

CSU Cal Poly San Luis Obispo

# 2019 ANNUAL SECURITY REPORT

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

CLERY CRIME STATISTICS 2016-2018



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## MESSAGE FROM THE PRESIDENT



Thank you for taking time to read this year's Annual Security Report. The Jeanne Clery Disclosure of Campus Security Policies and Campus Crime Statistics Act, commonly referred to as the Clery Act, is a federal mandate requiring all institutions of higher education that participate in federal student financial aid programs to disclose information about certain campus policies, procedures, and crimes reported to have occurred on the campus and certain off-campus locations. This report is designed to provide you with important information about safety and security at Cal Poly. In addition to outlining many of the policies and resources the institution offers the campus community, this report also contains crime statistics for the previous three calendar years of January 1, 2016 - December 31, 2018.

Campus safety and security is a shared responsibility. The best protection against campus crime is an aware, informed, alert campus community in partnership with law enforcement. The vast majority of our students, staff, faculty, and visitors do not experience crime at Cal Poly. However, despite our best efforts, crimes sometime still occur. This information is provided because of our commitment to campus safety and security and in compliance with federal law.

We hope you find this report informative. If you have questions or would like further information about the Clery Act, please visit the **Clery website** at <https://afd.calpoly.edu/clery/>.

Sincerely,

Jeffrey D. Armstrong  
President

## PREPARING THE ASR

Strategic Business Services prepares this report annually to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the Cal Poly Police Department, local law enforcement agencies surrounding our main campus and alternate sites, University Housing, the Dean of Students, Equal Opportunity, and Student Affairs. Each reporting entity provides updated information on their educational efforts and programs to comply with the Act.

The statistics contained in this report, which includes crimes on campus, in adjacent public areas, and some off campus locations, are collected by the Clery Compliance Team (CCT) and the Cal Poly Police Department. In preparation for annual reporting, the neighboring law enforcement agencies are surveyed for knowledge of crimes that may not have been reported to Cal Poly Police. These agencies include, but are not limited to the San Luis Obispo Police Department and the San Luis Obispo County Sheriff's Office. Cal Poly Campus Security Authorities (CSAs) report crimes to the Clery Director throughout the year to be included in this report and for timely warning consideration. These CSAs are campus staff and faculty with significant responsibility for student and campus activities and include, but are not limited to the Dean of Students, Residential Life staff, Athletics staff, Student Club advisors and Student Affairs personnel.

Crimes that occurred in campus residence halls and apartments are reported both in the "Campus" category and in the "Campus Residential" categories. Thus, "Campus Residential" category is a subset of "Campus" Category. The presentation of the statistics in this report is designed to enable the reader to compare crimes committed during the past three years. Crimes reported as occurring at locations outside the physical boundaries of the University are generally investigated by the agency having primary jurisdiction over the location. These include all campus recognized fraternity and sorority houses, which are located within the City and County of San Luis Obispo. Crime statistics for non-campus buildings or property are requested by the University and are published when available; however external police agencies are not required by law to provide the requested information.

The federal definition of each crime may differ from the definition of comparable crimes under California statutes and University policy. The Clery Act also requires reporting of hate crimes where prejudice due to race, gender, religion, sexual orientation, ethnicity, national origin, gender identity or disability with evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. If a CSA has knowledge of a reportable crime that was not reported for investigation or disciplinary action, that person is required, in most instances, to report the crime to the Office of the Clery Director or the Cal Poly Police Department for inclusion in the statistics.

Under the Clery Act, a crime is "reported" when it is brought to the attention of a Campus Security Authority, the University Police or local law enforcement personnel by a victim, witness, other third party or even the offender. It doesn't matter whether or not the individuals involved in the crime, or reporting the crime, are associated with the institution. If a CSA receives a report, that person must include it as a crime report for consideration of inclusion into the Annual Security Report. It is not necessary for the crime to have been investigated by the police, nor must it have to be prosecuted by the San Luis Obispo County District Attorney's Office, or other appropriate prosecutor, to be included in the report.

CRIME STATISTICS

CLERY CRIME STATISTICS 2016, 2017 and 2018					
OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Murder/Non-negligent Manslaughter	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Manslaughter by negligence	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Rape	2016	7	5	2	2
	2017	10	7	1	0
	2018	7	5	0	0
Fondling	2016	3	2	2	0
	2017	7	3	1	0
	2018	2	2	0	0
Incest	2016	0	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2016	1	1	0	0
	2017	0	0	0	0
	2018	0	0	1	0
Robbery	2016	1	0	0	0
	2017	0	0	0	1
	2018	0	0	0	0
Aggravated Assault	2016	1	1	0	0
	2017	2	0	0	0
	2018	1	0	0	0
Burglary	2016	12	3	4	0
	2017	13	2	3	0
	2018	8	1	1	0
Motor vehicle theft	2016	0	0	0	1
	2017	7	0	0	0
	2018	4	0	2	1
Arson	2016	1	0	0	0
	2017	0	0	0	0
	2018	2	1	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2016	1	0	0	0
	2017	0	0	0	0
	2018	0	0	0	0
Domestic Violence	2016	2	2	0	0
	2017	0	0	0	0
	2018	1	1	0	0
Stalking	2016	2	2	0	0
	2017	5	3	0	0
	2018	4	1	0	0

OFFENSE	YEAR	CAMPUS	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor law arrests	2016	35	4	0	23
	2017	40	1	0	6
	2018	40	1	0	9
Liquor law referrals	2016	216	203	0	0
	2017	292	290	0	0
	2018	124	113	0	0
Drug law arrests	2016	21	13	0	16
	2017	12	4	0	0
	2018	11	4	0	6
Drug law referrals	2016	7	4	0	3
	2017	5	4	0	0
	2018	7	5	0	0
Weapons law arrests	2016	1	1	0	0
	2017	3	0	0	2
	2018	3	1	0	0
Weapons law referrals	2016	0	0	0	0
	2017	1	0	0	0
	2018	1	1	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2016	1
	2017	3
	2018	1

## HATE CRIMES

2016 – There were no reported hate crimes

2017 – There were no reported hate crimes

2018 – There were no reported hate crimes

A hate crime is a criminal offense committed against a person or property which is motivated in whole or in part by the offender's bias. Hate crime includes any offense in the following groups: murder and non-negligent manslaughter, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, and destruction/damage/vandalism of property.

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

## REPORTING CRIMINAL ACTIONS & EMERGENCIES

All students, employees, and visitors are strongly encouraged to report criminal incidents, suspicious activity, and emergencies promptly and accurately to the Cal Poly Police department either by phone or in person at the Cal Poly Police Department or by any of the means listed below. Per Campus Administrative Policy (CAP) 351.5, "Traffic accidents, criminal activity, or serious personal injury/property damage shall be reported directly to University Police." Incidents that may or may not be crimes may also be reported to Campus Security Authorities (CSA's) which are defined in this report. These reports can be made in person, via telephone, or to any campus employee who is designated as a CSA. Campus members designated as CSAs are required by the Clery Act to report criminal activity to the Cal Poly Police Department or the Clery Director for inclusion in the annual campus crime statistics; however, the reporting person, as well as the victim, will remain confidential, if requested and to the extent permitted by law. The University encourages the reporting of any suspicious incident or crime occurring on campus property through any of the options below:

### Directly to the Cal Poly Police Department

The Cal Poly Police Department investigates reported crimes and suspicious incidents to the fullest extent possible. This includes both confidential and anonymous reports. For emergencies call 9-1-1 from any phone. Additionally, Cal Poly has installed emergency two-way call boxes (Blue Light phones) around the campus for use during emergencies. Users are immediately connected with the Cal Poly Police Dispatch Center. For non-emergencies call (805) 756-2281 or report in-person at Cal Poly Police Department located at Building 36, 24 hours a day, 7 days a week.

### Anonymous/Confidential Reports of Crimes to the Police

Persons who wish to make voluntary, confidential reports of crime may also do so by calling Crime Stoppers at (805) 549-STOP (7867) and the information will be forwarded to the Cal Poly Police Department for inclusion in the annual crime report and potential campus timely warning notifications.

### Reports of Crimes to Campus Security Authorities (CSAs)

The term Campus Security Authority, or CSA, "is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution".

- A campus police department or a campus security department of an institution
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property)

- Any individual or organization specified in an institution’s statement of campus security policy as an individual or organization to which students and employees should report criminal offenses
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution

If a CSA has knowledge of a reportable crime that was not reported for investigation or disciplinary action, that person is required, in most instances, to report the crime to the Office of the Clery Director or the Cal Poly Police Department for inclusion in the statistics and potential campus timely warning notifications, however all information contained in Clery reports and/or campus timely warnings will not identify the reporting parties.

Cal Poly has identified and provides training to CSAs on campus. The Clery Act does not require the University to publish the name and title of every CSA, however the following key individuals have been identified for ease of referral:

Kathleen McMahon	Senior Associate Vice President for Student Affairs & Dean of Students	Bldg. 081, Rm 002	756-0327
Maren Hufton	Director, Equal Opportunity & Title IX Coordinator	Bldg. 033, Rm 290	756-1400
George Hughes	Assistant Vice President for Public Safety and Chief of Police	Bldg. 036, Rm 107	756-6675
Brenda Trobaugh	Deputy Chief of Police	Bldg. 036, Rm 107	756-6675
Jo Campbell	Associate Vice President for Student Affairs/Executive Director University Housing	Bldg. 031, Room 219	756-5956
Juliette Duke	Senior Associate Director, University Housing & Residential Experience	Bldg. 031, Rm 220	756-9315
Keith Humphrey	Vice President, Student Affairs	Bldg. 01, Rm 206	756-1521
David Groom	Associate Dean of Student for Student Rights & Responsibilities	Bldg. 081, Rm 1D	756-2794
Don Oberhelman	Director of Athletics	Bldg. 042, Rm 206	756-1407
Gregory Avakian	ASI Director, UU Recreational Services	Bldg. 043, Rm 132D	756-5846
Brian Tietje	Vice Provost, International, Graduate and Extended Education	Bldg. 052, Rm E31	756-1757
Mary Pedersen	Interim Provost and Executive Vice President for Academic Affairs	Bldg. 001, Rm 305A	756-2186

## TIMELY WARNINGS

The university will issue a timely warning as soon as pertinent information is available when a Clery reportable crime is reported to CPPD or a designated campus security authority, occurred in a Clery defined geographical



area, and a case by case analysis of pertinent facts known is completed and a determination is made an on-going or continuing threat to the community exists.

The Chief of Police is responsible for the decision to issue a timely warning (or a management designee in the absence of the Chief) and will confer with the Clery Director, if available, upon receiving a report of an incident reported to a CSA and/or Cal Poly Police. The Chief of Police, along with the Clery Director, if available, will complete a case by case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the community.

If it is determined that any of the three factors are not met, then no timely warning will be issued.

If the Clery Director or designee is unavailable, the Chief of Police or the management designee in the absence of the Chief, proceeds with the above-described analysis. The unavailability of the Clery Director shall not unduly delay the issuance of a timely warning to the community.

If it is determined that all three factors are met, the Chief of Police (or management designee in the absence of the Chief) will determine the content of the timely warning bulletin, disseminate the timely warning expeditiously in a manner likely to reach the entire campus community utilizing one or more, and not limited to, the following methods:

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

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

- A statement that the Timely Warning Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the campus community to aid members from becoming the victim of a similar crime
- The Clery Act reportable crime that occurred
- The date, time, and location the crime occurred
- The date the Timely Warning Bulletin is issued
- A description of the suspect, and name if known, when the suspect is at large and evading apprehension and/or law enforcement is seeking assistance from the public to locate
- Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime

Timely Warning Bulletins will not include, under any circumstances, the name of the victim or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime.

## VOLUNTARY CONFIDENTIAL REPORTING

Pursuant to California Education Code section 67380(a)(6)(A), CSAs who receive reports from employees or students of a Part I violent crime, sexual assault or hate crime that occurred in an on- or non-campus location

as defined by the Clery Act, may not disclose to UPD or local law enforcement agencies the names of the victims or the alleged assailant, unless the victim consents to disclosing their name after being informed of their right to have their personally identifying information withheld. The name of the alleged assailant may be disclosed, however, if all of the following conditions are met:

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

While all campuses encourage members of their community to promptly report all crimes to Cal Poly Police, campuses do have policies requiring confidential, exempt sources defined in the Clery Act (Professional and Pastoral Counselors) to report information disclosed to them of a crime in a confidential session. All confidential exempt sources are encouraged to provide victims of all options and support resources for reporting crimes on campus for administrative or criminal investigation and action.

## SECURITY OF AND ACCESS TO CAMPUS FACILITIES

Campus facilities are provided primarily for the education-related needs of enrolled students and employees. Use and allocation of University Facilities is governed by Campus Administrative Policy (CAP) 390 Space Management Policy. Academic buildings are open Sunday through Saturday from 7:00 a.m. to 10:00 p.m. and locked each night. Administrative buildings are generally open Monday through Friday from 7:00 a.m. to 5:00 p.m. and locked each evening. During the academic year, the University Union is open Monday through Friday from 6:00 a.m. to 1:00 a.m. and Saturday and Sunday from 8:00 a.m. to 1:00 a.m. During the academic year, the Recreation Center is open Monday through Friday from 5:30 a.m. to 12:30 a.m. and Saturday and Sunday from 8:00 a.m. to 12:30 a.m. Persons without a lawful purpose may be removed from the campus per California Penal Code Section 626.6. Access to campus residences is restricted to building residents and guests, and is regulated by University Housing.

All entrances to residence halls and university apartments are locked 24 hours a day. Students who live in campus housing may enter the building by using their room keys/key cards. Security phones are installed throughout University Housing communities for emergency use. Students who have room or apartment doors open to publicly accessible areas are reminded and encouraged to keep doors closed and locked at all times.

Agriculture Housing is managed by the College of Agriculture, Food and Environmental Science (CAFES). Each Ag Housing unit is accessed by a key into the main house and each individual room has a unique key. Students are reminded and encouraged to keep doors closed and locked at all times.

All on-campus facilities are patrolled 24 hours a day, 7 days a week by Cal Poly Police officers. Facilities found unsecured and maintenance problems (e.g., broken locks) are reported immediately to facilities and secured as needed. In addition, residence hall and apartment staff conduct routine maintenance and safety inspections which include exterior door security.

Swanton Pacific Ranch (SPR) facilities are under lock and key 24 hours a day, 7 days a week where a key or key code is required for entry. Facilities are generally open from 8:00 a.m. to 5:00 p.m. each day and locked in the evening. All facilities and housing, except for the main office, are behind gates under lock and key. Gates are generally open during normal business hours from 7:00 a.m. to 5:00 p.m. Monday through Friday and locked each evening. Each facility and housing location has a land line telephone to contact emergency services and a two-way radio to contact SPR staff. Facilities found unsecured and maintenance problems (e.g., broken locks) are reported immediately to a SPR facilities and equipment specialist and secured as needed.

### Security Considerations Used In Maintenance of Campus Facilities

On-campus residents in residence halls or apartments should report any residence facilities maintenance needs, such as inoperative door or window locks, non-functioning lights, broken windows and torn window screens promptly to their residence hall staff. University Housing staff will coordinate all requests to facilitate timely repair.

Residents living in Ag Housing should report any residence facilities maintenance needs, such as inoperative door or window locks, non-functioning lights, broken windows and torn window screens promptly to their supervisor and the Animal Science Department office who will coordinate all requests to facilitate timely repair.

All members of the campus community are encouraged to report maintenance needs, such as non-functioning street or parking lot lights, landscaping that needs trimming for safety reasons, or any other issue directly to Facilities Customer and Business Services at (805) 756-5555. Facility Services staff, including custodial workers, landscapers and building trade employees also participate in a cooperative relationship with the campus community to promote and maintain a safe campus environment.

Campus facilities and grounds are frequently checked by various entities for safety consideration and maintenance. Cal Poly Police Department conducts patrols 24 hours a day, 7 days a week of all campus grounds, buildings, roadways, pathways, parking facilities and lots. Security concerns, such as broken lighting in parking areas and pathways, are promptly reported to facilities personnel for maintenance. Environmental Health and Safety is responsible for and conducts facility safety inspections throughout the year including but not limited to egress and evacuation routes, lighting in stairwells and hallways, and fire alarm testing/evacuation. In addition, University Housing staff are required to report any building safety concerns to the proper department for attention, repair, and/or correction depending on the concern (Cal Poly Police, Facilities, Environmental Health and Safety, etc.)

The University takes appropriate precautions to provide security during maintenance of facilities. Routine maintenance of facilities is conducted primarily by University employees. Maintenance and custodial employees in the campus residences are appropriately supervised and do not enter private rooms without University direction. Contractors in the campus residences work either in empty buildings or directly under supervision of University employees. General contractors on campus are also responsible for security for the facilities in which they are working and the sole occupant (new construction or empty facilities). Specific direction and a University liaison are provided for each contractor/project.

## LAW ENFORCEMENT AUTHORITY

The Cal Poly Police Department is a full-service law enforcement agency responsible for the safety and well-being of the campus community and has primary law enforcement jurisdiction for the Cal Poly campus, grounds and facilities, 24 hours a day, 7 days a week. Cal Poly Police Officers are California Peace Officers pursuant to California Penal Code section 830.2 and Education Code, Section 89560. They possess the same authority and powers, including the authority to arrest, as do police officers and deputy sheriffs in other areas of the city, county and state. Officers are responsible for reporting and investigating crimes, issuing traffic citations, and responding to medical and fire emergencies, traffic accidents, as well as other incidents that require police assistance. Cal Poly Police officers will also enforce campus regulations and policies, and may refer students to the disciplinary division of Student Affairs for violations of the campus regulations and policies, pursuant to the Student Code of Conduct. In addition, Cal Poly Police work closely with the City of San Luis Obispo Police Department to help safeguard the campus and surrounding areas.

Campus community and guests are encouraged to promptly and accurately report all crimes, suspicious activity, and public safety related incidents to the Cal Poly Police Department and/or the appropriate law

enforcement agencies where the crime occurred, including when the victim elects to or is unable to make a report.

#### Law Enforcement Interagency Cooperation

Cal Poly Police Department enjoys an excellent rapport and effective relationships with allied law enforcement agencies as described below:

#### City of San Luis Obispo Police Department (SLOPD)

Cal Poly Police maintains an excellent relationship with the City of San Luis Obispo, which borders the campus. The San Luis Obispo Police Department helps to maintain a safer campus by providing mutual aid assistance when requested and jointly trains with Cal Poly Police officers throughout the year. Pursuant to a Memorandum of Understanding (MOU), Cal Poly Police and SLOPD share congruent jurisdiction within a one mile radius extending from campus borders into the City of San Luis Obispo. Cal Poly Police officers proactively patrol within this one mile radius and have the ability to enforce city ordinances and issue municipal citations for public disorder crimes.

#### San Luis Obispo County Sheriff's Office

Pursuant to a Memorandum of Understanding (MOU), if a major crime occurs on campus that exhausts the resources of the Cal Poly Police, the San Luis Obispo Sheriff's Department shall be asked to assist with their resources. All other crimes are routinely investigated by members of the Cal Poly Police Department. The Cal Poly Police Department also partners with the County of San Luis Obispo in county-wide emergency management. San Luis Obispo County also has specialized units such as K-9, Victim Services, SWAT, and Bomb Squad units that may be called to assist if needed. Additional information about the County of San Luis Obispo and the services provided by the Sheriff's Office can be found at: [www.slocounty.ca.gov](http://www.slocounty.ca.gov).

#### Federal and State Law Enforcement

Cal Poly Police may also utilize the services of the California Highway Patrol (CHP), U.S. Secret Service, and FBI while investigating major crimes or to provide security during events or for public figures who may visit the campus.

## SECURITY PROCEDURES AND PRACTICES

The Cal Poly Police Department stresses the importance of campus safety through a variety of means. The department coordinates and administers programs available to members of the campus community and encourages students and employees to be responsible for their personal safety and the safety of others. Cal Poly Police work closely with University Housing staff to provide training and educational information on crime prevention and personal safety techniques throughout the year. Cal Poly Police, Department of Emergency Management, Housing staff, and Safer (sexual assault prevention) staff provide presentations of campus safety policies and procedures to all incoming students and their parents at mandatory orientation sessions for all incoming students before they arrive at Cal Poly, and also during mandatory Week of Welcome sessions for all first year students and residents the week before classes begin.

During mandatory annual orientation sessions, students and parents are informed of safety services offered by Cal Poly Police as well as the San Luis Obispo Police Department. These sessions address topics including personal safety awareness, sexual and dating violence prevention, alcohol and other drugs awareness, protection of personal property, bystander intervention and affirmative consent, and the role of each community member in the development of an overall sense of safety for their own security and the security of others. The sessions also address campus security and inform them about crime on campus and the surrounding neighborhoods. Informal or formal lectures on personal safety, including active shooter training, can be scheduled throughout the year for any size group by contacting Cal Poly Police directly at (805) 756-6652. The campus has also placed Emergency Blue Light phones throughout campus which connect a caller directly to Cal Poly Police Dispatch. During the academic year, Cal Poly Public Safety also provides a free safety

escort van seven days a week from 7:00 p.m. to midnight and a walking escort program available to all students, faculty, and staff on Friday and Saturdays from 8:00 p.m. to 2:00 a.m. to any location on campus as an alternative to walking alone at night.

Under the authority of CSU Executive Order 1056, California Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS), the Department of Emergency Management (DEM) has established the Building Emergency Response Coordinator (BERC) program. BERCs are designated as the front line first responders for each building on campus during a campus emergency. They oversee building specific emergency preparedness planning efforts and facilitate building emergency functions such as evacuations, shelter in place, personnel accountability, and damage assessments. In an emergency, they facilitate evacuations of building personnel with subordinate staff and contact DEM through the pre-established conference call line. BERCs and members of the Emergency Operations Center teams (EOC) are provided emergency preparedness and response training on a monthly, quarterly, and annual basis. In addition, the DEM provides presentations to students, faculty and staff on personal preparedness upon request. These can be scheduled throughout the year for any size group by contacting the DEM directly at (805) 756-6658.

In addition to these safety presentations, safety information is disseminated to students, faculty and staff through advertisements, social media, articles in the University newspaper, and through security alerts and Crime Bulletins posted prominently throughout campus and/or via electronic format through the campus email system.

The following is a list of programs offered by Cal Poly Police:

<b>Program Type</b>	<b>Audience</b>	<b>Number of Programs Held</b>	<b>Description</b>
Railroad Safety (bicycle and pedestrian)	Students, Staff and Faculty	23	Safety information regarding railroad safety specific to bicycle and pedestrians. Operation Lifesaver Rail Safety Education format.
Personal safety	Students, Staff and Faculty	24	Address current trends as well as resources both on and off campus.
Active shooter	Students, Staff and Faculty	11	Prevention, behaviors of concern, surviving, and law enforcement response.
Coffee with the Cops	Residence Hall students	Weekly (academic year)	Community building and safety information sessions.
Fire safety	Students and Staff	32	Evacuation locations, fire extinguisher use, prevention and escape.
ID theft prevention	Students, Staff and Faculty	5	Current trends and prevention.
Property theft prevention	Students, Staff and Faculty	21	Current trends and prevention.

## CRIME PREVENTION PROGRAMS

Cal Poly Police stress the importance of crime prevention. Each officer is responsible for problem identification and proper education to the campus community of potential criminal activity and opportunity. Cal Poly Police coordinate and administer several programs available to members of the campus community

and encourage students and employees to be responsible for their personal safety and the safety of others, when possible. Cal Poly Police work closely with Residential Student Experience staff to provide training and educational information on crime prevention. Cal Poly Police offer crime prevention and awareness presentations to campus organizations, departments, clubs and groups upon request throughout the year. Cal Poly Police, as well as Housing and Safer staff, provide presentations to all incoming students and their parents as part of Week of Welcome and the SLO Days orientation program held in the summer before they arrive at Cal Poly for the academic term. As mentioned earlier, the campus has also placed Emergency Blue Light phones throughout campus which connect a caller directly to Cal Poly Police dispatch. Cal Poly Police also provides a free safety van and walking escort program available to all students, faculty, and staff seven days a week to any location on campus as an alternative to walking alone at night.

During mandatory annual orientation sessions, students and parents are provided crime prevention information and personal measures they can take to prevent crime. These sessions typically address topics including personal safety awareness, sexual and dating violence prevention, alcohol and other drugs awareness, protection of personal property, bystander intervention, and consent. Informal or formal lectures on crime prevention can be scheduled for any size group by contacting Cal Poly Police directly at (805) 756-6652.

The following is a list of additional programs offered by Cal Poly Police:

<b>Program Type</b>	<b>Audience</b>	<b>Number of Programs Held</b>	<b>Description</b>
Bicycle and skateboarding diversion and safety class	Students, Staff and Faculty	39	Laws pertaining to bicycles, skateboards, motorized skateboards, roller skates, roller blades, coasters or similar devices. League of American Bicyclist and NHTSA format.
Alcohol and drugs prevention	Students, Staff and Faculty	58	Laws pertaining to alcohol and drug use/violations and prevention.
Sexual & dating violence prevention	Students, Staff and Faculty	12	Prevention, advocates (on and off campus), Title IX, law enforcement response, bystander.
Bystander Intervention Prevention	Students, Staff and Faculty	8	Informing students that they are capable of safely intervening in a situation that may be making others feel unsafe.
Gender Based Violence Prevention	Students, Staff and Faculty	7	To enhance gender-based violence prevention and response efforts on campus and the surrounding community.

## CRIMINAL ACTIVITY AT NON-CAMPUS LOCATIONS OF STUDENT ORGANIZATIONS

The campus records and monitors, via local law enforcement agencies, criminal activity at non-campus locations of student organizations officially recognized by the campus, including student organizations with non-campus housing facilities. These agencies include, but are not limited to, the San Luis Obispo Police Department and the San Luis Obispo County Sheriff's Office. Crimes reported as occurring at locations outside the physical boundaries of the University are generally investigated by the agency having primary jurisdiction over the location. These include campus recognized fraternity and sorority houses, which are located within

the City and County of San Luis Obispo. This information is requested by the University and published in the report; however other police agencies are not required by law to provide the requested information.

## ALCOHOL AND DRUGS

Cal Poly is dedicated to providing the best academic and professional experience that can be offered to its students, faculty and staff. The use of illegal drugs and the abuse of alcohol are known to be at cross-purposes to this mission and are not tolerated on campus. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by Cal Poly Police. Violators are subject to University disciplinary action, criminal prosecution, fine and imprisonment.

The possession, sale or the furnishing of alcohol on the University campus is governed by CSU Executive Order 1109, Cal Poly Campus Administrative Policy 172, and California state law. Use of alcohol at Cal Poly is strictly controlled, limited to those persons 21 years of age or older, and must be in compliance with California state law and University policy. In all cases, the possession, transportation, and/or consumption of alcohol by individuals less than 21 years of age is strictly prohibited and in most cases illegal. Campus Administrative Alcohol Policy 172 can be found at <http://policy.calpoly.edu/cap/100/cap-170#cap-172>.

The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 require that Cal Poly must create and maintain a drug-free environment and implement a program to prevent the unlawful possession, use, or distribution of drugs, and the abuse of alcohol by its students and employees. Cal Poly expressly prohibits the manufacture, use, sale, purchase, transfer, or possession of dangerous drugs or narcotics, except when lawfully prescribed for medical or dental care, or when lawfully permitted for purposes of research, instruction or analysis. This includes marijuana, cocaine, heroin, and morphine, as well as barbiturates and amphetamines. In addition, campus regulations prohibit students or employees from being under the influence of any legal or illegal drug while on campus, with the exception of legally prescribed medications which do not adversely affect the student's or employee's work ability, job performance, or the safety of that individual or others.

Student violators are subject to discipline through the Student Conduct process (refer to CSU Executive Order 1098, found at <https://www.calstate.edu/EO/EO-1098-rev-3-29-19.pdf>, which may result in either probation, suspension, or expulsion from the University and/or the CSU system. This may also include removal from University Housing. Parents or guardians may be notified about any disciplinary violation involving alcohol or a controlled substance that has been committed by a student who is under the age of 21.

Employees in violation of the University alcohol and drug policies may be subject to corrective action, dismissal, requirement to participate fully in an approved counseling or rehabilitation program, or other applicable legal sanctions under local, state and federal laws.

All members of the campus community may be subject to criminal prosecution for violation of applicable local, state, or federal laws.

The Aware Awake Alive program offers prevention strategies for alcohol poisoning by educating teens, young adults and parents on the dangers and symptoms of alcohol overdose. Aware Awake Alive generates awareness and dialogue around amnesty-based policy and legislation, and creates an atmosphere of partnership in which young people, parents, educators, and like-minded organizations share responsibility for supporting and educating one another.

### Health risks associated with alcohol abuse or illicit drug use

Substance use is linked to serious negative health effects including chronic diseases, increased risk of injury, and in some cases overdose. When taken in large quantities, alcohol can negatively affect many parts of the

body including the brain, heart, liver, pancreas, and immune system. It can also increase risk of developing certain cancers including mouth, esophagus, throat, liver and breast cancer. Mixing alcohol and prescription or illicit drugs can also have serious negative effects including the increased risk of heart attack.

#### Alcohol and Other Drug (AOD) Treatment Programs

The University recognizes that alcohol and drug dependencies are treatable conditions. Employees and students who suffer from a substance abuse problem are encouraged to get help immediately. Employees may receive assistance from the Employee Assistance Program (EAP) free of charge and health insurance plans often defray part of the cost of rehabilitation programs. Employees may also be required to participate in drug-free awareness programs or training. Students who feel they are in need of assistance are encouraged to see a counselor in Counseling Services (805) 756-2511, schedule a BASICS appointment (Brief Alcohol Screening Intervention for College Students) with a Health Educator (805) 756-6181 or schedule an appointment with a Peer Health Educator (805) 756-6181, all located in Campus Health & Wellbeing, Building 27. More information can be found at <https://chw.calpoly.edu>.

#### Campus Resources

Among its many services, Campus Health & Wellbeing serves as a clearinghouse for information and referral resources regarding AOD services, both on campus and in the community. Professional Health Educators can support students, faculty, and staff in navigating information, resources and support groups dealing with AOD topics. A wide range of written material is available as well as one-on-one consultations with Health Educators and Peer Health Educators are available.

Campus Health & Wellbeing provides counseling and psychological services through the forms of individual therapy, group therapy and provides referrals to local specialists for students in need of more support related to AOD issues.

The following is a list of local organizations that provide AOD treatment services. A more complete list of local, county, and out-of-area organizations may be obtained from Human Resources and/or Campus Health & Wellbeing.

The services listed below are provided for informational purposes only, and no specific endorsement is implied.

- Alcoholics Anonymous:
  - Morro Bay/Cambria (805) 772-8714 / (805) 927-0347
  - North County (805) 238-3311 / (805) 466-8175
  - San Luis Obispo (805) 541-3211
  - South County (805) 481-6605
- Al-Anon (support for friends and family of people with AOD problems): (805) 543-7924
- Narcotics Anonymous: (805) 549-7730
- Mustangs for Recovery (Peer Community) (805) 756-6181
- Balance Treatment Center (855) 414-8100

#### Substance Use and Abuse Advisory Committee (SUACC)

As part of its commitment to ensuring an AOD free environment, the University has established a Substance Use and Abuse Advisory Committee comprised of campus and community members. The committee is charged with a biennial review of the campus AOD abuse program to determine its effectiveness and implement needed changes.



## SEXUAL VIOLENCE

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

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

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

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

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## PREVENTION, EDUCATION, AND AWARENESS

A comprehensive institutional approach to address prohibited Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking ensures appropriate education as well as support services and creation of an environment that does not tolerate Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking.

Trained facilitators from Safer, the Office of Equal Opportunity, Cal Poly Police and Student Affairs provide presentations, workshops, and other educational events and programs to the Cal Poly community. Safer also has multi-week awareness programs, training, primary prevention programs, bystander intervention training, and ongoing prevention and awareness campaigns for the campus community. Some are voluntary and others are mandatory. Over the course of the 2018 calendar year, Safer conducted 71 presentations and reached 5,433 students, 213 faculty/staff and 265 community members. They held 39 outreach events with a total attendance of 1,452.

The “Bystander Intervention” concept has been introduced into personal safety programming, which brings forth safe and positive options for an individual(s) to carry out to prevent harm or to intervene when there is a risk of Sexual Misconduct, Dating or Domestic Violence, or Stalking. It teaches how to recognize situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence,

overcoming barriers to intervening and identifying safe and effective intervention options, and taking action to intervene.

Staff and faculty are required by the CSU to complete various trainings to identify, prevent, and report sexual harassment and sexual misconduct, which includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking. Primary prevention and awareness training programs are required to be completed by all new employees and annually by all employees via an on-line course titled “EDU: Eliminate Campus Sexual Misconduct”. In addition, Safer, Cal Poly Police, and the campus Title IX office provide Sexual Misconduct workshops available to all faculty and staff throughout the year.

Descriptions of some of these programs offered to the campus community are:

<b>Program Type</b>	<b>Audience</b>	<b>Number of Programs Held (frequency)</b>	<b>Description</b>
Greeks Against Sexual Assault	Fraternity members	Annual – Four weekly two hour sessions	This training is for fraternity members who want to actively change the cultural norms that perpetuate sexual assault. This program focuses on educating and empowering individuals to take action in risk reduction and ending Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking. Topics of discussion include a basic education on gender-based violence, gender norms that contribute to sexual assault, relationships, and positive masculinity.
Sexual Assault Prevention	Students	12 workshops	Workshops with curriculum that builds each quarter. Focus on sexual assault prevention, gender based violence, laws, policies, Title IX.
New Member Institute	New Greek members	Twice - Fall and Winter Quarters	Workshop on hazing prevention, healthy relationships, diversity and inclusion, alcohol consumption, sexual assault, bystander intervention, and drug and alcohol abuse.
Hazing Prevention Week	All Greek members	Once – Fall Quarter (5 days)	Awareness events about alcohol and hazing prevention, film screening on hazing prevention, keynote speaker on hazing prevention and alcohol correlations, officer workshops to train on hazing prevention, and drug and alcohol use.
President’s Institute	Greek Presidents and Council Officers	Once – Fall Quarter	Education on all campus departments: including sexual assault prevention tips, health and well-being awareness, and diversity and inclusion discussions.
Social Risk Management Training	All Greek members	Twice - Fall and Winter Quarters (60 sessions total)	Awareness and education on social host laws, sexual assault prevention, safe drinking practices, best practices for hosting events with alcohol, hazing prevention, amnesty policies, drugs (entire chapters were given this workshop, as well as other workshops provided to the general FSL community weekly), bystander intervention, and laws and city policies .
Greek Leadership Institute	Greek members	Once – Winter Quarter	Education on sexual assault, drugs and alcohol, bystander intervention, hate & bias, diversity and inclusion, sexual assault prevention, and hazing prevention education.
Hazing Prevention	Students	2 per quarter (6 total)	Hazing prevention online modules (2 courses), focusing on hazing definitions, alternative activities, and the dangers of hazing and alcohol.
EmpACT training and peer to peer workshops	Greek Leadership	2	Bystander intervention training, focus on peer to peer training that teaches about hazing, hate and bias, sexual assault, diversity and inclusion, and alcohol and drugs.
Healthy Masculinities Week	Greek members	Once – Winter Quarter (4 days)	Ongoing week of awareness on dating violence, mental health, domestic violence related to gender, and stalking.

Program Type	Audience	Number of Programs Held (frequency)	Description
Men and Masculinity	male-identified students	Annual – six week program	This program engages male-identified students regarding gender-based violence, with the purpose of (1) establishing positive masculine gender norms on campus. And (2) responding to men involved in incidences of gender-based violence with restorative support. We do this through education, advocacy and mentorship. The goal is to provide a new lens through which the student can examine their actions, evaluate their identity, and use the knowledge gained to become a more positive participant in the Cal Poly community.
Masculinity and Mass Shootings	Students	Once in Spring Quarter	Presented by Men & Masculinity, safety and gun violence information as it pertains to men.
LEAD Training (Love, Empower, Affirm, Decide)	Students	Quarterly, six weeks with one hour sessions	This training is offered throughout the academic year and helps guide students to understand how their actions today impact their future. This program aims to raise consciousness of how external influences impact our self-understanding and actions by deconstructing college culture, and addressing factors that impact self-esteem, conflict, and resolution. Each student that goes through this program will leave an empowered individual with the confidence and inspiration to achieve their long- and short-term goals.
Student Orientation Programs	Incoming Students and Parents	Annually (several sessions throughout summer)	All students and parents who attend mandatory orientation receive information on consent, safety, resources and how to help if made aware of any Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking.
“Not Anymore” Online Programs	Incoming Students	Annual	These are mandatory training programs that must be completed by all new and continuing students at the beginning of each academic year. The educational modules focus on education and risk reduction in regards to Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, Bystander Intervention, Consent and Alcohol and Other Drugs.
Week of Welcome (WOW)	Incoming Students	Annual	All incoming students attending mandatory WOW receive a one-hour presentation on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, Bystander Intervention, Healthy Relationships, Consent and the Role of Alcohol. They will also go through an awareness gallery that educates students on the prevalence of Sexual Misconduct and what they can do to help stop Sexual Misconduct. In addition, all WOW leaders are trained by Safer in the spring.
Cocoa with a Cop	Campus Residents	Weekly	Police officers are available throughout the community to provide information and answer questions for residents.
KINESIOLOGY 250 “Healthy Living”	Students	Quarterly	The general education course requirements include a class offered throughout the academic year that many first year students take. Safer presents the Healthy Living courses.
Safer University Events	Students, Faculty and Staff	Ongoing	Safer events to promote education and awareness on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking such as: <ul style="list-style-type: none"> <li>○ Denim Day</li> <li>○ Clothesline Project</li> <li>○ Porch Night</li> <li>○ Sex, Love and Donuts</li> <li>○ Nacho Business (Stalking)</li> <li>○ Smile &amp; Nod with Safer</li> <li>○ Queer 201: Sexual Assault in the LGBT Community</li> <li>○ Safer Circle</li> <li>○ Safer Men’s Group</li> <li>○ Let’s Talk Sex: Confidence &amp; Communication</li> <li>○ Quarterly Self Defense workshops</li> </ul>

Program Type	Audience	Number of Programs Held (frequency)	Description
Safer Professional Workshops	Faculty and Staff	Ongoing	Provide trainings on primary prevention and best practices for response and creating a trauma informed environment.
Housing Programming	Campus Residents	Ongoing	University Housing in collaboration with Safer, offers multiple programs throughout the academic year in the Residence Halls and apartments that focus on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, Bystander Intervention and Consent.
Safer Presentation	Student Athletes, Housing staff, New Fraternity and Sorority Members, ASI Staff	Annual	A Safer presentation on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, Bystander Intervention and Consent.
Take Back the Night	Community, campus and SLO	Annual, Spring Quarter	International event with the mission to end sexual violence and domestic violence. This event includes an awareness march on campus, second march downtown and a candlelight vigil.

DEFINITIONS PER EXECUTIVE ORDERS 1095-1097

**SEX DISCRIMINATION**

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

**SEXUAL HARASSMENT**

A form of Sex Discrimination, unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to sexual advances, requests for sexual favors, offering benefits or giving preferential treatment in exchange for sexual favors and any other conduct of a sexual nature where:

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

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

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

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

The University's policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to University policy.

## SEXUAL MISCONDUCT

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

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

## SEXUAL ASSAULT

A form of Sexual Misconduct, an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.

## SEXUAL BATTERY

A form of Sexual Misconduct, any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex, as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification or abuse.

## RAPE

A form of Sexual Misconduct, non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because they are incapacitated from alcohol and/or drugs, are under 18 years old, or if a mental disorder or developmental or physical disability renders a person incapable of giving consent. The respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Affirmative Consent below.)

## ACQUAINTANCE RAPE

A form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or a social networking website.

## AFFIRMATIVE CONSENT

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

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.
- Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions.
- Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication

or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.

- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  - The person was asleep or unconscious;
  - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  - The respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;
  - The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

## DOMESTIC VIOLENCE

Abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the abuser has a child; someone with whom the abuser has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and/or (6) the length of the relationship. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to themselves or others. Abuse does not include non-physical, emotional distress or injury.

## DATING VIOLENCE

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

## STALKING

Engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for their own or others' safety, or to suffer Substantial Emotional Distress. For purposes of this definition:

- Course of Conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through Third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
- Reasonable Person means a reasonable person under similar circumstances and with the same Protected Status(es) as the complainant;
- Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Protected Status includes Age, Disability, Gender, Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.

## PROCEDURES FOR REPORTING A CRIME OF SEXUAL VIOLENCE/SEXUAL MISCONDUCT

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

Persons who have experienced Sexual Misconduct, including Rape, Dating Violence, Domestic Violence, or Stalking, are encouraged to seek immediate assistance from police and healthcare providers for their physical safety, emotional support and medical care. University or local police can escort victims to a safe place and transport them to a hospital for medical treatment, if needed. Cal Poly police can also provide access to a Sexual Assault Victim Advocate. Victims who prefer not to notify the police, are strongly encouraged to seek assistance from the campus Title IX Coordinator and/or a Sexual Assault Victim Advocate or counselor who can provide information on options, rights and remedies.

Victims have the right to decide who and when to tell about Sexual Misconduct, Dating and Domestic Violence, and Stalking. However, it is very important that they get medical attention after being assaulted. Following the incident, a victim may be physically injured, may have contracted a sexually transmitted disease, or may become pregnant.

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

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

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



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

## PRIVILEGED AND CONFIDENTIAL REPORTS

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

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

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

## EXCEPTIONS TO CONFIDENTIALITY

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient/victim who they know or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Misconduct, Domestic Violence, and Dating Violence). This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable. Finally,

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

## REPORTING OPTIONS

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

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### CRIMINAL

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Reporting to Cal Poly Police and/or local police is an option at any time. Victims who choose not to report to the police immediately following a Sexual Misconduct, Dating and Domestic Violence, or Stalking incident, can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on the victim's behalf.

### REPORTING TO THE POLICE

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As soon after the incident as possible, victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking are strongly encouraged to report the incident to the police. Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking may be reported to the Cal Poly Police Department by dialing 911. Cal Poly Police will support all victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking regardless of their decision to seek criminal prosecution of the offender or not. Victims have the option to report anonymously to the police and the decision to seek criminal prosecution remains with the victim. Cal Poly Police will protect the confidentiality of the victim to the extent permitted by applicable California State law.

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

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

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

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

## REPORTING TO A CSA

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

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

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## ADMINISTRATIVE

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

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

## REPORTING TO A TITLE IX COORDINATOR OR RESPONSIBLE EMPLOYEE

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

Most University employees have a duty to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incidents when they are on notice of it. When a victim tells the Title IX Coordinator or another non-confidential University employee about a Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incident, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the University

strongly encourages victims to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking directly to the campus Title IX Coordinator.

As detailed above, most University employees except treating physicians, licensed counselors, and clergy must report to the Title IX Coordinator all relevant details about any Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incidents of which they become aware. The University will need to determine what happened and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

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

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

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

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

The University will not require a victim to participate in any investigation or disciplinary proceeding if the victim does not wish to participate. The University will not generally notify parents or legal guardians of a Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking report unless the victim is under 18 years old or the victim provides the University with written permission to do so.

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

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

## NON-REPORTING

Victims are strongly encouraged to report any incident of Sexual Misconduct, Dating and Domestic Violence, or Stalking to the police and/or campus Title IX Coordinator so that steps may be taken to protect them and the rest of the campus community. However, non-reporting is also an option.

## CIVIL LAWSUIT

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

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## RESTRAINING ORDERS

Victims may also choose to obtain a protective or restraining order (such as a Domestic Violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking. The campus Title IX Coordinator or Sexual Assault Victim's Advocate can offer assistance with obtaining a protective or restraining order.

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## DISCIPLINARY PROCEDURES

The University has procedures that provide for an administrative investigation of Sexual Misconduct, Dating Violence, Domestic Violence or Stalking and written findings based on the preponderance of the evidence standard. In cases of Sexual Misconduct when: (1) the respondent is a student; (2) the credibility of a witness is an issue; and (3) there is the potential for the imposition of a severe sanction, the procedures provide for a hearing after an investigation. After the investigation (or hearing, if applicable), written findings based on the preponderance of the evidence standard will be provided to the complainant and respondent. Both the complainant and respondent may appeal written findings from the final investigation report or the hearing.

All appeals are submitted to the CSU Chancellor's Office. The procedure for complainants filed by and against CSU employees and third parties is separate from but similar to the procedure for CSU students.

When a student or employee reports to the University that the student or employee has been a victim of Sexual Misconduct, Dating Violence, Domestic Violence or Stalking, the University will provide the student or employee a written explanation of their rights and options.

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

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

After review of evidence by the parties, the investigator will prepare a final investigation report. The report shall include a summary of the allegations, the investigation process, the preponderance of the evidence standard, a detailed description of the evidence considered and appropriate findings. Within 10 days of issuance of the final investigation report, the Title IX Coordinator shall notify the Complainant and the Respondent in writing of the outcome of the investigation.

After the investigation has been concluded, in Sexual Misconduct cases that require a hearing, the parties will receive an investigation report that will (a) describe the allegations; (b) identify the material facts – undisputed and disputed – with explanations as to why any material fact is disputed; and (c) describe the evidence presented and considered. At this stage in the process, the parties will be offered an opportunity to informally resolve the complaint.

If the parties are unable to informally resolve the matter, a hearing will be scheduled. The hearing will be conducted by an independent Hearing Officer who will listen to the witnesses and analyze the evidence presented. The Hearing Officer will ask questions of the parties as well as other witnesses with percipient knowledge of the facts in dispute, and will make findings of fact and a decision about whether CSU policy was violated by a preponderance of the evidence. Although the parties themselves will not ask questions, they may propose questions for the Hearing Officer to ask of the other party and witnesses.

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

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking and how to conduct a hearing process that protects the of victims and promotes accountability;
- Provide the complainant and respondent the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;

- Simultaneously inform the complainant and respondent in writing of:
  - The outcome of the disciplinary proceeding;
  - The University's procedures to appeal the results of the disciplinary proceeding;
  - Any change to the disciplinary results that occurs prior to the time such results become final; and
  - When disciplinary results become final.

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## COMPLAINT PROCEDURES

The CSU has adopted and published complaint procedures that provide for prompt, impartial, and equitable resolution of complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, including Rape and Sexual Assault, Domestic Violence, Dating Violence, and Stalking.

Regardless of whether an employee, a student or a third party ultimately files a complaint under the applicable complaint procedure, if the University knows or has reason to know about possible Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking, it must review the matter to determine if an investigation is warranted. When warranted, all such investigations must be prompt, thorough and impartial. The University must then take appropriate steps to eliminate the Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and/or Stalking, prevent its recurrence, and remedy its effects.

## COMPLAINTS MADE BY STUDENTS

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Executive Order 1097, entitled "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Violence, Domestic Violence, Dating Violence, and Stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party. Executive Order 1097 can be viewed at <https://www.calstate.edu/EO/EO-1097-rev-3-29-19.pdf>.

## COMPLAINTS MADE BY EMPLOYEES, FORMER EMPLOYEES, THIRD PARTIES, AND APPLICANTS FOR EMPLOYMENT

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Executive Order 1096, entitled "Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party.

Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Sex Discrimination or Sexual Harassment, including Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking shall use the grievance procedure specified in their collective bargaining agreement. Executive Order 1096 can be viewed at <https://www.calstate.edu/EO/EO-1096-rev-3-29-19.pdf>.

## COMPLAINTS MADE BY STUDENT-EMPLOYEES

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Executive Order 1096 is the appropriate system-wide procedure for all complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, made by student-employees where the alleged Sex Discrimination, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking arose out of the person's status as an employee and not their status as a student. Executive Order 1096 can be viewed at <https://www.calstate.edu/EO/EO-1096-rev-3-29-19.pdf>.

## DISCIPLINARY PROCEDURE

The Title IX Coordinator (or designee) is responsible for investigating complaints of Gender Discrimination, Harassment and Retaliation, including Sex Discrimination and Sexual Harassment, as well as Complaints of Sexual Misconduct, Domestic and Dating Violence, and Stalking. (See Executive Orders 1095, 1096 and 1097.)

With respect to cases adjudicated under Executive Order 1097 (i) alleging Sexual Misconduct by a Student that, (ii) if substantiated, could result in a severe sanction (suspension or expulsion), and (iii) where credibility of any Party or witness is central to the finding, a hearing will be conducted after an investigation and a review by the parties of the evidence gathered during the investigation. Generally, within 10 working days of the close of the hearing, the Hearing Officer will make findings of fact and conclusions about whether a violation of CSU policy has occurred. The standard of proof the Hearing Officer will use is whether each allegation is substantiated by a Preponderance of the Evidence.

The Title IX Coordinator will review the Hearing Officer's Report to ensure compliance with CSU policy. The Hearing Officer's Report shall be promptly transmitted to the Parties, the Title IX Coordinator, and the Student Conduct Administrator.

With respect to Executive Order 1096 and all other matters falling under Executive Order 1097 that do not meet the criteria articulated above, the Title IX Coordinator investigates those complaints or assigns an investigator. The investigator prepares a report that includes findings of facts and conclusions about whether the applicable Executive Order was violated. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.

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

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

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

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



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## APPEAL OF FINDING IN INVESTIGATION OUTCOME

Any complainant or respondent who is not satisfied with a campus investigation outcome may file an appeal with the Chancellor's Office (CO) within 10 working days after the date of the Notice of Investigation Outcome. The appeal is limited to one or more of the following issues: 1. The investigation outcome is unsupported by the evidence, based on the preponderance of the evidence standard; 2. Prejudicial procedural errors impacted the investigation outcome to such a degree that the investigation did not comply with the relevant Executive Order; or 3. New evidence not available at the time of the investigation. The CO shall respond within 30 working days. The CO appeal response is final.

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## STUDENT CONDUCT PROCEEDINGS

In cases where there is no hearing and the investigative report finds a violation of Executive Order 1096 or 1097, or where the finding of a violation has been sustained after an appeal, the report is referred to the Student Conduct Administrator to initiate student conduct proceedings. The Student Conduct Administrator will offer to conduct pre-hearing conferences separately with the complainant and respondent to review information concerning the charges, interim remedies, proposed sanctions or range of sanctions, the nature of further proceedings, and possible disposition without sanction hearing.

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

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

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

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

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

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

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## DISCIPLINE PROCEEDINGS FOR STUDENT MISCONDUCT CASES

In cases adjudicated under Executive Order 1097 (i) alleging Sexual Misconduct by a Student that, (ii) if substantiated, could result in a severe sanction (suspension or expulsion), and (iii) where credibility of any Party or witness is central to the finding, if a violation is found, within 5 Working Days of receiving the finding the Parties may submit to the Hearing Coordinator an impact statement regarding discipline. The Student Conduct Administrator and/or Title IX Coordinator may also submit a written statement regarding aggravating and mitigating factors for the Hearing Officer to consider.

After reviewing submitted information from the parties and the Title IX Coordinator and Student Conduct Administrator, the Hearing Officer will make a sanction recommendation. The sanction recommendation will be submitted to the president (or designee), including recommended sanctions (as defined in EO 1098). The Hearing Officer's Report will attach the Investigation Report and will include:

- a. the factual allegations and alleged policy violations;
- b. the Preponderance of the Evidence standard;
- c. the evidence considered including an analysis of the credibility of the Parties and witnesses, when credibility assessments are required to resolve factual disputes;
- d. any material evidence identified by the Parties or witnesses that the Hearing Officer determined was not relevant (or duplicative) and the reason why the evidence was not considered to be relevant;
- e. a list of all questions proposed by the Parties at the hearing, and if any questions were not asked, why;
- f. a summary of the procedural issues raised by the Parties before or during the hearing;
- g. the factual findings and the evidence on which the factual findings are based;
- h. to the extent that the factual findings required a determination concerning of the relative credibility or lack of credibility of the Parties or witnesses, an explanation as to how that determination was reached; and
- i. a determination of whether the Executive Order was violated and an analysis of the basis for that determination.

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## PRESIDENT'S SANCTION DECISION/NOTIFICATION

The president (or designee) shall review the investigative report and the Hearing Officer's report and issue a decision concerning the appropriate sanction. The president/designee's decision letter shall be issued within 10 working days after receipt of the Hearing Officer's report. The president/designee shall simultaneously send the decision electronically to the student charged and complainant(s).

The president may impose the recommended sanctions, adopt a different sanction or sanctions, or reject sanctions altogether. If the president adopts a sanction other than what is recommended by the Hearing Officer, the president must set forth the reasons in the Decision Letter.

The president will simultaneously send the Decision Letter electronically to the Respondent and Complainant at the University-assigned or other primary e-mail address linked to their University accounts. The decision will also be sent to the Student Conduct Administrator and the Hearing Officer.

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

## STUDENT SANCTIONS

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

1. RESTITUTION

Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.

2. LOSS OF FINANCIAL AID

Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, cancelled or denied.

3. EDUCATIONAL AND REMEDIAL SANCTIONS

Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities' misconduct) or as deemed appropriate based upon the nature of the violation.

4. DENIAL OF ACCESS TO CAMPUS OR PERSONS

A designated period of time during which the student is not permitted: (i) on University Property or specified areas of campus; or (ii) to have contact (physical or otherwise) with the complainant, witnesses or other specified persons.

5. DISCIPLINARY PROBATION

A designated period of time during which privileges of continuing in student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate the Student Conduct Code or any University policy during the probationary period.

6. SUSPENSION

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

- a. A student who is suspended for less than one academic year shall be placed on inactive student (or equivalent) status (subject to individual campus policies) and remains eligible to re-enroll at the University (subject to individual campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
- b. A student who is suspended for one academic year or more shall be separated from student status but remains eligible to reapply to the University (subject to individual campus application policies) once the suspension has been served. Conditions for readmission may be specified.
- c. Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the student's transcript permanently without exception; this requirement shall not be waived in connection with a resolution agreement.

## 7. EXPULSION

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

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

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

#### OTHER CONSIDERATIONS RELATED TO SANCTIONS

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##### 1. ADMINISTRATIVE HOLD AND WITHOLDING A DEGREE

The University may place an administrative hold on registration transactions and release of records and transcripts of a student who has been sent written notice of a pending investigation or disciplinary case concerning that student, and may withhold awarding a degree otherwise earned until the completion of the process, including the completion of all sanctions imposed.

##### 2. RECORD OF DISCIPLINE

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

##### 3. INTERIM SUSPENSION

A president may impose an interim suspension pursuant to Title 5, California Code of Regulations section 41302 where there is reasonable cause to believe that separation of a student is necessary to protect the personal safety of persons within the University community or University property, and to ensure the maintenance of order. An investigative finding of a violation of Executive Orders 1096 or 1097 standing alone may be sufficient to constitute reasonable cause to believe that an interim suspension is necessary to protect the personal safety of persons within the University community or University property, and to ensure the maintenance of order.

##### 4. DENIAL OF PRESENCE ON CAMPUS DURING INTERIM SUSPENSION

During the period of an interim suspension, the student charged may not, without prior written permission from the campus president, enter any campus of the California State University other than to attend the hearing regarding the merits of the interim suspension and any disciplinary hearing. The president may also restrict the student's participation in University-related activities on a case-by-case basis, such as attending off-campus activities and/or participating in on-line classes. Violation of any condition of interim suspension shall be grounds for expulsion.

## 5. ADMISSION OR READMISSION

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

### APPEAL OF PRESIDENT'S SANCTION

The complainant and student charged each may file an appeal of the president's decision of appropriate sanctions to the Chancellor's Office no later than 10 working days after the date of the president's decision letter. The complainant may also appeal any proposed sanctions agreed to as part of a proposed resolution agreement with the student charged.

Sanction appeals are limited to a determination as to whether the sanction is reasonable under the facts and circumstances as determined by the investigation and whether any prejudicial procedural errors occurred during the hearing. The Chancellor's Office appeal review will not involve a new investigation and will not consider evidence that was not introduced during the investigation or hearing. The record will be limited to the record at the hearing.

The Chancellor's Office shall issue a final appeal response no later than 10 working days after receipt of the written appeal.

### REGISTERED SEX OFFENDERS

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

### EMERGENCY NOTIFICATION

The University will issue emergency notifications, without delay, in response to a confirmed significant emergency or a dangerous situation, occurring in the Clery defined on campus geography that, in the judgment of the University, constitutes an immediate threat to the health or safety of members of the on-campus community.

Once Cal Poly Police has received the report, the Chief of Police, (or management designee in the absence of the Chief), will confer with the appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency, if available, to confirm both: 1) an emergency or dangerous situation in fact exists in on-campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community.

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

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

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

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

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

Student and employees who need information on how to add contact information to be included for emergency notification or to remove information and “opt out” of notifications should visit [my.calpoly.edu](http://my.calpoly.edu) and click on the Personal Info tab or call the on campus Department of Emergency Management at 805-756-6658 for assistance.

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

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

#### *Emergency Drills, Evacuation and Testing:*

Cal Poly has a dedicated and comprehensive Emergency Operations plan. Campus emergencies are managed through the Department of Emergency Management (DEM) and Emergency Operations Center (EOC). Training exercises are coordinated by the Director of Emergency Management and conducted at least once annually to help maintain staff proficiency and response capability. The DEM conducts follow-through activities after testing designed for assessment and evaluation of emergency plans and capabilities. The emergency response notification system is tested by DEM three times each academic year (fall, winter and spring quarters). Additional information on the campus emergency management plan can be located at: <http://afd.calpoly.edu/emergency/>.

Cal Poly Police and Environmental Health & Safety (EH&S) coordinate with University Housing to conduct planned evacuation drills of the on-campus housing three times each academic year (each fall, winter, and spring quarters). EH&S conducts planned emergency response notification and evacuation drills of high-occupancy facilities including Kennedy Library, the Administration Building, University Union, Christopher

Cohan Performing Arts Center, Recreational Sports Building, ASI Children’s Center, all Campus Dining facilities, and the Facility Services buildings annually. Every on-campus fire alarm is tested at least once annually. These drill dates are sent out via the Facilities-cbs-notifications email address in the weeks prior to each round of drills, and the schedule is posted on the Environmental Health and Safety homepage. The draft schedule is also posted publicly on their website (<https://afd.calpoly.edu/ehs/>) and can be found here: <https://afd.calpoly.edu/ehs/docs/fire-drill-schedule.pdf>.

Each test or drill will be documented to include a description of the exercise, the date of the test, the start and end times of the test, and whether the test was announced or unannounced. It is standard practice that the Department of Emergency Management consistently tweets about emergency response drills, including those performed by the Emergency Operations Center team and various public safety departments. Their Twitter can be found here: [twitter.com/calpolydem](https://twitter.com/calpolydem). For all Emergency Operations Center functional exercises, the Department of Emergency Management also works with University Communications to create press releases.

## MISSING STUDENT NOTIFICATION

Campus Administrative Policy (CAP) 351.5.1 requires that any incident involving missing or potentially missing persons be reported directly to Cal Poly Police without delay. There is no requirement that a person be missing for 24 hours before a report is made. The University requires all on-campus housing missing student reports to be immediately referred to Cal Poly Police. The local law enforcement agency will also be notified within 24 hours of the official determination that they are missing. The report may be initiated by calling the Cal Poly Police Dispatcher at (805) 756-2281, or by dialing 9-1-1. Every student has the option to register a confidential contact person (separate from an emergency contact number) to be notified not later than twenty-four hours after the student is determined to be missing. Students may register a confidential contact person by logging into the Student Center and navigating to the “Missing Person Contact” link under “Personal Information” within their portal; [my.calpoly.edu](https://my.calpoly.edu). Missing person contact information is retained and confidential, accessible only to the authorized University officials who retain the information, and may not be disclosed except to law enforcement personnel in furtherance of an official missing person investigation.

Even if a confidential contact person has not been named, Cal Poly Police shall be notified if a student is missing. A parent or guardian will be notified not later than twenty-four hours after the student is determined to be missing if the missing student is less than 18 years of age and is not emancipated in addition to any confidential contact person named by the student. If a person has been missing for twenty-four hours, Cal Poly Police shall notify the registered confidential contact person.

Cal Poly Police will investigate reports of missing persons as set forth in California Penal Code and other applicable regulations and protocols. Depending on the circumstances an investigation may involve, but not be limited to: timely notification to local law enforcement agencies, entry of the missing person and his/her vehicle into a state or nation-wide law enforcement missing person database, and involvement of other law enforcement agencies outside the local area.

## FIRE SAFETY ACT

The 2018 Fire Safety Act Report is available at the following link:

<https://afd.calpoly.edu/clery/reports/fire-safety-report.pdf>