender equity at the University, and its associated regulations. These responsibilities include coordinating any investigations of complaints received pursuant to Title IX and related California laws.
- Our office will provide you with information regarding any applicable University counseling resources in our initial correspondence to you. Certain resources are only available to campus students or campus employees, but where appropriate, we will provide you with resources on campus and in your local community that may be helpful for you.
- Please be aware of the importance of preserving evidence, wherever possible (i.e. physical evidence, where applicable, text messages, photos). However, lack of any of these things does not prevent us from moving forward with an investigation.
- You may, but are not required to, report to law enforcement any allegations that could constitute criminal behavior.
- Our campus responds to reports of policy violations by reaching out to the affected students and, where appropriate, investigating the associated circumstances to ensure student or employee safety. If a student or employee is found to have violated our Interim CSU Policy, they may be subject to disciplinary consequences, including possible suspension, termination, or expulsion from the University.
- Retaliation against any student or employee for making a complaint or participating in an investigation process is prohibited by CSU policy.
- You have the right to a Support Advisor, as defined in CSU's Interim Policy, including the right to consult with an attorney at your own expense, at any stage of the process. You additionally have the right to a Support Person at a hearing. (See Article VII/Section B for definitions of "Support Advisor" and "Support Person").
- There may be certain Supportive Measures available to you, such as academic accommodations, housing accommodations, or No-Contact-Directives preventing another student or employee from communicating with you. If you are interested in learning more about Supportive Measures, please contact the Office of Equity and Compliance or the Campus Advocate.



CALIFORNIA STATE UNIVERSITY
LONG BEACH
Office of Equity & Compliance

RIGHTS AND OPTIONS FOR VICTIMS¹ OF SEXUAL MISCONDUCT/SEXUAL ASSAULT, SEXUAL EXPLOITATION, DATING AND DOMESTIC VIOLENCE, AND STALKING²

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

WHAT SHOULD I DO?

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

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

University police can escort you to a safe place and transport you to a hospital or a sexual assault response center for a medical examination, if needed. University police can also provide access to a confidential Sexual Assault Victim's Advocate. If you would prefer not to notify the police,

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

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

³ Terms contained within this Notice are intended to be gender neutral.

you are strongly encouraged to seek assistance from the campus Title IX Coordinator who can provide you with information on your options, rights, and remedies, and/or the campus Sexual Assault Victim's Advocate. The campus Title IX Coordinator is available to assist you in notifying the police if you wish. The Sexual Assault Victim's Advocate listed below can also assist you in notifying the police and/or the campus Title IX Coordinator.

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

WHOM SHOULD I CONTACT?

The campus has designated a Title IX Coordinator to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to sexual misconduct, including sexual assault, sexual exploitation, dating and domestic violence, and stalking. Your campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint, the availability of Supportive Measures, the University's relevant complaint process and your right to receive assistance with that process, the University's investigation process, how confidentiality is handled, available resources both on and off campus, and other related matters.

Note: Unless specified otherwise, all of the resources listed below are **non-confidential**, meaning that while they will handle your matter with sensitivity and care, they may be required to act if a safety risk is present on campus.

California State University Long Beach Title IX Coordinator

- Larisa Hamada
- (562) 985-8256
- Larisa.Hamada@csulb.edu
- Office of Equity & Compliance 6300
E. State University Dr. Suite 160 Long
Beach, CA 90815

University Police

- 911 (emergency line) (562) 985-4101 (non-emergency line)
- University Police

1250 Bellflower Blvd.
Long Beach, CA 90840

Long Beach Police

- 400 W Broadway, Long Beach, CA 90802
- 911 (emergency line) (562) 435-6711 (non-emergency line)
- LBPDSexCrimes@longbeach.gov

Campus Confidential Advocate (Confidential)

- Jacqueline Urtez and Rocio Telumbre
- (562) 985-2668
- Advocate@csulb.edu
- Behavioral Health Services 1250
Bellflower Blvd. Long Beach, CA
90840

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

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

Medical & Counseling Services

Campus Services

ATOD/Violence Prevention & Sexual Misconduct Counselor (Confidential)

- Student Health Services – Linda Peña | (562) 985-1732
<https://www.csulb.edu/student-affairs/student-health-services/sexual-misconduct-and-support-services>

Counseling and Psychological Services (Confidential - Students Only)

- Brotman Hall, Room 226 | (562) 985-4001 (24hr) | www.csulb.edu/caps

Off-Campus Services

YWCA Greater Los Angeles Sexual Assault Crisis Services

- (877) 943-5778 (24hr) | ywcagla.org

THE IMPORTANCE OF PRESERVING EVIDENCE

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

WHAT REPORTING OPTIONS DO I HAVE?

The University's primary concern is your safety and the safety of the campus community. The use of alcohol or drugs never makes the victim at fault for sexual misconduct/sexual assault. If you have experienced sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking you should not be deterred from reporting the incident out of a concern that you might be disciplined for related violations of drug, alcohol, or other University policies. A person who participates in investigations or proceedings involving sexual misconduct/sexual assault will not be subject to discipline for related violations of the Student Conduct Code or other University policies at or near the time of the incident unless the University determines the conduct places the health and safety of another person at risk or is otherwise egregious.

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

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

Criminal: Reporting to university police and/or local police is an option at any time. If you choose not to report to the police immediately following an incident, you can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on your behalf.

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

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

If it is determined that University policy⁴ was violated, the Respondent may be subject to discipline, up to and including dismissal from University employment or expulsion from the University. You are entitled to be accompanied to any related meeting or proceeding by an Advisor of your choice, including a Sexual Assault Victim's Advocate or domestic violence counselor. However, if you do not wish to participate in an investigation or hearing process, you have the right to decline to do so. Please know if you choose not to participate in the process, the University's ability to take action may be limited.

⁴ CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation.

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

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

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

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

CONFIDENTIALITY – KNOW YOUR OPTIONS

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

As explained below, some employees are required by law to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Other Employees may talk to a victim in confidence, and generally only report to the University that an

incident occurred without revealing any personally identifying information. Some employees are required to report all details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees constitutes a report to the University, and generally creates a legal obligation for the University to investigate the incident and take appropriate steps to address the situation.

Privileged and Confidential Communications

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

ATOD/Violence Prevention & Sexual Misconduct Counselor (Confidential)

- Student Health Services – Linda Peña | (562) 985-1732
<https://www.csulb.edu/student-affairs/student-health-services/sexual-misconduct-and-support-services>

Counseling and Psychological Services (Confidential - Students Only)

- Brotman Hall, Room 226 | (562) 985-4001 (24hr) | www.csulb.edu/caps

*Sexual Assault and Domestic Violence Counselors and Advocates*⁶ – Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women’s centers, and health centers (*including all individuals who work or volunteer in these centers and offices, as well as non-professional*

⁵ See Cal. Evid. Code § 990 *et seq.*, § 1010 *et seq.*, and § 1030 *et seq.*

⁶ See Cal. Evid. Code § 1035 *et seq.* and § 1037 *et seq.*

counselors or advocates, and those who act in that role under their supervision) may talk to you without revealing any information about you or the incident of sexual misconduct/sexual assault to anyone else at the campus, including the Title IX Coordinator, without your consent. You can seek assistance and support from these counselors and advocates without triggering a campus investigation that could reveal your identity or that you disclosed an incident to them. *However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to you, if applicable.* Following is contact information for sexual assault and domestic violence counselors and advocates:

Campus Confidential Advocate: Jacqueline Urtez and Rocio Telumbre

Student Health Services – Behavioral Health | 562.985.2668
<https://cla.csulb.edu/natb/confidential-advocacy-support/>

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

Even so, these individuals will still assist you in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services. They may not, however, be able to assist you with campus academic support or accommodations, or changes to campus-based living or working schedules, or assist with adjustments to course schedules. Only the University and the Title IX Coordinator can assist with those matters (see below). A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide you with that assistance if you wish. These counselors and advocates will also explain that Title IX includes protections against retaliation, and that the campus will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

EXCEPTIONS: Under California law, any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a *physical condition* to a patient/victim who he or she knows or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a

victim where the injury is the result of assaultive or abusive conduct (including sexual misconduct/sexual assault and dating and domestic violence).⁷ This exception does *not* apply to sexual assault and domestic violence counselors and advocates. Health care practitioners will explain this limited exception to you, if applicable.

Additionally, under California law, *all* professionals described above (physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement.⁸ These professionals will explain this limited exception to you, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger;⁹ or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the incident.¹⁰ If applicable, these professionals will explain this limited exception to you.

Reporting to University or Local Police

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

The campus 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

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

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

⁹ See Cal. Evid. Code § 1024.

¹⁰ See Cal. Evid. Code § 1035.4.

¹¹ See Cal. Penal Code § 293; Cal. Gov. Code § 6254(f).

incident in the annual crime statistics report known as the Annual Security Report, your name/identity will not be included.

Reporting to the Title IX Coordinator and Other University Employees

Most University employees have a duty to report disclosed incidents of sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking when they are on notice of it. When you tell the Title IX Coordinator or another campus employee about an incident, you have the right to expect the campus to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. ***In all cases, we strongly encourage victims to report sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking directly to the Title IX Coordinator.***

As detailed above, all University employees *except* physicians, licensed counselors, sexual assault victim's advocates must report to the Title IX Coordinator all relevant details about incidents of which they become aware. The campus will need to determine what happened – and will need to know the names of the victim(s) and the alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University employee will be shared only with individuals responsible for handling the campus' 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 campus will protect the privacy of individuals involved except as otherwise required by law or University policy. A report may result in the gathering of extremely sensitive information about you and other individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a reported incident. In such cases, efforts will be made to redact the records, as appropriate, in order to protect your identity and privacy and the privacy of other involved individuals.

The Title IX Coordinator can be reached at:

Title IX Coordinator: Larisa Hamada

Larisa.Hamada@csulb.edu, 562.985.8256

Office of Equity & Compliance, Foundation Building – Suite 160

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

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

- Provide Supportive Measures requested by you, if they are reasonably available, regardless of whether you choose to report sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking to Campus or local police;
- Assist you in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- 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 other security and support, which could include issuing a mutual no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules or adjustments for assignments, tests, or work duties; and
- Inform you of your right to report a crime to university or local police – and provide you with assistance if you wish to make such a report.

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

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

Under California law, and pursuant to University policy, certain University employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to report the incident to the police.¹³ However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.¹⁴

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

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

NOTE: If the campus determines that the perpetrator poses a serious and immediate threat to the campus community, a designated Campus Security Authority under the Clery Act may be called

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

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

¹⁴ See Cal. Penal Code § 11167(d).

upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

AS A REPORTER, AM I PROTECTED FROM RETALIATION?

Yes, University policies prohibit retaliation against a person who:

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

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

WHAT ELSE MIGHT HAPPEN IF I NOTIFY UNIVERSITY POLICE?

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

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

WHAT CSU PROCEDURES ARE AVAILABLE?

The University has formal written procedures that provide for a campus investigation of reports of sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and

stalking, hearings where applicable, written findings sent to the Complainant and the Respondent, and a review of the campus findings by the CSU Chancellor's Office. The procedure for complaints against CSU employees and third parties is separate from, but similar to the procedure for complaints against CSU students.¹⁵ Your campus Title IX Coordinator can explain these procedures in detail.

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

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

¹⁵ CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation.

Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against a Student.

Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-Party.



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Next Review 8/1/2025

Owner Hayley Schwartzkopf:
Assoc VC Cvl
Rights Prog &
Svc
Area Human
Resources
Codes EO 1095

Interim CSU Nondiscrimination Policy

I. Statement of Values

The California State University (CSU) is committed to an inclusive and equitable community that values diversity and fosters mutual respect. We embrace our community differences in Age, Disability (physical and mental), Gender, Gender Identity (including Nonbinary or Transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Pregnancy or related conditions, Race or Ethnicity (including color, caste, or ancestry), Religion or Religious Creed, Sex (including Sex Stereotyping or Sex Characteristics), Sexual Orientation, and Veteran or Military Status. All Students and Employees have the right to participate fully in CSU programs, activities, admission, and employment free from Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation.

II. Prohibited Conduct Covered Under this Policy and Applicability

This Policy is effective August 1, 2024, and is not retroactive. The definitions of Prohibited Conduct and capitalized terms below should be used for alleged misconduct that occurs on or after August 1, 2024. The definitions for alleged misconduct that occurred before August 1, 2024, can be found in the Policy in place at the time of the alleged misconduct

The CSU prohibits the following conduct, as defined in section V(A).

- A. Discrimination based on any Protected Status, including Age, Disability (physical and mental), Gender, Gender Identity (including Nonbinary or Transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Pregnancy or related conditions, Race or Ethnicity (including color, caste, or ancestry), Religion or Religious Creed, Sex

(including Sex Stereotyping or Sex Characteristics), Sexual Orientation, and Veteran or Military Status.

- B. Harassment based on any Protected Status.
- C. Sex-based Harassment, which includes Sexual Harassment and other Harassment on the basis of Sex or Gender, including:
 - 1. Hostile environment or Quid Pro Quo Harassment (e.g., when a person conditions a benefit on the Complainant's participation in unwelcome sexual conduct);
 - 2. Dating Violence, Domestic Violence, Sexual Exploitation, and Stalking; and/or
 - 3. Sexual Misconduct.
- D. Prohibited Consensual Relationships.
- E. Retaliation.

III. Policy Implementation

This Nondiscrimination Policy is established in compliance with:

- A. Title VI and Title VII of the Civil Rights Act of 1964;
- B. Title IX of the Education Amendments of 1972, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (34 C.F.R. 106.);
- C. The California Equity in Higher Education Act;
- D. The Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Security and Campus Crimes Statistics Act, commonly known as the Clery Act) (VAWA) under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act);
- E. Section 504 of the Rehabilitation Act of 1973;
- F. Title II of the Americans with Disabilities Act of 1990;
- G. The Age Discrimination Act of 1975; and
- H. Other applicable state and federal laws which prohibit Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation.

IV. Applicable Complaint Procedures

The CSU has adopted grievance procedures that provide for the prompt and equitable resolution of Complaints made by Students, Employees, designated officials, or other individuals who are participating or attempting to participate in its education programs, activities, or employment and allege any action that would be prohibited by this Nondiscrimination Policy. **The following describes the appropriate procedures for investigating or resolving Complaints that fall under this Nondiscrimination Policy for Complaints that allege conduct that occurred on or after August 1, 2024.**

- A. For Complaints against a Student, the [Interim CSU Nondiscrimination Policy – Student Procedures](#) apply.
- B. For Complaints by Students against Employees, Third Parties, and/or Student–Employees

involving allegations of **Sex-based Harassment**, the [Interim CSU Nondiscrimination Policy – Student Procedures](#) apply. For all other Complaints against Employees, Third Parties, and/or Student–Employees (where the alleged conduct arose out of their status as an Employee and not their status as a Student), the [Interim CSU Nondiscrimination Policy – Employee or Third-Party Procedures](#) apply.

- C. Complaints against a President, Title IX Coordinator/DHR Administrator, the Chancellor, or member of the Board of Trustees.
1. Complaints against a President, Title IX Coordinator/DHR Administrator, the Chancellor, or member of the Board of Trustees will be processed under the [Interim CSU Nondiscrimination Policy – Employee or Third-Party Procedures](#). However, if the Complaint is made by a Student and involves allegations of Sex-based Harassment, then the [Interim CSU Nondiscrimination Policy – Student Procedures](#) will apply.
 2. Complaints against the Chancellor or member of the Board of Trustees shall be made to the Title IX Coordinator/DHR Administrator at the Chancellor’s Office.
 - a. If it is alleged that the Chancellor or a member of the Board of Trustees directly engaged in conduct that violates this Nondiscrimination Policy, the Title IX Coordinator/DHR Administrator at the Chancellor’s Office shall inform the chair or vice chair of the Board.
 - b. Any other Complaints against the Chancellor or a member of the Board of Trustees (for example, that the Chancellor or member of the Board of Trustees had no substantial involvement in other than to rely on or approve a recommendation made by another administrator) will be made to and addressed by the Office of Civil Rights Programming & Services at CO-Complaints@calstate.edu.
 3. Complaints alleging violations of this Nondiscrimination Policy against a President or Title IX Coordinator/DHR Administrator shall be made to the Office of Civil Rights Programming & Services at CO-Complaints@calstate.edu.
 - a. If the President or Title IX Coordinator/DHR Administrator’s role in the alleged incident was limited to a decision on a recommendation made by another administrator, and the President or Title IX Coordinator/DHR Administrator had no other substantial involvement in the matter, the Complaint shall be processed by the Campus.
 4. When circumstances warrant, the Chancellor, Vice Chancellor for Human Resources, or Associate Vice Chancellor for Civil Rights Programming & Services may determine in other cases that a Complaint will be addressed by the Office of Civil Rights Programming & Services at the Chancellor’s Office rather than the Campus.

V. Policy Definitions

The Policy Definitions are not intended to be identical to legal requirements, and in some cases, conduct may be determined to violate this Policy even though it does not necessarily violate federal or state law.

References to the singular in the policy definitions include the plural, as applicable.

A. **Prohibited Conduct** This Nondiscrimination Policy prohibits Discrimination, Harassment, Sex-based Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, Prohibited Consensual Relationships, and Retaliation as defined below.

1. **Discrimination** is conduct that causes harm to a Complainant based on their actual or perceived Protected Status within the CSU's educational programs, activities, or employment which results in the denial or limitation of services, benefits, or opportunities provided by the CSU. Under this Nondiscrimination Policy, the definition of Discrimination includes:
 - a. **Different Treatment Discrimination:** Different Treatment Discrimination occurs when the Complainant is: 1) treated less favorably; 2) than other similarly situated individuals under similar circumstances; 3) because of the Complainant's actual or perceived Protected Status; and 4) not for a legitimate, nondiscriminatory reason. Insignificant or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant do not constitute "Different Treatment Discrimination."
 - Under this Nondiscrimination Policy, discrimination in employment includes any adverse employment action or conduct that is reasonably likely to impair the Employee's job performance or prospects for advancement or promotion.
 - An allegation that an Employee is receiving unequal pay because of their Protected Status (for example, under the California Equal Pay Act) constitutes a Discrimination Complaint under this Nondiscrimination Policy.
 - b. **Disparate Impact Discrimination:** Disparate Impact Discrimination occurs when a policy or practice that is neutral on its face has a disproportionate, adverse effect on individuals of a particular Protected Status.
 - Note: Disparate Impact Discrimination cases will follow the Procedures outlined in Attachment I.
2. **Harassment** means unwelcome verbal, nonverbal or physical conduct engaged in because of an individual Complainant's Protected Status. Harassment includes, but is not limited to, verbal harassment (e.g., epithets, derogatory comments, or slurs), physical harassment (e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement), and visual forms of harassment (e.g., derogatory posters, cartoons, drawings, symbols, or gestures.). Single, isolated incidents will typically be insufficient to rise to the level of Harassment.

Harassment may occur when:

- a. Submitting to, or rejecting, the verbal, nonverbal or physical conduct is explicitly or implicitly a basis for:
 - i. Any decision affecting a term or condition of the Complainant's employment; or
 - ii. 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

- b. The conduct is sufficiently severe or pervasive so that its effect, whether intended or not, could be considered by a reasonable person under similar circumstances and with similar identities, and is in fact considered by the Complainant, as creating an intimidating, hostile, or offensive work or educational environment that denies or substantially limits an individual's ability to participate in or benefit from employment and/or educational, services, activities, or other privileges provided by the CSU.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- i. The frequency, nature, and duration of the conduct;
- ii. Whether the conduct was physically threatening;
- iii. Whether the conduct arose in the context of other discriminatory conduct or other misconduct;
- iv. The degree to which the conduct affected the Complainant's ability to access the CSU's educational programs, activities or employment;
- v. The Parties' ages, roles within the CSU's educational programs or activities, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct; and
- vi. Other Harassment in the CSU's educational programs, activities, or employment.

- 3. **Sex-based Harassment** is a form of sex discrimination and means Sexual Harassment and other Harassment on the basis of Sex or Gender, including Gender Expression, Gender Identity, Pregnancy or related conditions, Sex Stereotypes, Sex Characteristics, or Sexual Orientation, including:
 - a. Hostile environment or Quid Pro Quo Harassment (e.g., when an Employee conditions a benefit on a Complainant's participation in unwelcome sexual conduct);
 - b. Specific offenses (e.g., Dating Violence, Domestic Violence, Sexual Exploitation, and Stalking); and/or
 - c. Sexual Misconduct.
- 4. **Sexual Misconduct** means engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity, whether or not the conduct violates any civil or criminal law. All sexual activity between members of the CSU community must be based on Affirmative Consent.

- a. Sexual Misconduct includes, but is not limited to, the following conduct:
- i. **Sexual Assault**, which includes:
 - **Rape** is the penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant. Rape also includes the attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.
 - **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.
 - **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.
 - ii. an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or Sex,
 - iii. the intentional touching of another person's private body parts without Affirmative Consent,
 - iv. intentionally causing a person to touch the private body parts of another without Affirmative Consent,
 - v. using a person's own private body part to intentionally touch another person's body without Affirmative Consent,
 - vi. any unwelcome physical sexual acts, such as unwelcome sexual touching,
 - vii. using physical force, violence, threat, or intimidation to engage in sexual activity,
 - viii. ignoring the objections of the other person to engage in sexual activity,
 - ix. causing the other person's incapacitation through the use of drugs or alcohol to engage in sexual activity,
 - x. taking advantage of the other person's incapacitation to engage

in sexual activity

- Private body part means the sexual organ, anus, groin, buttocks, or breasts of any person.
- Sexual activity between a Minor and a person who is at least 18 and two years older than the Minor always constitutes Sexual Misconduct, even if there is Affirmative Consent to all sexual activity. The existence of Affirmative Consent and/or the type of sexual activity may be relevant to the determination of an appropriate Disciplinary Sanction.
- Persons of all Genders, Gender Identities, Gender Expressions, and Sexual Orientations can be victims of these forms of Sexual Misconduct. Sexual Misconduct can be committed by an individual known to the victim including a person the Complainant may have just met, i.e., at a party, introduced through a friend, or on a social networking website.
- California law requires the CSU to describe how it will respond to instances of stranger and non-stranger Sexual Assault. The CSU applies the same policies and sanctions for both stranger and non-stranger Sexual Assault. For the purposes of this Policy, a non-stranger is someone known to the Complainant, whether through a casual meeting or through a longstanding relationship, including a dating or domestic relationship. A stranger is someone unknown to the Complainant at the time of the Sexual Assault.

b. Sexual activity includes, but is not limited to:

- i. kissing,
- ii. touching private body parts
- iii. fondling,
- iv. intercourse,
- v. penetration, no matter how slight, of the vagina or anus with any part or object,
- vi. oral copulation of a sex organ by another person.

c. **Affirmative Consent** means an agreement to engage in sexual activity that is informed, affirmative, conscious, voluntary, and mutual. Affirmative Consent must be given freely and without coercion, force, threats, intimidation, or by taking advantage of another person's incapacitation. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) prior

to engaging in the sexual activity.

- i. Affirmative consent is given by clear words or actions. Affirmative consent includes knowledge and agreement to engage in the specific sexual activity.
 - ii. Affirmative Consent must be ongoing throughout a sexual activity and can be withdrawn or revoked at any time, including after sexual activity begins. Once consent is withdrawn or revoked and clearly communicated, the sexual activity must stop immediately.
 - iii. 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.
 - iv. Affirmative Consent cannot be inferred from an existing or previous dating, social, or sexual relationship between the Parties.
 - v. Silence does not mean there is Affirmative Consent.
 - vi. Lack of protest or resistance does not mean there is Affirmative Consent.
 - vii. A request for someone to use a condom or birth control does not, in and of itself, mean there is Affirmative Consent.
 - viii. Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious, or incapacitated due to the influence of drugs, alcohol, or medication.
- d. **Incapacitation:** A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions about whether or not to engage in sexual activity. A person with a medical or mental disability may also lack the capacity to give consent. Incapacitation exists when a person could not understand the fact, nature, or extent of the sexual activity.
- i. 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; or
 - The person was unable to communicate due to a physical or mental condition.

- ii. 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.
- iii. Whether an intoxicated person (as a result of using alcohol, drugs, or medication) is incapacitated will require an individualized determination about 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. The level of intoxication may change over a period of time based on a variety of individual factors, including the amount of substance consumed, speed of intake, body mass, height, weight, tolerance, food consumption, drinking patterns, and metabolism. 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.
- iv. Incapacitation due to alcohol, drugs or medication is a state of intoxication that is so severe that it interferes with a person's capacity to make informed and knowing decisions. A person who is incapacitated may not be able to understand where they are, whom they are with, how they got there, or what is happening. Signs that a person may be incapacitated due to the influence of drugs, alcohol, or medication include, but are not limited to, the following:
- slurred speech or difficulty communicating clearly;
 - clumsiness or lack of physical coordination (e.g., difficulty standing or walking without assistance);
 - impaired motor skills (e.g., eating, drinking, texting);
 - disorientation regarding time and place;
 - difficulty concentrating;
 - vomiting;
 - combativeness or emotional volatility; or
 - sleeping, unconsciousness, or going in and out of consciousness.
- v. Incapacitation may also include memory impairment or an

inability to recall entire or partial events (sometimes referred to as “black-out” or “brown-out”). A person may experience this symptom while appearing to be functioning “normally,” including communicating through actions or words that can reasonably and objectively be interpreted as communicating consent to engage in sexual activity. Total or partial loss of memory, alone, may not be sufficient, without additional evidence, to prove that an individual was incapacitated under this Policy. Whether sexual activity under these circumstances constitutes Prohibited Conduct depends on the presence or absence of the outwardly observable factors indicating that an individual is incapacitated, as described above.

- vi. In evaluating Affirmative Consent in cases involving incapacitation, the CSU considers the totality of available information in determining whether a Respondent knew or reasonably should have known that the Complainant was incapacitated.

5. **Sexual Harassment** means unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, offering employment benefits or giving preferential treatment in exchange for sexual favors, or any other conduct of a sexual nature. There are two kinds of Sexual Harassment:

- a. **Quid pro quo:** Quid pro quo is Latin for “this for that” and occurs when an Employee, agent, or other person in a position of power conditions an employment or educational benefit or service on submission to sexual advances or other conduct based on sex. Quid pro quo harassment exists when submitting to, or rejecting, the verbal, nonverbal or physical conduct is explicitly or implicitly a basis for:
 - i. Any decision affecting a term or condition of the Complainant's employment; or
 - ii. 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

- b. **Hostile environment harassment** is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and so severe, persistent, or pervasive that it limits or denies the Complainant's ability to participate in or benefit from the CSU's educational programs, activities, or employment. Hostile environment harassment must either:
 - i. Create an intimidating, hostile or offensive work environment; or
 - ii. Limit a Student's ability to participate in or benefit from the services, activities, or opportunities offered by the

University. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The frequency, nature, and duration of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct arose in the context of other discriminatory conduct or other misconduct;
- The degree to which the conduct affected the Complainant's ability to access the CSU's educational programs, activities or employment;
- The Parties' ages, roles within the CSU's educational programs or activities, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct; and
- Other Sex-based Harassment in the CSU's educational programs, activities, or employment. Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization or in exchange for a raise or promotion; being subjected to video exploitation or a campaign of sexually explicit content; or frequently being exposed to unwanted images of a sexual nature in a work environment, or in a classroom where the images are unrelated to the coursework. Claiming that the conduct was not motivated by sexual desire is not a defense to a Complaint of Sexual Harassment.

6. **Sexual Exploitation** means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:
 - a. The prostituting of another person.
 - b. The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor of services, through force, fraud, or coercion.
 - c. The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
 - d. The distribution of images, including video or photographs, or audio of another person's sexual activity or private body parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure. This includes distribution of digitally altered or artificial-intelligence-generated images, video, and audio.
 - e. The viewing of another person's sexual activity or private body parts, in a

place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

7. **Dating Violence** means Physical Violence or threat of Physical Violence committed by a person:
 - a. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; **and**
 - b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the individuals involved in the relationship.
8. **Domestic Violence** means 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, or by a person similarly situated to a spouse of the Complainant. Domestic violence also includes acts against a Minor or adult victim who is protected from those acts under the family or domestic laws of the state.
9. **Stalking** means engaging in a Course of Conduct directed at a specific person that would cause a reasonable person to fear for the safety of self or others' safety or to suffer Substantial Emotional Distress. For purposes of this definition
 - a. Course of Conduct means two or more acts, including but not limited to, acts in which one party directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the other party, or interferes with the other party's property.
 - b. Substantial Emotional Distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
10. **Prohibited Consensual Relationships** include consensual sexual or romantic relationships between an Employee and any Student or Employee over whom they exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority.
 - a. A consensual relationship means a sexual or romantic relationship between two individuals who voluntarily enter into such a relationship.
 - b. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking subject to this Nondiscrimination Policy.

- c. It is a violation of this Nondiscrimination Policy for an Employee to enter into a Prohibited Consensual Relationship.
 - d. Examples of Prohibited Consensual Relationships include, but are not limited to, a supervisor and an employee in their chain of command; a faculty member and a student enrolled in their class; a counselor and a student they are advising; a resident advisor and a student in their building; a club advisor and club member.
11. **Retaliation** is intimidation, coercion, or discrimination against any individual for the purpose of interfering with their exercise of any rights under this Nondiscrimination Policy by:
- a. Reporting or filing a Complaint;
 - b. Participating or refusing to participate in any manner in any Policy-related investigation or proceeding, including a hearing;
 - c. Opposing conduct which was reasonably and in good faith believed to be in violation of this Nondiscrimination Policy;
 - d. Assisting or participating in an investigation or proceeding under this Nondiscrimination Policy, regardless of whether the Complaint was substantiated; or
 - e. Assisting someone else in reporting or opposing a violation of this Nondiscrimination Policy or assisting someone else in reporting or opposing Retaliation under this Nondiscrimination Policy.
 - For purposes of this definition, Retaliation includes conduct that would discourage a reasonable person from reporting or participating in a process provided for in this Policy, including threats, intimidation, coercion, reprisals, discrimination, and adverse employment or educational actions.
 - Peer Retaliation, which is defined as Retaliation by one Student against another Student, is also prohibited.
 - Retaliation may occur even when there is not a power or authority differential between the individuals involved.
 - The exercise of rights protected under the First Amendment does not constitute Retaliation prohibited under this definition.
 - Good faith actions lawfully pursued in response to a Complaint, such as gathering evidence, providing Supportive Measures, or disciplining Students or Employees found to be in violation of this Nondiscrimination Policy, without more, are not considered Retaliation.

B. Definitions of Capitalized Terms

1. **Advisor:** An individual chosen by a Party to a Complaint (Complainant or Respondent) to provide support and guidance throughout the process. The Complainant and the Respondent may each elect to be accompanied by one Advisor to any meeting or interview regarding the allegations. The 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 Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent. However, the Advisor may observe and consult with the Complainant or Respondent.

2. **Age:** With respect to Discrimination or Harassment, Age refers to the chronological age of any individual who is 40 years old or older. Age Discrimination in employment may include hiring, promotion, job assignments, training opportunities, compensation, layoffs, or termination decisions. Age Discrimination in non-employment programs and activities may include admissions, access to programs and activities, treatment in the classroom, or disciplinary action. Age based stereotypes refer to generalized opinions about matters including the qualifications, job performance, health, work habits, and productivity of individuals over 40. With respect to discrimination in non-employment programs and activities, Age means how old a person is, or the number of years from the date of a person's birth. **Age** is a Protected Status.
3. **California State University (CSU) or University** means the university campus system of the California State University and the Chancellor's Office.
4. **Campus** means any one of the university campuses of the CSU or the Chancellor's Office.
5. **Complainant** means a person alleged to have been subjected to conduct that could constitute a violation of this Nondiscrimination Policy, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator/DHR Administrator initiates a Complaint consistent with the requirements of this Nondiscrimination Policy. It also includes any person who is reported to have been impacted by a violation of this Nondiscrimination Policy in cases where some other person has made a report on that person's behalf (this person may be referred to as the "Impacted Party"). A Complainant may also be called a Party to the Complaint.
6. **Complaint** means an oral or written report to the Title IX Coordinator/DHR Administrator that objectively can be understood as a request for an investigation and determination about an alleged violation of this Nondiscrimination Policy. The Title IX Coordinator/DHR Administrator will respond to the Complaint in accordance with the Procedures accompanying this Nondiscrimination Policy.
7. **Consolidation** means the joining or combining the investigation and hearing process for Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations arise out of the same facts or circumstances. The Consolidation process is subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable privacy laws.
8. **Disability** means:
 - a. Having a physical or mental condition that limits a major life activity. "Limits" means making the achievement of a major life activity difficult without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the

mitigating measure itself limits a major life activity. A "major life activity" is broadly construed and includes physical, mental, and social activities (such as walking, talking, seeing, hearing, thinking) and working; or

- b. Having a known history of a qualifying impairment; or
- c. Being regarded or treated as having or having had a qualifying impairment; or
- d. Being regarded or treated as having or having had such an impairment that has no presently disabling effects but may become a qualifying impairment in the future.

Disability includes both visible and invisible disabilities, temporary or permanent disabilities, and disabilities that are apparent at birth or develop later in life. **Disability** includes HIV and AIDS.

Disability is a Protected Status.

9. **Disciplinary Sanctions** means consequences imposed on a Respondent following a determination that they violated this Nondiscrimination Policy.

10. **Employee** means a person legally holding a position in the CSU. This term includes full-time, part-time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions. This term does not include auxiliary or foundation Employees or other Third Parties. Employee also includes individuals who were employed by the CSU at the time the Complaint was filed and have since left the employ of the CSU.

11. **Gender** encompasses the social and cultural attributes, roles, behaviors, and identities associated with individuals based on their perceived or assigned sex. Important aspects of Gender include Gender Identity and Gender Expression. **Gender Identity** refers to a person's innate, deeply felt psychological identification of Gender, which may or may not correspond to the person's sex assigned at birth (the sex originally listed on a person's birth certificate).

Nonbinary is a Gender Identity which falls outside of the Gender binary, meaning an individual does not identify as strictly male or female. A nonbinary person can identify as both or neither male and female, or sometimes one or the other. There are several other terms used to describe Gender Identities outside of the male and female binary such as genderqueer, gender non-conforming, agender, and bigender. Though these terms have slightly different meanings, they refer to an experience of Gender outside of the binary.

Transgender (sometimes shortened to Trans or TG) people are those whose Gender Identity differs from the sex they were assigned at birth. A Transgender person may or may not medically transition and may identify as male, female, nonbinary, or another Gender.

Gender Expression refers to external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns, and social interactions. Social or cultural norms can vary widely and some characteristics that may be accepted as masculine, feminine, or neutral in one culture may not be assessed similarly in another.

Gender is a Protected Status.

12. **Genetic Information** means:

- a. The person's genetic tests.
- b. The genetic tests of the person's family members.
- c. The manifestation of a disease or disorder in the person's family members.
- d. Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a person or any person's family member.

Genetic Information does not include information about the sex or age of any person.

Genetic Information is a Protected Status

13. **Investigator** means the person tasked by a Campus with investigating a Complaint. An investigator interviews the Parties and relevant witnesses, reviews documents and physical evidence, analyzes information, makes credibility determinations in appropriate cases, and prepares reports summarizing their findings and conclusions. The Investigator may be the Title IX Coordinator/DHR Administrator or their designee, provided that any designee shall be an MPP Employee or an external consultant. An investigator shall not have any conflicts of interest in the matter under investigation.

14. **Marital Status** means an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state, including domestic partnership.

Marital Status is a Protected Status.

15. **Medical Condition** means either of the following:

- a. Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer; or
- b. Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:
 - i. Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder; or
 - ii. Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder. **Medical Condition** is a Protected Status.

16. **Management Personnel Plan (MPP) Employee** means an employee designated as a "management" or "supervisory" employee under the provisions of the Higher Education Employer-Employee Relations Act.
17. **Minor** means a person younger than 18 years old.
18. Nationality includes citizenship, country of origin, and national origin. It also includes language use restrictions and holding or presenting a driver's license issued under section 12801.9 of the Vehicle Code.
Nationality is a Protected Status.
19. **Party** means a Complainant or Respondent.
20. **Physical Violence** means physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.
21. **Pregnancy or related conditions** mean:
 - a. Pregnancy, childbirth, termination of pregnancy, or lactation;
 - b. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 - c. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.**Pregnancy** is a Protected Status.
22. **Preponderance of the Evidence** is a standard of proof that determines whether alleged conduct more likely than not occurred based on the evidence presented or facts available at the time of the decision. It means that the evidence presented by one Party is more convincing or has greater weight than the evidence presented by the other Party.
23. **Protected Status** includes Age, Disability (physical or mental), Gender, Gender Identity (including Nonbinary or Transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Pregnancy or related conditions, Race or Ethnicity (including color, caste, or ancestry), Religion or Religious Creed, Sex (including Sex Stereotyping or Sex Characteristics), Sexual Orientation, and Veteran or Military Status.
24. **Race or Ethnicity** includes shared ancestry, color, caste, ethnic group identification or characteristics, ethnic background, and citizenship or residency in a country.
Race or Ethnicity is a Protected Status.
25. **Relevant** means related to the allegations under investigation as part of the procedures in this Nondiscrimination Policy. Questions are Relevant when they seek evidence that may aid in showing whether or not the alleged conduct occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether or not the alleged conduct occurred.
26. **Religion or Religious Creed** includes all aspects of religious belief, observance, and practice, including religious dress and grooming practices (such as wearing religious clothing, head or face covering, jewelry, and artifacts), and includes agnosticism and atheism.
Religion or Religious Creed is a Protected Status.

27. **Remedies** are individualized services offered after the conclusion of the investigation or hearing process where the Respondent has been found responsible. Remedies are provided as appropriate, when reasonably available, and without fee or charge to the Complainant or any other person identified as having equal access to an educational program, activity, or employment limited or denied under this Nondiscrimination Policy. Remedies may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, Campus escorts, 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/DHR Administrator is responsible for determining the reasonableness of the requested Remedy and coordinating the effective implementation of Remedies.
28. **Reporting Party** means any individual, whether they are mandated or not, who files a report of a possible violation of the Nondiscrimination Policy on behalf of a Complainant. A Reporting Party is not entitled to information about the complaint resolution process. A Reporting Party does not assume the role of the Complainant when the Complainant elects not to participate in the complaint resolution process.
29. **Respondent** means a person who is alleged to have violated this Nondiscrimination Policy. A Respondent may include the CSU, an Employee, Student, or Third Party.
30. **Sex** refers to the biological category (male, female, intersex) a person is assigned at birth based on a combination of factors. Sex includes, but is not limited to pregnancy, childbirth, termination of pregnancy, lactation, any related medical conditions, or recovery.
Sex Characteristics refer to the outward and inward biological traits and attributes that are typically associated with being male, female, or intersex. These characteristics are determined by a combination of genetic, hormonal, and anatomical factors, such as reproductive or sexual functions.
Sex Stereotype means an assumption about a person's appearance or behavior or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the individual's sex.
Sex is a Protected Status.
31. **Sexual Assault Victim's Advocate** refers to Employees or third-party professionals designated to support Complainants reporting Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking. They must be certified and have received specialized training to provide options and assistance, including but not limited to the provision of information about available options in the Complaint, law enforcement, legal, and medical processes, and with emotional and decision-making support. **Sexual Assault Victim's Advocates** may serve as the Complainant's Support Advisor and assist in seeking services. They are committed to maintaining the highest possible level of confidentiality permissible under state and federal law in their communications with the individuals they assist.
32. **Sexual Orientation** means a person's identity in relation to the Gender or Genders to which they are sexually or romantically attracted and includes but is not limited to heterosexuality, gay, lesbian, bisexuality, and queer.

Sexual Orientation is a Protected Status.

33. **Student** means an applicant for admission to the CSU, an admitted CSU Student, an enrolled CSU Student, a CSU extended education Student, a CSU Student between academic terms, a CSU graduate awaiting conferral of a degree, a CSU student currently serving a suspension or interim suspension, and a CSU Student who withdraws from the University while a disciplinary matter (including investigation) is pending.
34. **Supportive Measures** are individualized services offered to the Complainant or Respondent, as appropriate, when reasonably available, not for punitive or disciplinary reasons, and without fee or charge, regardless of whether a Complaint is filed. Supportive Measures are designed to restore or preserve equal access to CSU education programs, activities, or the workplace without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational or work environment. Supportive Measures provide support to the Complainant or Respondent during the complaint or informal resolution process. Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, Campus escorts, no-contact directives (unilateral or mutual, depending on the circumstances) or restrictions on contact with the other Party, 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/DHR Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential to the greatest extent possible.
35. **Support Person** means a person who provides emotional support to a Party and may accompany the Party to a hearing as described in the [Interim CSU Nondiscrimination Policy – Student Procedures](#).
36. **Third-Party** means a person other than an Employee or a Student. Examples include employees of auxiliary organizations, unpaid interns, volunteers, applicants for employment, independent contractors, vendors, and their employees, and visitors.
37. **Title IX** means Title IX of the Education Amendments of 1972.
38. **Title IX Coordinator/DHR (Discrimination, Harassment, and Retaliation) Administrator** means the Management Personnel Plan (MPP) Employee at each Campus who is responsible for administering this Nondiscrimination Policy and coordinating compliance with Title IX, VAWA/Campus SaVE Act, and other related state and federal laws prohibiting Discrimination, Harassment and Retaliation. The Title IX Coordinator/DHR Administrator may delegate tasks to one or more designees, provided that any designee shall be an MPP Employee or an external consultant, and the Title IX Coordinator/DHR Administrator retains overall responsibility and authority.
39. **VAWA** means the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)), under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act).
40. **Veteran or Military Status** means service in the armed forces.

Veteran or Military Status is a Protected Status.

41. **Working Days** are defined as Monday through Friday, excluding all official holidays or Campus closures where the Complaint originated or at the Chancellor's Office where an Appeal is reviewed.

VI. Academic Freedom and Freedom of Speech

Freedom of expression is a cornerstone of a democratic society and is essential to the educational process. Universities have an obligation to create space that encourages and supports the free expression of ideas, values, and opinions, even when unpopular or controversial. Not every act that may be offensive or insulting constitutes Discrimination or Harassment, as defined by law and this Nondiscrimination Policy.

All members of the Campus community should recognize that the manner in which they choose to express themselves has consequences and that freedom of expression includes a responsibility to acknowledge and respect the right of others to express differing opinions. Freedom of expression is not an absolute right. It coexists with other rights and the need for public order and safety. The exercise of freedom of expression and assembly must comply with all applicable federal, state, and local laws and CSU policy. Conduct that violates this Nondiscrimination Policy, including statements that constitute Discrimination, Harassment, Sexual Harassment, Retaliation or Stalking, is not protected by academic freedom or freedom of expression. When speech activity includes terrorist threats or the promotion of actual or imminent physical violence or bodily harm, it is not protected by the First Amendment to the U.S. Constitution or by this Nondiscrimination Policy.

VII. Duty to Report

Individuals impacted by Discrimination, Harassment, Sex-based Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, or Retaliation have a right to receive support and are strongly encouraged to talk to someone in order for the Campus to respond appropriately.

To help individuals make an informed decision about who they would like to share information with, the information below explains which CSU employees have a duty to report information they learn and which can keep such information confidential.

- A. **Employees Who Have a Duty to Report:** Except as provided below, any Employee who knows or has reason to know of incidents that may violate this Nondiscrimination Policy has a duty to promptly report to the Title IX Coordinator/DHR Administrator, who are the Campus officials designated to receive these reports. These Employees are known as Responsible Employees and are required to disclose all information available, including the names of the Parties involved, even where the person has requested anonymity. Responsible Employees include, but are not limited to, Employees who have responsibilities for administrative leadership, teaching, or advising in any education program or activity for the CSU or who have the authority to take corrective actions in responding to Complaints from Students.
- B. **Employees Who Do Not Have a Duty to Report:** Except as required by law (described in section C), the Employees identified below generally do not have a duty to report to the Title IX

Coordinator/DHR Administrator. Employees covered by this section are required to explain to persons reporting Discrimination, Harassment, Sex-based Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, or Retaliation their rights and options with respect to confidentiality, how to contact the Title IX Coordinator/DHR Administrator, how to make a Complaint, and how the Title IX Coordinator/DHR Administrator can help, and provide the specific reporting resources outlined in Attachment D. This obligation extends to incidents that occur on or off Campus.

1. Physicians, psychotherapists, professional licensed counselors, licensed clinical social workers, and clergy who work on or off Campus, acting solely in those roles or capacities as part of their employment, in the provision of medical or mental health treatment or counseling (and those who act under their supervision, including all individuals who work or volunteer in these centers and offices).
2. Sexual assault and domestic violence counselors and advocates who work or volunteer on or off Campus in sexual assault centers, victim advocacy offices, women's centers, and health centers and who are acting solely in that role (including those who act in that role under their supervision, along with non-professional counselors or advocates who work or volunteer in sexual assault centers, victim advocacy offices, women's centers, gender equity centers, or health centers) in the provision of counseling or advocacy services.
3. A CSU union representative is not required to report a possible violation of this Nondiscrimination Policy if the information is provided to the union representative, acting in that role, in a confidential setting by a union member seeking advice about a possible violation or representation in a matter within the scope of representation. However, CSU union representatives are strongly encouraged to report the information to the Title IX Coordinator/DHR Administrator.

The Campus will be unable to investigate a particular incident or pursue disciplinary action if an individual chooses to: (1) speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate; and, (2) maintain complete confidentiality. Even so, these individuals will receive assistance in obtaining other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, and information regarding their right to make a Complaint to the Campus and a separate Complaint with local or University Police.

C. Exceptions to Duty to Report:

1. 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 person 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 where the injury is the result of assaultive or abusive conduct (including Rape, Sexual Assault, and Dating and Domestic Violence). This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception, if applicable.

2. Additionally, under California law, all professionals described above (physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters and are required to report incidents involving Minors to local law enforcement in accordance with the *CSU's Policy on Mandatory Reporting of Child Abuse and Neglect*.¹ **These professionals will explain this limited exception, if applicable.**
3. 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 or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to Sexual Misconduct, Dating or Domestic Violence, or Stalking.³ If applicable, these professionals will explain this limited exception.

D. Other Matters Related to the Duty to Report:

1. **Athletic Trainers.** Where matters involving Discrimination (based on any Protected Status), Harassment (based on any Protected Status), Sex-based Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, Prohibited Consensual Relationships, or Retaliation are reported to an Athletic Trainer, the Athletic Trainer must report such incidents to the Title IX Coordinator/DHR Administrator.
2. **Campus Ombuds.** Where matters involving Discrimination (based on any protected status), Harassment (based on any protected status), Sex-based Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, Prohibited Consensual Relationships, or Retaliation are reported to a Campus Ombuds, the Ombuds must report such incidents to the Title IX Coordinator/DHR Administrator.
3. **Student Employees, including Residential Advisors.** Residential Advisors, and other Employees who are also Students, have a duty to report knowledge of misconduct when they learn about such information while they are performing their duties of employment for the institution.
4. **University Police.** Employees of the University Police Department have a duty to report to the Title IX Coordinator/DHR Administrator any time they know or have reason to know of incidents that may violate this Nondiscrimination Policy, so that the Title IX Coordinator or DHR Administrator can carry out their duties under the law and under this Nondiscrimination Policy. At a minimum, the information to be reported includes all the information authorized to be disclosed under the law in response to records requests, but without requiring a formal request.⁴ Such information includes but is not limited to the time, substance, and location of all complaints or requests for assistance received by University Police and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age

of the victim, the factual circumstances surrounding the crime or incident, the identity of the alleged perpetrator, and a general description of any injuries, property, or weapons involved.⁵

- a. For certain sex offenses⁶ the victim has the right to affirmatively request from University Police, after being informed of their options, that the victim's identity remain confidential. However, even if the victim requests confidentiality of identity, the University Police should specifically ask the victim if the victim's name can be provided to the Title IX Office so that the Title IX Coordinator can contact the victim to discuss supportive measures that can be offered. And in all cases, even when the victim requests confidentiality, the identity of the alleged perpetrator (if known) must be reported to the Title IX Coordinator.
- b. If Campus management designees identified in CSU Clery policy determine that the Respondent poses a discernible serious or ongoing threat to the Campus community, a timely warning will be issued in accordance with the Clery Act. Any such warning will not include any information that identifies the victim.
- c. University Police are strongly encouraged to have regular meetings with the Title IX Coordinator/DHR Administrator to discuss strategies to ensure that victims are fully apprised of their rights and options under the law and under this Nondiscrimination Policy.

VIII. Authority

This policy is issued pursuant to [Section II of the Standing Orders of the Board of Trustees of the California State University](#), and as further delegated by the [Standing Delegations of Administrative Authority](#).

IX. Endnotes

1. See Cal. Penal Code §§ 11164-11174.3; see also CSU Policy on Mandatory Reporting of Child Abuse and Neglect.
2. See Cal. Evid. Code § 1024.
3. See Cal. Evid. Code § 1035.4.
4. See Government Code 7923.615
5. See Government Code 7923.615.
6. See Penal Code Sections 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6.

All Revision Dates

8/1/2024, 1/22/2023, 12/24/2021

Attachments

[Attachment A - Additional Information on Implementing the Legal Requirements Prohibiting Sex Discrimination](#)

[Attachment B - Campus Title IX Coordinators Role and Responsibilities](#)

[Attachment C - Confidential Sexual Assault Victim Advocates](#)

[Attachment D - Rights and Options for Victims of Sexual Misconduct, Sexual Assault, Sexual Exploitation, Dating and Domestic Violence, and Stalking](#)

[Attachment E - Myths and Facts About Sexual Misconduct](#)

[Attachment F - Complaint Form](#)

[Attachment G - Systemwide Prevention Policy](#)

[Attachment H - Compliance Review](#)

[Superseded Policy \(Nondiscrimination Policy\) Dated 01-01-2023.pdf](#)

[Superseded Policy \(EO 1045\) Dated 01-27-2010](#)

[Superseded Policy \(EO 1072\) Dated 04-06-2012](#)

[Superseded Policy \(EO 1074\) Dated 04-06-2012](#)

[Superseded Policy \(EO 1089\) Dated 10-23-2013](#)

[Superseded Policy \(EO 1095,1096,1097\) Dated 01-01-2022](#)

[Superseded Policy \(EO 1095\) Dated 06-03-2014](#)

[Superseded Policy \(EO 1095\) Dated 06-23-2015](#)

[Superseded Policy \(EO 1096 Revised\) Dated 03-29-2019](#)

[Superseded Policy \(EO 1096 Revised\) Dated 06-23-2015](#)

[Superseded Policy \(EO 1096 Revised\) Dated 08-14-2020](#)

[Superseded Policy \(EO 1096 Revised\) Dated 08-24-2021](#)

[Superseded Policy \(EO 1096 Revised\) Dated 10-05-2016](#)

[Superseded Policy \(EO 1096\) Dated 06-03-2014](#)

[Superseded Policy \(EO 1097 Revised\) Dated 03-29-2019](#)

[Superseded Policy \(EO 1097 Revised\) Dated 06-23-2015](#)

[Superseded Policy \(EO 1097 Revised\) Dated 08-14-2020](#)

[Superseded Policy \(EO 1097 Revised\) Dated 08-24-2021](#)

[Superseded Policy \(EO 1097 Revised\) Dated 10-05-2016](#)

[Superseded Policy \(EO 1097\) Dated 06-03-2014](#)

[Superseded Policy \(EO 340\) Dated 04-21-1981](#)

[Superseded Policy \(EO 345\) Dated 05-29-1981](#)

[Superseded Policy \(EO 419\) Dated 07-01-1983](#)

[Superseded Policy \(EO 675\) Dated 01-21-1998](#)

[Superseded Policy \(EO 774\) Dated 05-17-2001](#)

[Superseded Policy \(EO 883\) Dated 10-31-2003](#)

[Superseded Policy \(EO 927\) Dated 01-06-2005](#)

[Superseded Policy \(EO 928\) Dated 01-16-2005](#)

[Superseded Policy \(EO 993\) Dated 10-23-2006](#)

Approval Signatures

Step Description	Approver	Date
VC	Leora Freedman: Interim Vice Chancellor for HR	8/1/2024
Area Manager	Andy Alvarez: Assoc Dir, SW Emp & Plcy Admin	8/1/2024
Owner	Hayley Schwartzkopf: Assoc VC Cvl Rights Prog & Svc	8/1/2024

Rights and Options

For Victims of Sexual Misconduct, Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking

CALL 9-1-1

If you are in the midst of any kind of emergency, immediate harm or threat of harm.

The safety and well-being of our campus communities is a priority for the California State University. We are committed to creating and sustaining an educational and working environment free of sexual misconduct, sexual assault, sexual exploitation, dating or domestic violence, and stalking. We are committed to ensuring a safe working and learning environment at every campus.

You have the right to be treated with dignity and respect while seeking and/or receiving support and resources, exploring and/or exercising reporting options, and participating in any formal or informal administrative complaint resolution process under the [CSU's Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation \("Nondiscrimination Policy"\)](#).

This publication is intended to help you understand your rights and options, as well as provide you with information regarding support and resources. This document includes information about the rights and options available throughout the reporting process and/or the duration of any formal or informal complaint resolution process. You will also find information about the protocols by which we strive to ensure, to the fullest extent possible, that students, faculty and staff who are victims of sexual violence, dating violence, domestic violence, sexual exploitation and/or stalking, shall receive treatment and information about support and services available through on-campus and/or off-campus resources.

[Understanding Privacy, Confidentiality and Privilege](#)

If your physical safety is at imminent risk, we encourage you to seek immediate assistance from the police.

If you have been harmed in such a way that you might need and/or benefit from medical care, you are encouraged to seek immediate assistance from healthcare providers. You have the right to decide who you want to talk to and when you wish to talk about what happened. It is also important to know that you can get confidential medical attention after being assaulted. Following an assault, and depending on the nature of the assault, a victim/survivor may be physically injured, may have contracted a sexually transmitted infection, or may become pregnant. Medical professionals can help address these and other health concerns that may present following an assault.

Whether – and the extent to which – a University employee may maintain confidentiality depends on the employee’s position and responsibilities at the University. It is important to understand different levels of confidentiality in order to decide where to turn for help, and whether and to whom to report an incident.

There are a myriad of federal and state laws, along with campus policies and procedures, that help mitigate barriers to reporting and help-seeking behavior; protect student and employee privacy from disclosure; and ensure confidential resources are available for individuals seeking help, information, guidance and support. Many of these relate to the legal concepts of privacy, confidentiality, and privilege.

Privacy

Generally speaking, privacy refers to a person’s right to choose what they want to disclose about themselves, and to decide what they do not wish to share with others.

If you experience sexual misconduct, sexual assault, dating violence, domestic violence, sexual exploitation, and/or stalking you have a right to choose whether to make a report, or keep that information private.

The University will protect the privacy of everyone involved in a report to the greatest degree possible under applicable law and University policy. Personally identifiable information about the involved parties will be shared only on a need-to-know basis, e.g., to those who are investigating/adjudicating the report or those involved in providing support services. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any supportive measures and remedies provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures and remedies.

The CSU does not publish the name of victims/survivors or other identifiable information regarding victims/survivors in the Daily Crime Log or in the crime statistics that are disclosed in the *Annual Security and Fire Safety Report*. Furthermore, if a Timely Warning is issued on the basis of a report of

sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the name of and other personally identifiable information about the victim/survivor will be withheld.

Confidentiality

Confidentiality refers to the duty a professional owes a person to whom they are providing services for, to not to disclose any information surrounding their work with or shared during their work with that person without the consent of that person.

Legal privilege

Some people are required by law to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication” and communications with them are protected from disclosure in legal proceedings. Physicians, psychotherapists, licensed professional counselors, licensed clinical social workers, clergy and certified victim advocates acting in those roles or capacity may **not** report **any** information you share with them without your consent, except in very limited circumstances that are explained below.

- All professionals described above (i.e., physicians, psychotherapists, licensed professional counselors, licensed clinical social workers, clergy, and certified victim 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, if applicable.
 - Note: Under California law, and University policy, certain University employees, including the Title IX Coordinator, are also 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. The identity of the person who made the report and the report itself are confidential and disclosed only among appropriate agencies.
- 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 who they know or reasonably suspect is suffering from (1) a wound or physical injury inflicted by a firearm or (2) any wound or other physical injury inflicted upon where the injury is the result of assaultive or abusive conduct (including sexual violence, domestic violence and dating violence). Health care practitioners should explain this limited exception to patients, if applicable. This does **not** apply to sexual assault and domestic violence counselors and advocates.

- 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 or (2) to a 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/survivors.

Understanding who does and does not have a duty to report

If you believe you have been or may have been the victim of sexual misconduct, sexual assault, dating violence, domestic violence, sexual exploitation and/or stalking we encourage you to talk to someone about what happened so you can learn about available support, resources and options.

Responsible Employees

Any University employee who is not a Confidential Resource and who receives, in the course of employment, information that a student (undergraduate, graduate, or professional) has suffered sexual violence, sexual harassment or other prohibited behavior shall promptly notify the Title IX Coordinator or designee. This includes Resident Assistants, Graduate Teaching Assistants, and all other student employees, when disclosures are made to any of them in their capacities as employees.

Additional Information

To help people make informed decisions about who they would like to share information with, the links below explain in greater detail which CSU employees have a duty to report information and which can keep such information confidential.

[Article V. in the CSU Nondiscrimination Policy](#) covers important information related to the following:

- [Employees Who Have a Duty to Report](#),
- [Employees Who Do Not Have a Duty to Report](#), and
- [Other Matters Related to the Duty to Report](#).

The University will not generally notify parents or legal guardians of a report of sexual violence unless the alleged victim is under the age of 18 or they provide the University with written permission to contact their parents or legal guardians.

Important: If a victim/survivor speaks only to a physician, therapist, professional counselor, clergy member or advocate, the University will be unable to conduct an investigation or pursue disciplinary action against the respondent, if the victim/survivor chooses to maintain confidentiality.

Regardless of whether a victim/survivor decides to maintain confidentiality, these individuals will still assist victims/survivors in receiving other necessary protection and support, such as victim advocacy, medical, mental health services, and/or legal services. However, these individuals may have limited ability to assist a victim/survivor with University academic support or accommodations, or changes to University-based living or working schedules, as such accommodations likely require the involvement of other University officials.

Victims/Survivors can change their minds about reporting. A victim/survivor who at first requests confidentiality and declines to file a formal complaint, may later decide to file a complaint with the University or report the incident to the police and thus have the incident fully investigated. Campus advocates can provide victims, if they wish, with more information and assistance with reporting.

Because the University is under a continuing legal obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) may also prompt the University to consider broader remedial action — such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increased education, training and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and revising its policies and practices. The University would not reveal the name of a complainant if any of these actions were pursued.

[Support Services & Supportive Measures](#)

You have the right to be offered and receive reasonably available support services and supportive measures, available both on and off campus. You do not have to file a formal complaint or a criminal complaint in order to receive support services and/or supportive measures. Supportive services and supportive measures include, but are not limited to, counseling, victim/survivor advocates, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, 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, University Police Department and victim/survivor advocate on your campus can provide some of these services directly and/or provide you with information about and a referral to these and additional resources on and off campus for support. Each campus website contains information about resources for support services specific to your campus and local area.

Following are some key contacts at each campus (a campus-specific template for sharing contact information for resources and support specific to your campus can be found at the end of this document):

Campus Advocates

Your campus advocate is a professional specially trained to provide victims of sexual assault, dating violence, domestic violence, sexual exploitation and/or stalking with confidential trauma-informed care and support. Advocates offer nonjudgmental support, use an intersectional approach and an empowerment model. Their role is not to give advice or tell victims what they “should” do, but instead to provide victims/survivors with information and resources so that they are empowered to make their own informed decisions about what is best for them at that particular time.

Advocates work with faculty, staff and students to provide emotional support, victims’ rights information, help in finding needed resources, assistance in filling out crime victim related paperwork/forms, and more. Advocates can accompany you to the hospital for medical care and forensic exams. They may also accompany you for other meetings, such as interviews with law enforcement and/or investigators. Advocates work with survivors to access campus resources such as psychological counseling, emergency housing, transportation and academic needs. They can accompany you in meeting with the Title IX Coordinator to learn more about options and resources they can provide. Advocates often provide support for victims when they are reporting to Title IX and/or law enforcement and can help you navigate the reporting process. While an advocate’s role is one of support, they do not provide therapy or mental health counseling and instead can help you access these services.

Title IX Coordinator

Your campus Title IX Coordinator is the person designated to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to all forms of discrimination based on sex, gender, gender identity and expression, and sexual orientation, including sexual harassment, sexual misconduct, sexual assault, sexual exploitation, dating violence, domestic violence, stalking and retaliation. Your campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint, the availability of supportive measures, the University’s relevant complaint process, and your right to receive assistance with that process, including the investigation process, how confidentiality is handled, available resources on & off campus, and other related matters.

Counseling Services

Confidential on-campus counseling and psychological services are available for students at each campus. The Employee Assistance Plan (EAP) and counseling and psychological services through employee health plans are available to support faculty and staff at the CSU. Sexual assault/rape

crisis and domestic violence centers are available throughout the state and provide confidential information and referral services, counseling, safety planning, and victim advocate services.

University Police & Local Police

(See below for more information regarding law enforcement and legal options)

Preserving Evidence

The importance of preserving evidence

Victims/survivors are encouraged to preserve all physical evidence, including but not limited to: clothing worn during the assault, bed sheets, and/or photos of any injuries. This evidence may be helpful in proving that a crime occurred, in the event the victim/survivor chooses to report now or in the future. It may also be helpful in obtaining a court-ordered protective or restraining order. If a victim/survivor does not have any evidence preserved, they still have an option to report the crime and request a medical evidentiary examination.

Victims/survivors of sexual misconduct, sexual assault, sexual exploitation, stalking, dating violence and domestic violence are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that may be useful to University investigators or police should the victim/survivor decide to report now or in the future.

Medical Care and Treatment

Medical Checkups, Evidentiary Exams and VAWA Exams

In some instances, sexual misconduct, sexual assault, sexual exploitation, stalking, dating violence and domestic violence may result in the need for medical care. You have a right to seek important medical care to address any injury or physical health concerns and to preserve evidence if the conduct alleged warrants such consideration. Regardless of whether an incident of sexual violence is reported to the police, it is important to seek immediate medical attention, even if there is no evidence of serious injury. A medical examination is important to check for sexually transmitted infections or other infections/injuries and for pregnancy. If needed, campus advocates can help you find an appropriate medical provider.

In the event you need transportation to a hospital for medical treatment, your campus Advocate, University Police Department and Title IX Coordinator are all able to provide you with more information about transportation and/or accompaniment to a hospital, including the name(s) of university personnel who may transport you.

Medical Check-ups

Do not require a police report and do not collect evidence

Students may schedule an appointment with their primary care provider, Student Health Services, or Planned Parenthood. Employees may schedule an appointment with their primary care provider or Planned Parenthood. You may ask them for preventative STI medication or emergency contraceptives. Emergency contraception can also be accessed at your local pharmacy.

Evidentiary Exams

Requires a police report

Victims have the right under state and federal law to receive a medical evidentiary examination anonymously, at no cost to them. If a victim/survivor chooses not to report to law enforcement, they still have the right to a forensic exam (see “VAWA Exams” below).

An evidentiary exam requires a police report and is sometimes referred to as a Sexual Assault Forensic Exam (SAFE). It is recommended that the examination occurs within a reasonable timeframe after the assault for optimal evidence collection. Law enforcement can provide transportation to the facility, and the victim/survivor will meet with a victim advocate before the exam begins. A specially trained medical provider, called a Sexual Assault Nurse Examiner (SANE), will conduct the exam.

VAWA Exams

Do not require a police report

Victims have the right under state and federal law to receive a medical evidentiary examination anonymously, at no cost to them. If a victim/survivor chooses not to report to law enforcement, they still have the right to a forensic exam. This exam is sometimes referred to as a VAWA (Violence Against Women Act) exam, anyone of any gender identity can receive a VAWA exam. The evidence is collected and preserved for up to two years if the survivor decides to move forward with making a report to law enforcement.

If a victim/survivor visits a medical facility solely for the purpose of requesting a forensic exam, law enforcement will be notified. A victim/survivor has the right not to participate or agree to participate in the criminal justice system, either prior to the examination or at any other time.

Law Enforcement & Legal Options

Reporting to law enforcement and making a criminal report

Some forms of misconduct prohibited under the Nondiscrimination Policy may also be prohibited by law. You have a right to be informed of law enforcement options and information regarding the availability of a criminal or civil prosecution for victims of crime.

It is a victim's/survivor's choice to report a crime. You have the right to report or decline to report an incident to law enforcement. You have the right to not be forced, coerced, or pressured into reporting to law enforcement.

A victim/survivor may report an incident to law enforcement at any time. In the event of an emergency where immediate assistance is required, a victim/survivor should dial 9-1-1 to be connected with the nearest police department. If there is no emergency, victims/survivors can file a police report at any time in the jurisdiction where the assault occurred. A confidential victim advocate can assist the victim/survivor in filing the report if requested.

Victims/survivors of crimes such as sexual assault, sexual exploitation, stalking, dating violence, domestic violence, abuse, threats of abuse and/or serious harassment all have a right to petition the court in the appropriate jurisdiction for a protective order (also referred to as a restraining order).

Your Campus Advocate, University Police Department and Title IX Coordinator are all able to provide you with more information about pursuing criminal prosecution, civil prosecution and/or protective orders.

A victim/survivor of specific offenses [enumerated in California Government Code section 7923.615 (b)(1)] has the right to request to be listed as a confidential victim in a law enforcement agency's report. Being listed as a confidential victim in a law enforcement agency's report prevents the law enforcement agency from disclosing the confidential victim's name and address as a matter of public record. However, the confidential victim's information can be released to the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law. Please see California Penal Code section 293 for more information.

Civil reporting options & protective orders

A victim/survivor may choose to file a civil lawsuit against the alleged offender, whether or not criminal charges have been filed. A civil lawsuit provides an opportunity to recover actual money damages, which may include compensation for medical expenses, lost wages, pain, suffering and

emotional distress. An Advocate can assist a victim/survivor with identifying the necessary steps and processes for filing a lawsuit if requested.

Court-Ordered Restraining Orders

A victim/survivor may choose to obtain a restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can help protect a victim/survivor who has experienced or is reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

Emergency Protective Order (EPO)

An Emergency Protective Order (EPO) is a type of restraining order that only law enforcement can ask for by calling a judge. Typically, this is done by an officer responding to the scene of a domestic violence incident. Judges are available to issue EPOs 24 hours a day. The EPO takes effect immediately and can last up to seven calendar days. The judge can order the alleged abuser to leave the domicile and stay away from the victim and their children for up to a week. This provides the victim with time to go to court to request a temporary restraining order.

Temporary Domestic Violence Restraining Order (TRO)

A TRO is a type of protective order. In order to obtain one, the victim/survivor must fill out paperwork explaining the facts and why a protective order is needed. If a judge agrees that protection is needed, the judge will issue a temporary restraining order. Temporary restraining orders usually last until the court hearing date, typically 20 to 25 days after the petition is filed.

Criminal Protective Order (CPO)

When there is a claim that a domestic violence incident occurred, a criminal charge (or charges) may be filed by a prosecutor (such as the City Attorney or District Attorney) against the person who allegedly committed the criminal act. The prosecutor commonly asks a judge to issue a Criminal Protective Order while the criminal case proceeds. A CPO typically requires the defendant (the person who allegedly committed the criminal act) to stay away from and not to hurt, threaten, or communicate with the victim/accuser. If the defendant is convicted of or pleads guilty to the criminal charge(s), the CPO may last for up to ten years after the case is over.

Civil Harassment Restraining Order

This type of court order is available to individuals who have been harassed by any of the following: a neighbor, roommate (as long as no dating/romantic relationship existed or exists), friend, family member more than two degrees removed (e.g., an aunt/uncle, niece/nephew, cousin, or more distant relative), stranger, or another person not closely related to the victim of the harassment.

An individual who has been civilly harassed by a current or former spouse/partner, or someone with whom a dating/romantic relationship existed, or a close relative (parent, child, brother, sister, grandmother, grandfather, in-law) may qualify for a domestic violence restraining order but would not qualify for a civil harassment restraining order.

The CSU, Restraining Orders and Protective Orders

The CSU complies with California law in recognizing restraining orders and protective orders. If you obtain a restraining order a copy should be provided to your campus Police Department. In order to comply with the restraining order, Title IX Coordinators, DHR Administrators, Advocates and/or the University Police Department on your campus may assist with setting up escorts, establishing special parking arrangements, changing classroom or employment locations, or additional measures as needed. Victim/Survivor Advocates on your campus can offer assistance with obtaining a restraining order.

[University Reporting Options](#)

Reporting to University Administration

Complaints of discrimination, harassment, sexual misconduct and sexual assault, dating and domestic violence, sexual exploitation, and stalking may be addressed through the University administrative process. A complainant or reporting party can report an incident to the University by contacting the Title IX Coordinator on their campus. A complainant has the right to have a support person present with them while making a complaint.

Please note that the University administrative process is separate from any criminal or civil process (see the section “Law Enforcement and Legal Options” above for more information).

Individuals have a right to submit a formal complaint through the applicable complaint resolution process. A formal complaint may also be submitted by the campus Title IX Coordinator.

The parties (meaning the Complainant and Respondent) in a matter have the right to receive written Notice of Allegations/Investigation in accordance with the applicable procedure, and to receive a copy of the CSU’s Nondiscrimination Policy and an explanation and description of the applicable complaint resolution process.

Additionally, throughout the complaint resolution process, the parties have the following rights:

- The right to participate or decline to participate in the complaint resolution process and/or any investigation meetings or disciplinary proceeding.
- The right to be informed of the option of informal resolution based on the applicable procedures:

- Under CSU's Nondiscrimination Policy and the procedures for Track 1: The right to request an informal resolution (when the matter does not involve an employee Respondent and a student Complainant) after a Formal Complaint has been signed but not be pressured, forced, or coerced into an informal resolution process.
 - Under CSU's Nondiscrimination Policy and the procedures for Tracks 2 and 3: The right to request an informal resolution but not be pressured, forced, or coerced into an informal resolution process.
 - In any informal resolution process, the Title IX Coordinator will oversee the informal resolution process, conduct an initial and on-going assessment as to whether the informal resolution process should continue, and make the final determination on all informal resolutions facilitated by the Title IX Coordinator or designee regarding whether the terms agreed to by the parties are appropriate considering all the circumstances of the complaint.
- The right to a fair and equitable investigation and resolution of all allegations after a formal complaint.
 - The right to receive an explanation of the possible sanctions for the alleged conduct.
 - The right to challenge the impartiality or bias of the Title IX Coordinator, investigator(s), or decision-maker(s).
 - The right to be provided sufficient notice regarding meetings and/or interviews throughout the process, including the names of individuals who will attend the interview or meeting and the reason for the meeting.
 - The right for all meetings, interviews, and hearings to be closed to the public.
 - The right to be accompanied by an Advisor and/or Support Person to any meeting, interview and/or hearing regarding the allegations.
 - The right to receive timely updates on the status of a case, any disciplinary proceedings, and the results of any disciplinary action or appeal.
 - The right to provide investigator(s) with information to review and to present a list of potential witnesses for the investigator(s) to interview.
 - The right to inspect and review evidence and information in accordance with the applicable procedures and the opportunity to provide a written response within ten (10) days to the investigator.
 - The right to be provided with an investigation report in accordance with the applicable procedures.
 - The right for the allegations to be resolved using a preponderance of the evidence standard,

with the University bearing the burden of proof. Preponderance of the evidence means that it is “more likely than not” that the respondent is responsible for the charged violation(s).

- The right to receive a written determination at the conclusion of the process which includes the information indicated in the applicable procedures.
- Right to appeal the written determination or the dismissal of a Formal Complaint.
- The right to be informed when the determination becomes final.

In addition to the rights discussed above, the parties are provided with additional rights when there is a hearing, these include:

- The right to a live hearing for all formal complaints of sexual misconduct, dating or domestic violence, sexual exploitation, stalking and/or sexual harassment proceeding under Track 1 or Track 2 of the Nondiscrimination Policy that have not been dismissed or resolved by informal resolution. At the request of either party, or at the discretion of the Title IX Coordinator, the live hearing may occur with parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the other party or witnesses answering questions.
- For Track 1 hearings only (under the procedures outlined in the CSU's Nondiscrimination Policy): The right to be provided with a Hearing Advisor by the University if the party does not select their own choice of Hearing Advisor. Federal regulations require that both parties have a Hearing Advisor for a hearing under Track 1 of the Procedures.
- The right to be seen and heard in person, or via technology, during all the hearings and including the right to see and hear the opposing party.
- The right to ask questions of the opposing party and witnesses through a Hearing Advisor (Track 1) or the Hearing Officer (Track 2) at the hearing.

[Campus and Community Resources](#)

Resources for Victims/Survivors

The following is a list of on-campus and off-campus resources that offer a variety of services in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas. Campus advocates can help provide information about and referral to any of these resources if requested. These resources are available to victims/survivors whether or not they choose to make a criminal or administrative report.

[See template for campus and community resources on following pages]

**CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual
Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation
Attachment D
Revised January 1, 2023**

Confidential Resources On-Campus

Resource	Type of Services
Campus Confidential Advocates (562) 985-2668 Advocate@csulb.edu	Crisis Intervention Advocacy Accompaniment Information and Referral
Counseling and Psychological Services (562) 985-4001	Counseling and mental health services for students
Student Health Services (562) 985-4771 wellness@csulb.edu	Medical Services Primary Care Visits Immunizations Reproductive Health Visits Sports Medicine Laboratory Pharmacy X-ray Sexual Health Services Wellness Programs
Student Legal Resource Center Location: CSULB College of Business Room 441 or Office Zoom link (by appointment only)	The CSULB College of Business Legal Resource Center (LRC) is committed to assisting undergraduate and graduate students in having access to legal resources and opportunities that will further achieve their educational goals.
Faculty & Staff Assistance Program Off campus, call us at (562) 985-7434. On campus, call 5-7434.	The Faculty & Staff Assistance Program, also known as FSAP, is a free, confidential resource to help you resolve personal, family, or work-related problems before they disrupt your life. Services directly provided by FSAP are available only by appointment

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Non-Confidential Resources On-Campus

Resource	Type of Services
<p>Title IX Coordinator: Larisa Hamada Email: OEC@csulb.edu Phone: 562.985.8256</p>	<p>Equity & Compliance reviews and investigates allegations of Discrimination, Harassment, and Retaliation as it relates to protected status* as well as Sexual Misconduct, Sexual Harassment, Dating/Domestic Violence, and Stalking at CSULB.</p>
<p>CSULB Student Conduct Email: student-conduct@csulb.edu Phone: 562.985.5270</p>	<p>The Office of Student Conduct and Ethical Development investigates campus-related complaints and charges against students involving violations of campus regulations. Student Conduct and Ethical Development also assists students, faculty, staff, administrators, and community members in locating, interpreting and applying campus policies and regulations and laws applicable to students.</p>

CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation
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Resource	Types of Services
<p align="center">Financial Aid Office Financial Aid Appointments and Walk-Ins: Beach Central, BH-201 Mon. - Fri. 8:00 a.m. to 5:00 p.m.</p> <p align="center">Financial Aid Phone Support: 562.985.5471 x4 Mon. - Fri. 8:00 a.m. to 5:00 p.m</p>	<p>Financial Aid and Scholarships</p>
<p align="center">International Center Phone: 562-985-5555</p> <p align="center">Applications cie-apply@csulb.edu Admissions cie-admission@csulb.edu Immigration Advising cie-student@csulb.edu Study Abroad studyabroad@csulb.edu</p>	<p>International Enrollment Management CSULB Study Abroad Programs Work Authorization</p>
<p align="center">Dream Success Center Location: Student Success Center 290 Phone: 562.985.5869 Email: dream@csulb.edu</p>	<p>Free Immigration Legal Services Career & Professional Development Financial Aid & Scholarships</p>

Law Enforcement Resources

<i>Resource Name</i>	<i>Type of Services</i>	<i>Contact Information</i>
<p>CSULB UPD</p>	<p>CSULB Night Safety Escort Program 24/7 response to emergencies and calls for service</p>	<p>24/7 Non-Emergency Line: 562.985.4101 Anonymous Tip Line: 562.985.0042 Text-to-911 is available on campus</p>

CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation
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<p align="center">Long Beach Police Department</p>	<p>Core services provided by the Long Beach Police Department are 24/7 response to emergencies and calls for service as well as criminal investigations to bring justice to the victims of crime.</p>	<p align="center">DIAL 9-1-1 In a Life Threatening Emergency</p> <p align="center">Police Dispatch (562) 435-6711 (Do not call for an emergency response)</p>
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Community, National, Global Resource

<i>Resource Name</i>	<i>Type of Services</i>	<i>Contact Information</i>
<p>Office for Civil Rights</p>	<p>A complaint of discrimination can be filed by anyone who believes that an education institution that receives Federal financial assistance has discriminated against someone on the basis of race, color, national origin, sex, disability, or age. The person or organization filing the complaint need not be a victim of the alleged discrimination, but may complain on behalf of another person or group.</p>	<p align="center">1-800-421-3481 OCR@ed.gov</p>
<p>RAINN (Rape, Abuse, and Incest National Network)</p>	<p>National network supporting victims/survivors of sexual assault and abuse. 24/7 free and confidential hotline and chat services.</p>	<p align="center">1-800-656-4673</p>

<p>U.S. Department of State – Office of Overseas Citizens Services</p>	<p>Assist victims/survivors who are overseas with local and/or US-based resources for victims of crime, including local legal representation.</p>	<p>From the US or Canada: 1-(888)-407-4747</p> <p>From overseas: +1-(202)-501-4444</p>
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BEACH

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Office of Equity & Compliance

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