



2016 ANNUAL SECURITY REPORT

Jean Clery Disclosure of Campus Security Policies & Campus Crimes Statistics Act (20 U. S. C. § 1092(F))
Clery Crime Statistics 2013-2015

TABLE OF CONTENTS

<u>This report includes the following important information:</u>	<u>Page</u>
• Message From the President	3
• Preparing the Annual Security Report	4
• Criminal Offenses Reporting Table	6
• VAWA Reporting Table	7
• Arrests and Disciplinary Referrals Reporting Table	7
• Hate Crimes	8
• Reporting Criminal Incidents and Emergencies	8
• Public Crime Log	10
• Timely Warnings Notices	10
• Voluntary Confidential Reporting	11
• Security of and Access to Campus Facilities	11
• Law Enforcement Authority	12
• Crime Prevention Programs	14
• Alcohol and Other Drug Policy	15
• Sexual Violence	19
• Registered Sex Offenders	39
• Emergency Notifications	40
• Missing Student Notification	41
• Fire Safety Act	41

A Message from the President

Thank you for taking time to read this year's annual security report. The 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 statistics about crime on campus and certain off campus locations for the previous three calendar years of January 1, 2013- December 31, 2015.

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

When you review the statistics contained in this report you will note that Cal Poly enjoys a relatively low crime rate. The safety you experience is due in part to the combined efforts of many different departments and individuals. We rely on every campus member to contribute to security on campus by reporting suspicious activities and using common sense when going about their daily activities.

The University Police Department is committed to enhancing the quality of life for our campus community and primarily responsible for developing services, programs, and strategies for maintaining a safe learning and living environment. In order to meet this goal, the department focuses on many functions.

First and foremost is a strong working relationship with the campus community. We recognize that we provide services to our community and support the idea that all relationships require a partnership. We are committed to the philosophy of community policing. Through this philosophy, we have trained our officers to serve as partners with the campus community and promote various problem solving techniques while responding to its needs.

Secondly, the department is charged with the enforcement of campus policies, regulations, federal and state laws. This function is essential to maintaining an environment that is safe and allows our educational mission to occur without disruption.

We hope you find this report informative. If you have questions or would like further information about safety and security on campus, please visit the University Police Department's website at <https://afd.calpoly.edu/police/>.

Sincerely,

Jeffrey D. Armstrong
President

The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy 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 crime that occurs on the campus and certain off campus locations. The Clery Act affects nearly all public and private institutions and is enforced by the U.S. Department of Education.

The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery who was sexually assaulted and murdered while in her Lehigh Campus residence hall in 1986. The Clery Act was amended in 2008 and requires institutions to provide timely warnings of dangerous situations threatening the campus community and collect, report, and disseminate certain crime data to everyone on campus annually. The Clery Act also requires reports of student disciplinary referrals in addition to arrests for drug, alcohol, and weapons offenses on campus.

Additional amendments occurred in 2013 when The Violence Against Women Reauthorization Act (VAWA,) also known as the Campus SaVE Act, was signed into law which imposes additional obligations on colleges and universities under Title IX and Clery crime reporting. Under VAWA, colleges and universities are required to report Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking along with crime categories the Clery Act already mandated. A definition of these and all other Clery reportable crimes and statistics are found at the end of this report. If you have questions about this report, please contact us at (805) 756-6652.

Preparing the Annual Security Report (ASR)

The University Police Department prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and alternate sites, Housing and Residential Life, the Dean of Students Office, the Title IX and Office of Equal Opportunity, and the Division of Student Affairs. Each 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 University Police Department. In preparation for annual reporting, the neighboring law enforcement agencies and Cal Poly campus security authorities (persons with significant responsibility for student and campus affairs) are surveyed for knowledge of crimes that may not have been reported to the University Police Department. These individuals include, but are not limited to the San Luis Obispo Police Department, the San Luis Obispo County Sheriff Office, Dean of Students, Residence Life staff, Athletics staff, Student Club Advisors and Student Affairs personnel.

Crimes that occurred in residence halls are reported both in the "On Campus" category and in the "Residence Hall" category. Thus, "Residence Hall" is a subset of "On Campus." 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 other 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 on account of race, gender, religion, sexual orientation, ethnicity, national origin, gender identity (added in 2013 under the VAWA amendments,) or disability was a factor. If a campus security authority has knowledge of a reportable crime that was not reported for investigation or disciplinary action, she/he is required, in most instances, to inform the University Police Department for inclusion in the statistics.

Distribution of the Annual Security Report:

Each year, a campus-wide email notification is made to all enrolled students, faculty, and staff that provide the direct website access to this report. Copies of the report may also be obtained at the University Police Department located at 1 Grand Ave., Building 36, San Luis Obispo, California 93407. All prospective students and employees may obtain a copy at the following website address: <https://afd.calpoly.edu/police/safety/reports/>

Surrounding Community Crime Statistics:

Although this report only includes crimes on campus and certain off campus locations when known (such as fraternity and sorority houses) it is important to recognize crime occurring in the community surrounding campus that will have an impact on the campus community, including crimes of Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking. Additional data on crime statistics in the City of San Luis Obispo and County of San Luis Obispo not reflected in this report are maintained and available from those agencies. For information on crime or general questions about safety in the surrounding community, please contact:

- City of San Luis Obispo Police Department <http://www.slocity.org/police/>
- San Luis Obispo County Sheriff <http://www.slosheriff.org/>

For information regarding instances of off campus Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking not required or reflected in this report, please contact Cal Poly's Safer Program at (805) 756-2282 safer@calpoly.edu or the San Luis Obispo sexual assault, abuse and violence program (RISE) at (805) 886-7473 www.riseslo.org. Detailed information about the University's Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking prevention and education programs, reporting options, response policies, support services and more are found throughout this report.

Table 1. Criminal Offenses Reporting Table					
OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
MURDER	2013	0	0	0	0
	2014	0	0	0	0
	2015	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	2013	0	0	0	0
	2014	0	0	0	0
	2015	0	0	0	0
RAPE	2013	6*	6*	1	0
	2014	11	6	1	0
	2015	7	5	2	0
FONDLING	2013	N/A	N/A	N/A	N/A
	2014	3	2	0	0
	2015	0	0	0	0
INCEST	2013	0	0	0	0
	2014	0	0	0	0
	2015	0	0	0	0
STATUTORY RAPE	2013	0	0	0	0
	2014	0	0	0	0
	2015	0	0	0	0
ROBBERY	2013	1	0	0	0
	2014	0	0	1	0
	2015	0	0	0	0
AGGRAVATED ASSAULT	2013	1	0	0	0
	2014	1	0	0	0
	2015	1	1	0	0
BURGLARY	2013	2	0	8	0
	2014	11	3	4	0
	2015	7	4	1	0
MOTOR VEHICLE THEFT	2013	15	0	0	0
	2014	8	0	0	0
	2015	7	0	1	0
ARSON	2013	0	0	0	0
	2014	2	2	0	0
	2015	2	2	0	0

* INCLUDES SODOMY FROM 2013

Table 2. VAWA Offenses Reporting Table					
OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE	2013	0	0	0	0
	2014	1	0	0	0
	2015	0	0	1	0
DATING VIOLENCE	2013	4	4	0	0
	2014	0	0	0	0
	2015	2	2	0	0
STALKING	2013	0	0	0	0
	2014	3	2	0	0
	2015	1	0	0	0

Table 3. Arrests and Disciplinary Referrals Reporting Table					
OFFENSE	YEAR	GEOGRAPHIC LOCATION			
		ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
Weapons Law Arrests	2013	2	1	0	1
	2014	3	2	0	0
	2015	2	1	0	0
Weapons Law Referrals	2013	7	7	0	1
	2014	0	0	0	0
	2015	3	2	0	0
Drug Law Arrests	2013	46	28	0	6
	2014	53	28	3	4
	2015	16	5	0	0
Drug Law Referrals	2013	5	2	0	1
	2014	39	30	1	0
	2015	22	4	0	0
Liquor Law Arrests	2013	11	0	3	0
	2014	26	2	0	6
	2015	30	0	2	3
Liquor Law Referrals	2013	0	0	2	0
	2014	133	120	4	0
	2015	327	325	0	0

TOTAL UNFOUNDED REPORTS	2013	N/A
	2014	7 total unfounded reports
	2015	2 total unfounded reports

*On 10/07/2015 stalking statistics revised to corrected interpretations of VAWA guidelines

Hate Crimes

2013 – There was 1 hate crime reported. The crime was vandalism on campus based on sexual orientation.

2014 – There was 1 hate crime reported. The crime was vandalism on campus based on national origin.

2015 – There were 2 hate crimes reported. One crime was vandalism on campus based on race. One crime was internet threats on campus based on religion and sexual orientation.

Reporting Criminal Incidents

We encourage all students, employees, and guests to report criminal incidents, suspicious activity, and emergencies promptly to the University Police Department either by phone or in person at the University Police Department or by any of the means listed below. Per Campus Administrative Policy 354.5, "Traffic accidents, criminal activity, or serious personal injury/property damage shall be reported directly to University Police." However, in cases such as Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, the University recognizes that reporting to law enforcement is a personal decision and respects the right of the victim to make that decision. (See Sexual Violence reporting options described beginning on page 19 of this report.) Incidents that may or may not be crimes may also be reported to Campus Security Authorities (CSA's) which are defined and listed in this report. These reports can be made in person, via telephone, or to any campus official who is designated as a CSA. Campus members designated as CSA's are required by the Clery Act to report the criminal activity to the University Police Department for inclusion in the annual campus crime statistics; however, the reporting person will remain confidential, if requested and to the extent permitted by law.

Reporting Options

The University encourages the reporting of any suspicious incident or crime occurring on campus property through any of the options below:

Directly to University Police

The University Police Department investigates reported crimes and suspicious incidents to the fullest extent of our capabilities. This includes both confidential and anonymous reports. For emergencies call 9-1-1 from any phone. Additionally, the institution has installed several emergency two-way call boxes (Blue Light phones) around the campus for use during emergencies. By pressing the red button on the stations, users are immediately connected with the University Police Dispatch Center. For non-emergencies call (805) 756-2281, extension 6-2281 from any campus phone or in person at the University Police Department located at Bld. 36, 24 hours a day/seven days a week. In the case of a reported crime, a University Police Officer will respond, investigate the incident and may complete a written report. The officer will investigate the incident, including the potential arrest of the responsible party, or may conduct an initial investigation and forward the case to detectives/investigators for further action. Criminal charges, if warranted, are either filed directly with the courts or through the District Attorney's Office. In addition to any potential criminal violations, the police may refer the incident to the Campus Office of Student Rights and Responsibilities for investigation of violation of the University's Student Code of Conduct.

TapShield Safety App

TapShield is a free personal safety app to all campus members that encourages information-sharing between the Cal Poly Community and University Police to build safer communities. Think of TapShield as a social safety network for the campus community and wherever they want to go. Features include options to:

- Immediately notify the police with the touch of a button
- Walk with a virtual entourage by sending your route, ETA, and notification of arrival to friends and family
- Receive crime alerts
- Instantly submit a crime tip to the police

For further information and download instructions can be found at

<https://afd.calpoly.edu/police/safety/tapshield>

Anonymous Reports of Crimes to the Police

Persons who wish to make confidential anonymous reports may do so directly through the TapShield Safety App. Your tip will be forwarded anonymously to the University Police Department for investigation or other appropriate actions. Persons who wish to make voluntary, confidential reports of crime may also do so by calling Crime Stoppers at (805) 549-STOP (7867), by accessing the Crime Stoppers webpage at <http://sanluisobispocounty.crimestoppersweb.com>, or by texting "SLOTIPS (plus the message)" to CRIMES (274637.) Detailed reporting and response options for cases involving Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, including confidential and anonymous reporting, is found beginning on page 19 of this report.

Reports of Crimes to Campus Security Authorities (CSA's)

Whether – and the extent to which – University employees, other than University Police Officers, may maintain confidentiality depends on the employee's position and responsibilities at the University. Although CSA's may not be able to keep all information completely confidential, only those University employees who have a legitimate reason to know will be notified. CSA's are generally defined as someone who has significant responsibility for student and campus activities. At Cal Poly this includes, but is not limited to, the following: The Dean of Students, University Police, Student Residential Housing staff, Athletic Directors and Coaches, Student Activities Coordinators, Student Judicial Officers, and Student Club Advisors. In most instances CSA's are required to report Clery crimes to the University Police Department for inclusion in the annual crime report 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 is providing training to CSA's 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	Dean of Students	Bldg. 65 - Rm 217	756-0327
Brian	Gnandt	Director, Equal Opportunity & Title IX Coordinator	Bldg. 33 - Rm 290	756-6770
George	Hughes	Chief of Police	Bldg.36 – Rm 107	756-6652
Carole	Schaffer	Associate Director University Housing	Bldg. 31 - Rm 220	756-5959
Keith	Humphrey	Vice President, Student Affairs	Bldg. 01 - Rm 209	756-1521
David	Groom	Office of Student Rights & Responsibilities	Bldg. 052 - Rm E7	756-2794
Don	Oberhelman	Director, Intercollegiate Athletics	Bldg. 42 - Rm 206	756-1407
Gregory	Avakian	Assistant Director, Recreational Sports	Bldg. 43 – Rm 101 101D	756-5846
Brian	Tietje	Vice Provost, International, Graduate and Extended Education	Bldg. 116 - Rm 205	756-1757
Kathleen	Enz Finken	Provost	Bldg. 01 - Rm 305	756-2186
Al	Liddicoat	Associate Vice Provost for Academic Personnel	Bldg. 01 - Rm 314	756-5217

Public Crime Log

The University Police Department maintains a Student Right to Know Daily Log that is available for public review. This log contains a record of all crimes, and other calls for service reported to the department, provides the nature of the initial complaint, the date and time reported the general location of the incident, the disposition of the incident and displays the identification number(s) assigned to the incident. The log for the past 60 days is available for review on a public access computer terminal in the University Police Department reception area 24 hours a day. A printed copy may be obtained by request at the University Police Department reception counter during normal business hours. The log is also available 24 hours a day on the University Police web page: <https://afd.calpoly.edu/police/safety/reports/>

Timely Warning Notices

The university will issue a timely warning as soon as pertinent information is available when a Clery reportable crime is reported that poses an on-going/continuing threat to the community. The decision to issue a Timely Warning will be made by the Chief of Police or his/her designee, generally following consultation with other campus authorities such as the Vice President for Student Affairs, the Dean of Students, and Campus Legal Counsel. A case by case analysis is done utilizing open communication and collaboration between these authorities, to determine if an on-going/continuing threat exists. If the

threat has been mitigated and/or eliminated before a campus notification occurs, a timely warning notification is no longer mandated and may or may not occur at the discretion of the University.

The University will disseminate the timely warning in a manner that will likely reach the entire campus community. One or more of the following methods may be used to disseminate the timely warning; Generally, the warning will be issued through the Cal Poly email system to all students, faculty, and staff and/or any combination of additional means such as the Poly Alert system, the University Police website, posted on campus and residential hall informational bulletin boards, and the campus newspaper (The Mustang News). Any such warning will not include any information that identifies a confidential victim.

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.

Security Of and Access to Campus Facilities

Campus facilities are provided primarily for the education-related needs of enrolled students. Use and allocation of University Facilities is governed by section 240 of the Campus Administrative Policy, et al. Persons without a lawful purpose may be removed from the campus per California Penal Code Section 626.6. Access to campus residence halls is restricted to hall residents and guests, and is regulated by University Housing.

All entrances to the residence halls and apartments are locked 24 hours a day. Students who live in on-campus housing may enter the building by using their room keys/key cards. Security phones are installed at the entrances of each building to allow visitors to contact friends in the building to be admitted. 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. For more information, please call University Housing at (805) 756-1226, or visit the website: www.housing.calpoly.edu

Security Considerations Used In Maintenance

The University takes appropriate precautions to provide security during maintenance of facilities. Routine maintenance of facilities is primarily by full-time University employees. Maintenance and custodial employees in the residence halls are closely supervised, work routine business hours, and do not enter private rooms without direction. Contractors in the residence halls work either in empty buildings or directly under supervision of University employees. General contractors on campus are responsible for security to the facilities in which they are working. Specific direction and a university liaison are provided for each contractor/project.

On-campus residents 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. 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 deficiency directly to the campus Work Control Center at (805) 756-5555. Facility Services staff, including custodial workers, landscapers and members of the building trades participate in a cooperative relationship with the campus community to promote and maintain a safe campus environment.

Law Enforcement Authority

The University Police Department is committed to the safety and well-being of the campus community. We are a full service, community oriented law enforcement agency providing service to the campus 24/7. There is always University Police Officers on duty to assist a student, faculty, guest, or staff member. It is a goal of the department to provide an environment in which all people feel safe and secure, and to maintain a professional workforce that is responsive to the needs of the campus community. In addition, we work closely with the City of San Luis Obispo Police Department to safeguard the campus.

The campus community and guests are encouraged to report all crimes, suspicious activity, and public safety related incidents to the University Police Department (UPD) in a timely manner for prompt response by the police, inclusion in the annual crime statistics and aid in providing timely warning notices to the campus community.

To report a crime or an emergency on the Cal Poly campus, dial 9-1-1 from any phone; or dial extension 6-2281 from any University phone; or dial (805) 756-2281 from any off-campus phone. University Police dispatchers are available at these numbers 24 hours a day to answer your call, provide assistance, and dispatch a police officer or the appropriate resource, as needed.

All UPD investigated incidents of which may include potential student code of conduct violations are forwarded to the Dean of Students office for review and potential action by the Office of Student Rights and Responsibilities. If assistance is required from an allied police or fire department, UPD will contact the appropriate agency.

The University Police Department is located at 1 Grand Avenue, Bldg. 36, San Luis Obispo, California 93407. The administrative office hours are Monday – Friday 8:00 am to 5:00 pm. The office phone

number is (805) 756-6652. After hours, an on-duty officer may be reached through the University Police Dispatch directly at (805) 756-2281 or 6-2281 from any campus phone. For additional information on the University Police Department, services provided, and news and information, please visit the website: <https://afd.calpoly.edu/police/>.

Enforcement and Arrest Authority of University Police Officers

Officers of the Cal Poly State University Police Department are California Peace Officers per Penal Code Section 830.2. They possess the same authority and powers, including the authority to arrest, as do police officers and deputy sheriffs in other areas of the 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. University Police Officers will also enforce campus regulations and may refer students to the disciplinary division of Student Affairs for violations of the campus regulations and the Student Code of Conduct.

Addressing Criminal Activity at Off Campus Organizations

Student Affairs maintains contact with recognized fraternity and sorority organizations through the efforts of the Greek Affairs Advisors. University Police members do not provide law enforcement service to off-campus residences of recognized fraternity and sorority organizations. These residences are located within the City of San Luis Obispo and criminal activity at these locations is monitored and recorded by the San Luis Obispo Police Department. The San Luis Obispo Police Department is surveyed annually for Clery reportable crimes at these locations to be included in the annual crime statistics. Student Affairs and University Police members enjoy a close working relationship with the San Luis Obispo Police Department and coordinate efforts when violations of federal, state, or local laws occur.

Law Enforcement Interagency Cooperation

The University Police Department enjoys an excellent rapport and effective relationship with allied law enforcement agencies.

City of San Luis Obispo Police Department (SLOPD)

The University Police Department maintains an excellent relationship with the City of San Luis Obispo, which our campus borders. The San Luis Obispo Police Department helps to maintain a safer campus by providing mutual aid assistance when requested and jointly trains with University Police Officers throughout the year. By an MOU agreement, UPD and SLOPD share congruent jurisdiction within a mile radius extending from campus borders into the City of San Luis Obispo. UPD Officers proactively patrol within this one mile radius and have the ability to enforce city ordinances and issue municipal citations for public disorder crimes. Additional information about the City of San Luis Obispo and the services provided by the Police Department can be found at: <http://www.slocity.org/>

San Luis Obispo County Sheriff's Office

By an MOU agreement, should a major crime occur on campus that exhausts the resources of the University 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 University Police Department. The University Police Department also partners with The County of San Luis Obispo in matters of 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 upon and utilized 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

Federal and State Law Enforcement

The University Police Department may also utilize the services of the California State Highway Patrol (CHP), U.S. Secret Service, and FBI while investigating major crimes or to provide security for dignitaries who may visit our campus.

Crime Prevention Programs

The University Police Department stresses 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. The department coordinates and administers several programs available to members of the campus community. University Police works closely with Residential Life staff to provide training and educational information on crime prevention and personal safety techniques throughout the year.

The University Police Department offers crime prevention and awareness presentations to campus organizations, departments, clubs and groups upon request throughout the academic year and in partnership with University Housing. The University Police Department, Housing Staff, and Safer staff provides presentations available to all incoming students and their parents as part of Week of Welcome and other orientation activities to all incoming students before they arrive to Cal Poly. The educational modules focus on education on Sexual Violence, Dating Violence, Domestic Violence, Stalking, Bystander Intervention and Consent.

During mandatory annual orientation sessions, students and parents are informed of services offered by the University Police as well as the San Luis Obispo Police Department. Presentations outline ways to maintain personal safety and residence hall security. Students are told about crime on-campus and in surrounding neighborhoods. These sessions typically address topics including personal safety awareness, sexual and dating violence prevention, alcohol and other drugs awareness, protection of personal property, 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. Informal or formal lectures on crime prevention or personal safety can be scheduled for any size group by contacting the University Police Department directly at (805) 756-6652.

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

Alcohol and Other Drugs Policy

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. Cal Poly is fully committed to achieving an alcohol abuse and other drug (AOD) free environment for its students and employees. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the University Police Department. 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 Cal Poly policy and California state law. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by the California Department of Alcohol and Beverage Control (ABC). Possession or consumption of alcoholic beverages on the campus is controlled by an approval process under established guidelines. Exception to this policy may be granted by the President or his designee to allow the service (sale or non-sale) of alcoholic beverages under established guidelines. Factors to be considered in granting exceptions include the nature of the event, the adequacy of supervision, and the benefit to the university. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone less than 21 years of age in a public place or a place open to the public is illegal. Campus Administrative Alcohol Policy #172 may be located at <http://policy.calpoly.edu/cap>

As an institution, Cal Poly acknowledges the serious issues concerning the use of illegal drugs and the abuse of alcohol; factors which have clear links to a myriad of negative effects in a person's life. These effects can range from poor academic performances to serious legal consequences for violations of law while under the influence. A direct correlation exists between alcohol and other drug usage and crime. Simply put, the more you drink or use drugs, the more likely you are to be involved in a crime of violence; either as a victim or as a perpetrator, both with potentially tragic and life-changing consequences.

Cal Poly encourages persons of legal drinking age to carefully consider the options open to them when they are making decisions regarding if and how much alcohol will be a part of their lives off campus. Many substance free events are offered on campus throughout the year, and members of the university community are encouraged to get involved. Education and support for those who have questions or problems related to AOD are available and strongly encouraged.

Academic, personal and professional success is Cal Poly's goal for all of its students, faculty, and staff. This goal cannot be achieved if AODs are allowed to hinder each person's natural abilities.

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. In all cases, the possession, transportation, and/or consumption of alcohol by individuals less than 21 years of age is strictly prohibited.

Standards of Conduct

Cal Poly employees and students are expected to comply with campus rules and regulations at all times, including student-sponsored social activities, professional meetings attended by employees, and school-sponsored off campus activities.

Cal Poly expressly prohibits the manufacture, use, sale, purchase, transfer, or possession of dangerous drugs or narcotics, as those terms are used in California statutes, 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.

Persons who are engaged in work on a federal contract or grant shall abide by the above standards of conduct as a condition of employment, and shall notify the University of any Criminal Drug statute violations occurring in the workplace or while on University business no later than 5 days after conviction. Cal Poly is required to initiate appropriate corrective action within 10 days of receiving such notice of conviction (see Disciplinary Actions).

Description of Health Risks

Alcohol and other drug use poses serious health risks for the individual and for the safety of others. The effects of psychoactive drugs such as marijuana, cocaine, amphetamines, barbiturates, or hallucinogens on the body and psyche are dangerous, and some damage is irreversible. Common effects associated with drug use are distortions of time perception, increased heart rate, dilation of blood vessels, loss of short-term memory, inability to study or concentrate, insomnia, hyperactivity, depression, and even death.

Although alcohol is a legal drug in our culture, its harmful potential is great. Alcohol is a drug that slows down bodily functions such as heart rate, pulse, and respiration. Alcohol can seriously impair judgment, motor skills, and coordination. Excessive use of alcohol and other drugs is a serious health problem in itself, but alcohol and drug abuse can also contribute to a host of other physical and mental health problems such as violent behavior and psychological depression. In addition, any amount of alcohol consumed by a pregnant woman may be harmful to the fetus causing Fetal Alcohol Syndrome.

Student Response Procedures

A student should not hesitate to report an incident of possible alcohol poisoning or other drug overdose due to concerns about potential disciplinary action for violating the Standards for Student Conduct. Student safety and health are paramount considerations. Obtaining necessary medical assistance could be considered a mitigating factor on a case-by-case basis when evaluating the imposition of campus disciplinary charges for consuming or providing alcohol or other drugs. Even if no disciplinary charges are imposed, students may still be required to participate in educational programs designed to promote student safety. This protocol does not preclude disciplinary action for other violations such as Assault,

Hazing, or Sexual Misconduct that might arise from the same incident. A student reporting another student's alcohol poisoning or other drug overdose must take the following steps:

- Contact emergency personnel immediately by calling 9-1-1.
- Stay with the incapacitated student until told by the responding officials to leave.
- Cooperate with emergency personnel and University employees during the incident and during any subsequent investigation.

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. More information on Aware Awake Alive can be found at: <http://awareawakealive.org/>

Alcohol and Other Drug 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. Employee health insurance plans often defray part of the cost of rehabilitation programs. Cal Poly may also accommodate employees by allowing the approved use of sick leave or unpaid time off to participate in such 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 (Health Center, Building 27, (805) 756-2511), or P.U.L.S.E. in the Health Center, (805) 756-6181). Staff and faculty members are encouraged to contact the Department of Human Resources or Cal Poly's Employee Assistance Program provider, Empathia, directly at 1 (800) 367-7474.

The following is a partial 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 (Administration Building, Room 110, (805) 756-2236), Counseling Services or P.U.L.S.E. The services listed below are provided for informational purposes only, and no specific endorsement is implied.

Campus Resources

Among its many services, P.U.L.S.E. serves as a clearinghouse for information and referral resources regarding AOD services, both on campus and in the community. Located in the Health Center and staffed by students and professionals, P.U.L.S.E. is available to students, faculty, and staff and provides information on support groups dealing with AOD topics. Peer Health Teams offer information and educational workshops presented by students who are trained in the area of AOD use, sexuality, nutrition, and wellness. This program is located on the lower level of the Health Center. A wide range of written material on the areas covered by Peer Health Teams is available as well as one-on-one consultations with Team members. To learn more or to schedule a workshop, call (805) 756-6181. Health and Counseling Services provides short-term counseling and referral for students in the area of AOD issues. Health and Counseling Services is located in the Health Center (Building 27).

Recreational Sports offers many opportunities to get involved in substance-free healthy fun. Choices range from informal drop-in activities such as swimming, weight lifting, and tennis to structured

activities such as intramural team sports, aerobics, fun runs and special events. Visit the Recreation Center (Building 43, South Perimeter and Via Carta), view the Recreation Center website: http://www.asi.calpoly.edu/rec_center_facility, or call (805) 756-1366.

Associated Students, Inc. (ASI) and University Union (UU) offer frequent and varied entertainment options which do not rely on AOD to be fun. Activities include the UU Games Area (bowling, billiards, and video games), concerts, movies, and live entertainment throughout the year. Call (805) 756-1112 for more information.

Community Resources

- 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

Tax-Supported Agencies

- SLO Co Drug & Alcohol Services: (805) 549-4296
- Cambria Connection (805) 927-1654
- North County Connection (805) 461-6084
- Mariposa Center (805) 473-7082

Substance Use and Abuse Advisory Committee

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.

The Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989 require that, as a condition of receiving funds or financial assistance under any federal program, 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.

Questions concerning this policy may be directed to the Office of Student Affairs (students), (805) 756-1521, or Human Resources (employees), (805) 756-2236.

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.

Prevention, Education, and Awareness

A comprehensive institutional approach to address 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, and Stalking. Safer, the Title IX Coordinator, the University Police and Student Affairs offer presentations, workshops, and other educational events for the Cal Poly community including but not limited to:

- University Housing
- Athletics
- Greek Life
- Student Clubs and Organizations

Safer also has multi-week awareness programs, training, primary prevention programs, bystander training, and ongoing prevention and awareness campaigns for the campus community. Some are voluntary and others are required. Descriptions of some of these programs are:

Greeks Against Sexual Assault

This training occurs annually for fraternity men who want to actively change the cultural norms that perpetuate sexual assault. This 4-week educational 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. This program is 4 weeks with 2 hours for each session.

Men and Masculinities 6 Week Program

The Men and Masculinities 6-Week Program is a rehabilitative training for student of Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking. The training takes an in-depth look at masculinity, gender socialization, sexual violence, healthy relationships, and bystander intervention. 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.

LEAD Training

LEAD (Love, Empower, Affirm, Decide) Training is a 6-hour long program offered throughout the academic year that 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. The program for each student runs for 6 weeks, one hour per week.

Student Orientation Programs: All students and parents who attend orientation will receive information on consent, safety, resources and how to help if made aware of any Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking. These programs occur annually throughout the summer orientation before newly admitted and transfer students begin fall quarter.

Haven Online Program: 45 minute interactive modules given annually to all incoming students before they arrive at Cal Poly. The educational modules focus on education and risk reduction on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, bystander intervention and consent.

Week of Welcome (WOW): Annually, all incoming students who attend WOW will receive a 1-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 have been trained by Safer in the spring.

Residence Hall Safety Meetings: Every student living in a residence hall will receive a personal safety presentation on an annual basis and upon request throughout the year.

KINE 250 Healthy Living: This general education requirement is a class offered throughout the academic year that many freshmen take. Safer presents the Healthy Living courses.

University Events: Students are encouraged to attend Safer events occurring throughout the academic year sponsored by the University to promote education and awareness such as:

- Take Back the Night.
- Clothesline Project.
- Quarterly Self Defense workshops.

Housing Programming: University Housing in collaboration with Safer, offers multiple programs throughout the academic year in the Residence Halls that focus on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, Bystander Intervention and Consent.

Athletics: Annually, all athletes will receive a 1 hour Safer presentation on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, Bystander Intervention and Consent.

Fraternity and Sorority Life: Annually, all fraternity and sorority new members will receive a Safer presentation on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, Bystander Intervention and Consent.

RA/CA's/CSD: Annually, all Housing staff receives a two-hour long Safer training on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, bystander intervention and consent.

Associated Students Incorporated (ASI) staff: Annually, all ASI student staff receives a Safer training on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, bystander intervention and consent.

How to be an Active Bystander

Bystanders play a critical role in the prevention of Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking. They are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. Cal Poly wishes to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. These bystanders may not always know what to do even if they want to help. Below is a list of some ways to be an active bystander:

- Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- Confront people who seclude, hit on, and try to make out with or have sex with people who are incapacitated.
- Speak up when someone discusses plans to take sexual advantage of another person.

- Believe and listen to someone who discloses Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking.
- Refer people to on or off campus resources listed in this report for support in health, counseling, or with legal assistance.
- If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at or being physically abusive towards another and it is not safe for you to interrupt.

Additional educational and training information in video format on the topics of Bystander Intervention, Consensual Sex, and Title IX can be found at:

<http://www.deanofstudents.calpoly.edu/content/safer/videos>

DEFINITIONS PER EXECUTIVE ORDERS 1095-1097

Sexual 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 Discrimination¹.

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.

¹ 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.

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 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 or; 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:

- o The person was asleep or unconscious;
 - o 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;
 - o 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:
 - o The respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;
 - o 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. University 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.

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

Privileged and Confidential Reports

Treating physicians, psychotherapists, professional counselors, and clergy who work or volunteer providing medical or mental health treatment or counseling (including those who act in that role under their supervision may not report any information about an incident of Sexual Misconduct, 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.

Criminal

Reporting to University Police and/or local police is an option at any time. Victims who choose not to report to the police immediately following a Sexual Misconduct, 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

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 University Police Department by dialing 911. The University 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. University Police will protect the confidentiality of the victim to the extent permitted by applicable California State law.

If a victim reports to a local police agency or the University Police about Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that their identity be kept confidential, their name will not become a matter of public record and the police will not

report the victim's identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself, including the identity of the perpetrator if known, to the Title IX Coordinator being sure not to reveal the victim names/identities or compromise their own criminal investigation. The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

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 Campus Security Authority (CSA)

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

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

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.

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

- Provide 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.

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.

Disciplinary Procedures

The University has procedures that provide for an administrative investigation of reports of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking, and written findings based on the preponderance of the evidence standard, provided to the complainant and respondent. Both the complainant and respondent may appeal written findings to the CSU Chancellor's Office, as well as the ultimate sanction for violation of CSU policy in student misconduct cases. The procedure for 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, whether the offense occurred on or off campus, the University will provide the student or employee a written explanation of their rights and options.

The investigation process from initial complaint to final result shall be prompt, fair, and impartial. The investigator will meet separately with the complainant and the respondent and other potential witnesses to gather information. The investigation shall be completed no later than 60 working days after the intake interview, unless the timeline has been extended. The timeline should not be extended for a period longer than an additional 30 working days from the original due date.

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 giving careful consideration to any such relevant evidence, information or arguments provided by the Parties. The Investigator retains discretion and authority to determine relevance.

At the conclusion of the University's complaint and investigation procedure, 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:
 - o The outcome of the disciplinary proceeding;
 - o The University's procedures to appeal the results of the disciplinary proceeding;
 - o Any change to the disciplinary results that occurs prior to the time such results become final; and
 - o When disciplinary results become final.

Complaint Procedures

The CSU has adopted and published complaint procedures that provide for prompt, impartial, and equitable resolution of complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, 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

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 <http://www.calstate.edu/EO/EO-1097-rev-6-23-15.pdf>

Complaints Made By Employees, Former Employees, Third Parties, And Applicants For Employment

Executive Order 1096, entitled "Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, 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 <http://www.calstate.edu/EO/EO-1096-rev-6-23-15.pdf>

Complaints Made By Student Employees

Executive Order 1096 is the appropriate system-wide procedure for all complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, made by student-employees where the alleged Sex Discrimination, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking arose out of the person's status as an employee and not their status as a student. Executive Order 1096 can be viewed at <http://www.calstate.edu/EO/EO-1096-rev-6-23-15.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.) In accordance with Executive Orders 1096 and 1097, the Title IX Coordinator investigates those complaints, determines whether the accused violated the applicable Executive Order(s), and 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.

Appeal Of Finding In Investigative 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.

Student Conduct Proceedings

Where the investigative report finds a violation of Executive Order 1096 or 1097 and any appeal has been exhausted, 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 hearing.

The Student Conduct Administrator shall, in consultation with and agreement from the Title IX Coordinator, determine which cases are appropriate for disposition without 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 the student charged and the University (after 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.

President's Sanction Decision/Notification

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

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

Students Sanctions

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 agreement².

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

Other Considerations Related to Sanctions

1. **ADMINISTRATIVE HOLD AND WITHHOLDING A DEGREE**

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

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

² 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.

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

Convicted sex offenders are required by law to register with the law enforcement agency having jurisdiction where the offender lives. Convicted sex offenders are also required to register with the University Police Department if they are residing on the University campus, enrolled as a student of the University, employed by the University (either full-time or part time, including paid employees or volunteers), or working or carrying on a vocation at the University (e.g., contractors) for more than fourteen days or for an aggregate period exceeding thirty days in a calendar year.

In addition, Megan's Law makes information on "serious" and "high-risk" sex offenders in their local community available to adults and organizations. The information available regarding a registered sex offender includes:

- Name and known aliases
- Age and sex
- Physical description, including scars, marks and tattoos
- Photograph, if available
- Crimes resulting in registration
- County of residence

The University Police Department does not maintain a public database of registrants at Cal Poly. Information regarding registered sex offenders on campus may be obtained by viewing the Megan's Law website: www.meganslaw.ca.gov an offender's campus involvement will be listed as a secondary registration location.

Emergency Notifications

The University will upon confirmation of a significant emergency or other dangerous situation involving an immediate threat to the health or safety of students, employees, and/or the general campus community, occurring on or affecting the campus, use The PolyAlert Campus Notification System to notify as many people as possible in a timely manner. Confirmation means that an institution official (University Police Official, or Environmental Health and Safety Official, or non-campus officials (local law enforcement, San Luis Obispo County Health and Safety Officials, and/or Cal Fire officials) has verified that a legitimate emergency or dangerous situation exists.

The University will, through the University Police Department and/or the campus Emergency Operations Center, determine the content of the notification and will initiate the notification without delay. The University may delay notification in cases in which, in the professional judgment of responsible authorities, immediate notification would compromise efforts to assist victims or to contain, respond to, or otherwise mitigate the emergency.

The content and scope of the notification will be determined at the earliest possible point in an event, and the notification may be initiated by the University Police Dispatcher, the UPD Watch Commander, the UPD Officer in Charge, the UPD Operations Commander, the Chief of University Police or the Emergency Operations Director/EOC Incident Commander, as determined by the particular circumstances. The scope of the notification, who/which segments of the community will be notified – will be determined by the same people and will reflect the nature and scope of the event. An event contained in a small area or a single building will likely dictate a smaller scope of notification than would an uncontained or dynamic event. Subsequent notifications to the larger community will generally be made by the Cal Poly Public Affairs Office.

The PolyAlert Emergency Notification System is a messaging service that will distribute brief messages via text and more detailed messages via the campus email system. By using Short Messaging System (SMS) technology, the system can convey messages to registered mobile phones, Blackberries, wireless PDAs, smart phones and satellite phones. To receive SMS messaging you must have your cell phone registered to receive the emergency text message notifications. To register your cell phone visit: <https://my.calpoly.edu> and click on the Personal Info tab. All Cal Poly students, faculty and staff with a registered Cal Poly email are automatically enrolled to receive email notifications. The PolyAlert text and e-mail Emergency Notification System is tested annually.

In addition to the PolyAlert system, the University may potentially use any combination of (depending on the scope and type of situation) the University Police Department AM radio station available at AM 1610, exterior loudspeakers/public address systems, a network of campus Building Coordinators,

electronic message boards, the Cal Poly AM radio station – KCPR, the regional Emergency Alert System – AM 920, AM 1400 and FM 98.1, Pacific Gas & Electric Company Early Warning System sirens, the UPD 756-News Line and the campus telephone system to notify the campus community.

Missing Student Notification

Campus Administrative Policy 354.5.1 requires that any incident involving missing or potentially missing persons be reported directly to the University Police Department without delay <http://cap.calpoly.edu/cap/300/CAP%20350%20AFD%20UPD%20Final%20Approved%20by%20Pres%202015-02-18.pdf>. There is no requirement that a person be missing for 24 hours before a report is made. The report may be initiated by calling the University Police Dispatcher at (805) 756-2281, or by dialing 9-1-1. Each student, regardless of where he or she is living, has the option to register a confidential contact person 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; <https://my.calpoly.edu>. Only authorized campus officials involved in a missing person investigation may access this confidential information.

Even if a confidential contact person has not been named, the University Police Department 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, UPD shall notify the registered confidential contact person.

The University Police Department 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 2016 Fires Safety Report is available at the following link:
https://afd.calpoly.edu/police/safety/reports/fire_safety_report.pdf