

SAN FRANCISCO STATE



2021

ANNUAL SECURITY REPORT

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

Clery Crime Statistics 2018-2020

TABLE OF CONTENTS

MESSAGE FROM THE PRESIDENT OR THEIR DESIGNEE	4
PREPARING THE ASR	5
CLERY CRIME STATISTICS 2018 - 2020	8
HATE CRIMES.....	16
REPORTING CRIMINAL ACTIONS & EMERGENCIES	17
VOLUNTARY CONFIDENTIAL REPORTING	17
CALIFORNIA EDUCATION CODE SECTION 67380(A)(6)(A).....	22
TIMELY WARNING POLICY.....	22
SECURITY OF AND ACCESS TO CAMPUS FACILITIES	25
LAW ENFORCEMENT AUTHORITY	25
SECURITY PROCEDURES AND PRACTICES.....	29
CRIME PREVENTION PROGRAMS	30
CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS.....	31
ALCOHOL AND DRUGS.....	33
SEXUAL VIOLENCE	33
DEFINITIONS PER EXECUTIVE ORDERS 1095-1097.....	35
PROCEDURES FOR REPORTING A CRIME OF SEXUAL VIOLENCE/SEXUAL MISCONDUCT.....	46
PRIVILEGED AND CONFIDENTIAL REPORTS.....	47
EXCEPTIONS TO CONFIDENTIALITY	48
PRESERVATION OF EVIDENCE	48
REPORTING OPTIONS.....	49
NON-REPORTING.....	53
CIVIL LAWSUIT	53
RESTRAINING ORDERS	53
DISCIPLINARY PROCEDURES.....	53
SUPPORTIVE MEASURES	55
COMPLAINT PROCEDURES	56
INVESTIGATIVE PROCEDURES.....	60

HEARING PROCEDURES.....	62
DETERMINATION REGARDING RESPONSIBILITY	64
INFORMAL RESOLUTION.....	66
EMPLOYEE DISCIPLINE	68
STUDENT SANCTIONS.....	68
APPEALS	70
REGISTERED SEX OFFENDERS.....	73
EMERGENCY NOTIFICATION POLICY	73
MISSING STUDENT NOTIFICATION	75
FIRE SAFETY ACT.....	77
ADDENDUM: LOCAL JURISDICTION DEFINITIONS FOR DVSA AND STALKING	78

SAN FRANCISCO STATE

ANNUAL SECURITY REPORT

MESSAGE FROM THE ASSISTANT VICE PRESIDENT & CHIEF OF POLICE



Dear Campus Community Member,

On behalf of the San Francisco State University, I am pleased to present the SF State Annual Security Report, which is compiled in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. Even given our urban setting, our campus is a relatively safe place for people to live, learn and work. However, we are also not completely immune to crime or violence.

The Clery Act is a federal law that provides transparency regarding campus crime and statistics. Along with annual reporting of statistics regarding crimes committed on and around our campus, it includes important information and disclosures about crime reporting, crime prevention, victims' rights, and information campaigns that raise awareness of how we can create and maintain a supportive campus community.

As members of the San Francisco State University campus community, we all share the responsibility of maintaining a safe and healthy environment. Your safety while at San Francisco State University is the primary concern of the University Police Department.

I hope you will read this report carefully and use the information to assist us in keeping our community safe, because safety is a shared responsibility.

Thank you for your interest,

Reginald Parson

Assistant Vice President & Chief of Police
Division of Campus Safety

PREPARING THE ASR

San Francisco State prepares the Annual Security Report (ASR) to comply with federal law, specifically the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime statistics Act (Clery Act). The Clery Act requires that all universities that participate in federal financial aid programs provide their campus communities with the ASR, which contains crime statistic information and important safety policies.

The SF State Clery Compliance Team was established in 2016 for the purpose of conducting quarterly reviews of the University's policies and procedures to ensure compliance with the Clery Act. The Clery Compliance Team will adhere to applicable guidance related to the Clery Act in accordance with the Office of Postsecondary Education (OPE) handbook and the Uniform Crime Reporting Handbook to make certain that we are including all required disclosures in Annual Security Report (ASR).

Additionally, the Clery Compliance Team will follow written procedures that clearly describe the review process used to ensure that the University is reporting crime statistics consistently and accurately in annual security reports. The Clery Compliance Team will also ensure that San Francisco State University fully implements CSU Executive Order 1107 in our institutional Clery compliance efforts. For complete information on CSU Executive Order 1107, visit <https://calstate.policystat.com/policy/6590697/latest/>.

On a monthly basis, the Clery Compliance Team will conduct a meeting to review the University's policies, procedures, and crime statistics with respect to Clery Act compliance in order to confirm that such policies, procedures, and statistics are accurate, comprehensive and effective.

The Clery Coordinator shall serve as the Clery Compliance Team leader. The Clery Compliance Team leader shall be responsible for preparing and setting the agenda for the monthly meeting, trainings, and requisite legal updates. To ensure complete compliance with the Clery Act, the Clery Compliance Team, in conjunction with the office of University Counsel, will finalize any updates, changes, or revisions to Clery Act policy and procedures in sufficient time to ensure inclusion in the ASR. The Clery Compliance Team shall submit all approved Clery Act policy and procedures for each calendar year to the Equity Programs & Compliance Manager and the UPD, in order to ensure inclusion in the ASR. The Equity Programs & Compliance Manager and UPD shall be responsible for confirming and ensuring that all approved, required and necessary Clery Act policy and procedure statements are included and submitted for publication in the ASR. The members of the Clery Compliance Team will conduct a separate review of each Clery Act compliance policy and procedure to determine whether it is current, comprehensive, effective, and consistent with Clery Act requirements. Assigned Clery Compliance Team members will design and draft any new policies or procedures that may be called for due to changes in law or the outcome of any Clery Act investigations of findings during the preceding year and shall revise and update the existing policies and procedures as may be necessary. This internal update of policies and procedures shall include, but is not limited to, the following:

- Clery Act Geography/Campus Mapping
- Gathering, Reporting, and Validating Clery Crime statistics
- Identifying Campus Security Authorities (CSAs)
- Obtaining statistics from Local Law Enforcement
- Maintaining the Daily Crime and Fire Logs

- Emergency Response and Evacuation Procedures
- Timely Warning Policy and Procedures
- ASR Distribution Policy and Procedures
- ASR Policy Statements
- Web-based Data Submission to Education Department
- Missing Student Notification Policy and Procedures
- Fire Safety statistics
- Training Campus Security Authorities (CSAs)
- Drug Free Schools and Communities Act
- Notice of ASR and Access to ASR

The Clery Act reportable crime statistics for the University are collected and collated by the San Francisco State University Title IX office and the UPD. The Manager for Equity Programs & Compliance maintains & reviews Clery Act crime statistics for the Title IX office from incident reports submitted by our Campus Security Authorities. The UPD Records Supervisor manages & reviews Clery Act crime statistics for the UPD. The Records Supervisor collects Clery crime reports completed by UPD Police Officers and crime reports provided to the UPD by our neighboring law enforcement agencies. The University Police Department has established collaborative relationships with our neighboring law enforcement agencies who readily provide us with relevant information. The Clery Compliance Team will review the Clery Act reportable crime statistics on an on-going basis at the monthly meetings for inclusion in the ASR.

Crime statistics are reported pursuant to the guidelines as specified in the Jeanne Clery Disclosure of Campus Crime Policy and Campus Crime statistics Act, as defined under the FBI Uniformed Crime Reporting procedures, and separated by the following geographical areas:

- Campus; and on-campus residence halls;
- Public Property adjacent to the University; and
- Non-Campus Property.

The following crimes must be reported:

- Murder/Non-negligent manslaughter
- Sex offenses: Rape; Fondling; Incest; Statutory Rape
- Domestic Violence
- Dating Violence
- Stalking
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

In addition, the university must report arrests or disciplinary referrals for liquor, drug and weapons law violations and hate crimes by classification. Statistics on campus disciplinary referrals are collected from the offices of Residential Life and Student Conduct.

Members of the community may obtain a copy of the Annual Security Report at the University Police Department lobby located at 1600 Holloway Avenue, San Francisco, CA 94132, by calling 415-338-7200, or by visiting the University Police Department's website at http://upd.sfsu.edu/sites/default/files/assets/pdf/Annual_Security_Report.pdf.

Additionally, the website address for the report is included in the pay stubs of all faculty and staff. All prospective employees may obtain a copy of the report from the office of Human Resources located in room 252 of the Administration building or by calling 415-338-1872.

CLERY CRIME STATISTICS 2018 – 2020: SF STATE MAIN CAMPUS

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Murder and Non-Negligent Manslaughter	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Rape	2018	9	8	0	0
	2019	24	13	0	0
	2020	3	3	0	0
Fondling	2018	0	0	0	0
	2019	9	6	0	0
	2020	0	0	0	0
Incest	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Robbery	2018	2	0	0	1
	2019	3	1	0	5
	2020	1	0	0	5
	2018	2	0	0	3

Aggravated Assault	2019	1	0	0	1
	2020	0	0	0	1
Burglary	2018	24	14	0	0
	2019	24	14	0	0
	2020	26	11	0	0
Motor Vehicle Theft	2018	1	0	0	24
	2019	2	0	0	17
	2020	1	0	0	1
Arson	2018	1	0	0	0
	2019	0	0	0	0
	2020	1	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2018	6	6	0	0
	2019	6	5	0	1
	2020	1	1	0	1
Domestic Violence	2018	1	1	0	0
	2019	6	6	0	0
	2020	0	0	0	0
Stalking	2018	2	1	0	0
	2019	14	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
---------	------	--------------------	-----------------------	------------	--------------------

Liquor Law Arrests	2018	1	1	0	6
	2019	0	0	0	0
	2020	0	0	0	0
Liquor Law Referrals for Disciplinary Action	2018	50	50	0	0
	2019	2	2	0	0
	2020	0	0	0	0
Drug Law Arrests	2018	3	0	0	0
	2019	4	1	0	3
	2020	0	0	0	0
Drug Law Referrals	2018	48	48	0	0
	2019	1	1	0	0
	2020	0	0	0	0
Weapons Law Arrests	2018	3	0	0	0
	2019	1	0	0	0
	2020	0	0	0	0
Weapons Law Referrals for Disciplinary Action	2018	1	1	0	0
	2019	1	1	0	0
	2020	0	0	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2018	4
	2019	1
	2020	2

CLERY CRIME STATISTICS 2018 – 2020: SF STATE DOWNTOWN CENTER

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Murder and Non-Negligent Manslaughter	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Rape	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Fondling	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Incest	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Robbery	2018	0	0	0	11
	2019	0	0	0	19
	2020	0	0	0	4
Aggravated Assault	2018	0	0	0	8
	2019	0	0	0	7
	2020	0	0	0	4

Burglary	2018	0	0	0	0
	2019	1	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	2
	2019	0	0	0	1
	2020	0	0	0	7
Arson	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Dating Violence	2018	0	0	0	2
	2019	0	0	0	1
	2020	0	0	0	0
Domestic Violence	2018	0	0	0	2
	2019	0	0	0	0
	2020	0	0	0	0
Stalking	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
	2018	0	0	0	0

Liquor Law Arrests	2019	0	0	0	0
	2020	0	0	0	0
Liquor Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Law Arrests	2018	0	0	0	2
	2019	0	0	0	0
	2020	0	0	0	4
Drug Law Referrals	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Weapons Law Arrests	2018	3	0	0	2
	2019	1	0	0	0
	2020	0	0	0	3
Weapons Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2018	0
	2019	0
	2020	0

CLERY CRIME STATISTICS 2018 – 2020:
SF STATE ESTUARY & OCEAN SCIENCE CENTER

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Murder and Non-Negligent Manslaughter	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Manslaughter by Negligence	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Rape	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Fondling	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Incest	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Statutory Rape	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Robbery	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Aggravated Assault	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

Burglary	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	0
	2019	1	0	0	0
	2020	0	0	0	0
Arson	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

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

OFFENSE	YEAR	ON-CAMPUS TOTAL	CAMPUS RESIDENTIAL	NON-CAMPUS	PUBLIC PROPERTY
Liquor Law Arrests	2018	0	0	0	0
	2019	0	0	0	0

	2020	0	0	0	0
Liquor Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Drug Law Referrals	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Weapons Law Arrests	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0
Weapons Law Referrals for Disciplinary Action	2018	0	0	0	0
	2019	0	0	0	0
	2020	0	0	0	0

OFFENSE	YEAR	TOTAL
Unfounded Crimes	2018	0
	2019	0
	2020	0

HATE CRIMES

The following hate crime statistics are compiled from:

Main Campus

2018 - There were two (2) hate crimes reported. Both incidents happened at the San Francisco State Main Campus in on-campus property. One incident was a vandalism with a religion bias and the other incident was an aggravated assault with sexual orientation bias.

2019 - There was one (1) hate crime reported. The crime was a battery at the San Francisco State Main Campus in public property with gender and race biases.

2020 - There were no reported hate crimes.

Downtown Center

2018 - There were no reported hate crimes.

2019 - There were two (2) hate crimes reported. Both incidents happened at the San Francisco State Downtown Campus on public property. One incident was an aggravated assault with racial bias and the other incident was a robbery with sexual orientation bias.

2020 - There were no reported hate crimes.

Estuary & Ocean Science Center

2018 - There were no reported hate crimes.

2019 - There were no reported hate crimes.

2020 - There were no reported hate crimes.

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes includes any offense in the following group: murder and non-negligent manslaughter, sexual assault including rape, fondling, incest and statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property.

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

Hate crime reporting is considered for all Clery geography including on-campus, residential facilities, non-campus buildings or property, and public property.

REPORTING CRIMINAL ACTIONS & EMERGENCIES

Community members, students, faculty, staff and guests are encouraged to promptly and accurately report (or as soon they are available) all potential criminal incidents and any emergency, including medical emergencies to the University Police Department or the appropriate law enforcement agency, when these victims of such

crime elect or are unable to make such a report. Upon receipt of the call, Officers are dispatched immediately to the site of the incident to take the necessary action.

The University Police Department participates in student programs and new student orientations and events on an ongoing basis throughout the year where information on campus safety and how to promptly contact the UPD or local law enforcement agencies is provided. Additionally, we encourage prompt reporting anywhere on campus you feel comfortable, such as to Student Affairs & Enrollment Management staff or any campus administrator.

San Francisco State strives to create and maintain an environment for learning that promotes respect for and appreciation of scholarship, freedom, human diversity and the cultural mosaic of the City of San Francisco and of the greater Bay Area; promote excellence in instruction and intellectual accomplishment and; provides broadly accessible higher education to the region and state, as well as the nation and the world.

The University Police Department assists with delivering the University mission and strives to create a safe environment conducive to academic excellence and student success. Even though the University Police Department works closely with neighboring Police agencies and employs security measures to reduce and prevent crime, we believe security is everyone's responsibility and we need your assistance.

San Francisco State University is a community of more than 30,000 faculty, staff and students located in the City and County of San Francisco. In addition to the Main Campus, San Francisco State maintains a downtown teaching center and remote research facilities located in Tiburon and Sausalito, California. While we do not employ University police officers at these locations, we maintain a collaborative and reporting relationship with the law enforcement agencies at these sites and will coordinate with the local law enforcement agency if a security issue arises.

To minimize the number of criminal incidents on the Main Campus, caring and committed Residential Life staff, professionally trained University police officers, students, and members of the wider campus community participate in a number of shared responsibilities to ensure that the campus community and their possessions are protected.

San Francisco State Main Campus

- Located at 1600 Holloway Avenue, San Francisco, CA 94132
- **415-338-2222** to contact University Police Dispatch directly if urgent, 24/7
- **9-1-1** from any campus phone (dialing 9-1-1 from your cell phone will connect you to San Francisco Police Department when in San Francisco who will forward the call to the University Police Department upon request if you're on campus property)
- **Emergency (Blue light)** direct connect emergency phones located various areas of San Francisco State, can be used and you will be connected to University Police Dispatch
- Elevator phones are also available for assistance and they will connect you to University Police.
- **415-338-7200** (UPD non-emergency line with phone tree options)
- **415-338-3030** (Anonymous Crime Tip line)
- **Anonymous Tip Reporting** - (via UPD website) can be filed at <http://upd.sfsu.edu/html/anontip>
- UPD general e-mail address: upd@sfsu.edu (Please do not report crimes or urgent matters via e-mail)

San Francisco State Downtown Center Campus

- Located at 835 Market Street, San Francisco, CA 94105 on the 5th and 6th floors
- **415-553-0123** to report non-emergency situations to San Francisco Police Department
- **9-1-1** to report Life Threatening Emergencies or Crimes in-progress (to SFPD when in San Francisco)
- **SFPD Online Reporting** options - <http://sanfranciscopolice.org/reports>

- **SFPD Tenderloin Station Website-** <http://sanfranciscopolice.org/Tenderloin-station>

San Francisco State University Estuary & Ocean Science Center

- Located at 3152 Paradise Drive, Tiburon, CA 94920
- **415-479-2311** to report non-emergency situations to the Marin County Sheriff Office
- **9-1-1** to report Life Threatening Emergencies or Crimes in-progress (to Marin County Sheriff)
- Marin County Sheriff's Office website- <https://www.marinsheriff.org/contact>

To Report a Crime to the San Francisco Police Department

- **9-1-1** to report Life Threatening Emergencies or Crimes in-progress (within San Francisco)
- **415-553-0123** non-emergency situations
- **SFPD Online Reporting options** - <http://sanfranciscopolice.org/reports>
- **Text-A-Tip** - Procedure: Enter either **TIP411 (847411)** in the "To" field and the keyword **SFPD** in the text field, followed by the message. (Complete instructions that follow.)
- **Anonymous Tip via SFPD website** - <https://www.citizenobserver.com/cov6/app/webTipForm.html?id=4909>

Any suspicious activity or person seen on or inside campus property, in parking lots loitering around vehicles, inside or around the Residence Halls, along with other possible criminal or urgent matters should be promptly reported to the police department. In addition, you may report non-emergency crimes to the following offices (they your behalf):

V.P. for Student Affairs & Enrollment Management; Title IX Coordinator
415-338-2032, Student Services, Room 403

Associate Vice President & Dean of Students
415-338-3888, Student Services, Room 403

Equity Programs & Compliance Manager
415-338-2032, Student Services, Room 403

Student Conduct Administrator
415-405-3960, Student Services, Room 403

Director of Residential Life
415-338-1822, Mary Ward Hall, Office #6

Director, Counseling & Psychological Services Center
415-338-2208, Student Services, Room 208

Human Resources
415-338-1872, Administration, Room 252

Daily Crime Log

The University Police Department maintains a daily activity crime log of all crimes reported to the department. The log is available for viewing on our website at <http://upd.sfsu.edu/crimelog>. The log covers the past 60 days. Incidents are posted to the Log within 48 hours of occurrence. If a case disposition changes, it will be reflected in the log within 48 hours. If an arrest is made, the arrest information will be posted directly below the corresponding incident. Arrest information older than the 60-day log period is considered criminal history and is not available for public viewing.

Reporting Sex Offenses to University or Local Police

If a victim makes a report of a sex offense as enumerated in California Government Code § 6254(f)(2) to local or University Police, the police are required to notify the victim that their name 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 & Discrimination, Harassment, and Retaliation (DHR) Administrator (see <http://titleix.sfsu.edu>).

University Police will, however, report the facts of the incident itself to the Title IX Coordinator & DHR Administrator being sure not to reveal the victim's name/identity, or compromise their own criminal/police investigation. The victim's identity may not be disclosed to local law enforcement unless the victim consents after being informed of their right to have identifying information withheld. If a victim does not consent, the alleged assailant's identity may also not be disclosed to local law enforcement.

Victims have rights under Title IX, VAWA/Campus SaVE Act and related legislation, and any available resources, such as counseling, health, and mental health services, as well as the right to file a complaint with University and/or local law enforcement. Regardless of whether victims wish to remain confidential, victims receive information on how to report to law enforcement and to the Title IX Coordinator & DHR Administrator. The Title IX Coordinator & DHR Administrator provides interim remedies, if requested and available, regardless of whether the victim chooses to report the conduct to University police or local law enforcement.

Campus Security Authorities

Although San Francisco State encourages the reporting of campus criminal activity directly to the University Police Department, in some instances members of the campus community may notify one of the other Campus Security Authorities about a crime. Crime statistics are gathered from San Francisco's Campus Security Authorities and are included in our annual security report.

A Campus Security Authority (CSA) is defined as "An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline, and campus judicial procedures." Individuals may be designated as CSAs if their official job responsibilities involve significant interaction with student and/or campus activities; serve as formal or unofficial mentors to students, serve as a member in an office or of a committee to whom students are instructed or informed to report or discuss crimes, allegations of crimes and other troubling situations; or have oversight for disciplinary procedures.

At San Francisco State, in addition to University police officers; CSAs include: Housing & Residential Life Professional Staff; Resident & Community Assistants, Student Health Staff; Athletics Coaches, Trainers and staff members; Office of Student Affairs & Enrollment Management staff; Faculty Student Organization Advisors; the Dean of Students staff; Student Activities & Events staff; and Title IX staff. For contact information regarding personnel in these various positions, visit San Francisco State's A to Z Directory at <http://www.sfsu.edu/atoz/>.

San Francisco State provides a CSA Incident Reporting form to assist CSA's in fulfilling their CSA-related reporting duties on an on-going basis and in a timely manner. CSA's may obtain the CSA Incident Reporting form at: https://cm.maxient.com/reportingform.php?SFStateUniv&layout_id=2

For additional reference, community members can obtain the San Francisco State CSA brochure at <http://upd.sfsu.edu/sites/default/files/assets/clery/SFSUCSABrochure.pdf>. The CSA brochure is also available on the UPD and San Francisco State Title IX websites.

VOLUNTARY CONFIDENTIAL REPORTING

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

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

While San Francisco State encourage members of the community to promptly report all crimes to UPD, San Francisco State does have policies requiring confidential, exempt sources defined in the Clery Act (Professional and Pastoral Counselors) to not report information disclosed to them of a crime in a confidential session. All confidential exempt sources are encouraged to provide victims of all options and support resources for reporting crimes on campus for administrative or criminal investigation and action.

If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still consider making a confidential or anonymous report. Victims or witnesses who wish to report crimes on a voluntary, anonymous basis for inclusion in the annual disclosure of crime statistics may do so by filing a report at this link on the UPD website <https://upd.sfsu.edu/html/anontip>. Community members may also call our Anonymous Tip Line at 415-338-3030, the UPD Investigations Division at 415-338-1046 or send an e-mail to the general UPD e-mail address at upd@sfsu.edu to file an anonymous report.

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

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

CALIFORNIA EDUCATION CODE SECTION 67380(A)(6)(A)

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

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

TIMELY WARNING POLICY

The primary intent of this policy is to provide members of the community with information to aid in preventing them from becoming victims of crimes posing a serious or ongoing threat to the campus communities. Additionally, it is intended to provide faculty, staff, and students with timely information about Clery

reportable crimes occurring within the defined Clery geography of their campuses, and to comply with the Timely Warning requirements of the Jeanne Clery Act. The systemwide Timely Warning Policy shall serve as the authoritative statement of policy on Timely Warning for each campus. Lastly, the intent of this policy is to provide uniformity in the manner in which CSU campuses evaluate and communicate the occurrence of these crimes.

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

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

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

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

- The timing of the report: shortly after the occurrence of the crime vs. days or weeks after the occurrence of the crime, *i.e.*, a "cold report"
- Physical injury to the victim
- Use of weapons
- Forced entry used and/or tools used in commission of the crime
- A suspect arrested or incapacitated by injury
- A suspect that is identified or otherwise can be located by law enforcement
- A suspect that is out of the area
- A victim who fears for their safety from the suspect

- A clear modus operandi and/or pre-planning indicated
- Multiple suspect(s) involved
- A pattern of similar crimes established
- The possible risk of compromising law enforcement efforts, such as to gather evidence and/or apprehend suspect(s), if a warning was issued

ADDITIONAL CONSIDERATIONS

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

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

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

CONTENTS OF A TIMELY WARNING

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

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

The Timely Warning shall not include, under any circumstances, the name of the victim, or information so specific (i.e. specific address or dorm room number or floor) that would, or likely could, identify the victim of

the crimes of sexual violence, rape, dating violence, domestic violence, or stalking. Timely Warnings should use gender-inclusive and culturally-appropriate language and avoid victim blaming and bias language.

METHODS OF DISTRIBUTION

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

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

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

- Social Media: @sfstateupd on Facebook, Instagram, and Twitter

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

All buildings except the library will be secured by the University Police Department by 11:00 p.m. on weekdays and 5:30 p.m. on weekends per University Executive Order 94-17. We recognize that there will be some need to alter hour and weekend access to buildings. After hours, a faculty or staff I.D. is required. Anyone working late or on weekends should notify the University Police Department. Students working in the building after hours are required to have in their possession a student pass (authorized by college deans) along with photo identification. In the event of a campus closure due to an emergency response effort, access to buildings will be determined on a case-by-case basis and conveyed in writing to campus administrators and offices. Community members shall comply with authorized campus closure directives when provided.

Holiday access is treated as weekend access. University Executive Directive 94-17 can be accessed at <https://adminfin.sfsu.edu/university-executive-directives>.

Access to University Housing facilities is limited to residents, escorted guests and University staff. Entry is monitored on 24-hour basis through a combination of card-key security systems, hard keys, door prop alarms and on-duty Residential Life personnel. The campus facilities are maintained by Facilities & Services Enterprises and patrolled by the Officers of the University Police Department. The Police Officers and Community Service Officers regularly test the emergency phones and submit work orders for repair, recommend the trimming of shrubbery for safety reasons and conduct periodic lighting surveys. Officers report the need for replacement of lights and any other physical hazards they notice. Periodic crime prevention surveys are conducted when a crime trend occurs or upon physical changes of office space and equipment when requested by an administrator. The majority of campus buildings are equipped with card key access that is controlled by an access administrator. Many offices, labs, computer rooms and areas of campus have security alarms. You may use this link for more information on Facilities & Services Enterprises: <http://sfstatefacilities.sfsu.edu> .

Lighting improvements are constantly being evaluated. Improvements have included the placement of high intensity sodium vapor lights in buildings, in parking lot areas, in areas with heavy landscaping and trees, and along pathways frequently traveled by students. Outdoor courtesy telephones are located at the entrances of all University Housing facilities and at many locations throughout the campus. All emergency telephones are connected directly to the University Police Department.

Residential Life staffs professional Area Coordinator and Residential Coordinators along with student Resident and Community Assistants, who are all members of the University Housing team, live on campus and provide 24-hour crisis coverage. Student room doors should be locked at all times even when occupied. Residents with automobiles may park them in a reserved carport space after purchasing a semester permit. Most importantly, residents are reminded to observe building security procedures and to notify Residential Life team members or the University Police Department of any unfamiliar faces or unusual incidents within either the residence halls or apartments. In 2004, Residential Life implemented an in-house Residential Life Conduct process for alcohol and drug violations. In 2013, the Prevention Programs unit (currently the Health Promotion & Wellness Unit) launched a web-based sexual assault prevention and alcohol abuse awareness online program called Campus Clarity. All first-year students including transfer and graduate students are required to take this program.

The community has a team of student Resident Assistants and professional Area and Residential Coordinators who reside in the community with students. Resident or Community Assistants are available to provide help in anything from roommate conflicts to directions on how to get to the nearest supermarket. Residential Life offers a wide variety of social, educational, and academic support programs.

All Residential Life team members in the residence community undergo comprehensive training throughout the year for both prevention and response regarding safety/security issues. As part of their responsibility for campus security, both student and professional staff participate in trainings and workshops related to issues with substance abuse, education and prevention of sexual assault, and general community security.

Central Campus

San Francisco State University offers two traditional residence halls and has two multi-story complexes, which provide on-campus housing for approximately 2,440 students. All buildings are owned and managed by San Francisco State University. Security safeguards within the residence community include restricted access, video surveillance and external door prop alarm systems. Crime prevention programs include orientation workshops, individual floor meetings, residential community-wide presentations and educational programs. All of the

central campus residential buildings (Mary Ward Hall, Mary Park Hall, Village, and the Towers) have 24-hour community desk staffing as extra safety coverage. Residents with automobiles may park them in Lot 25, the Village Garage, University Park North and University Park South after purchasing a semester or daily permit.

All buildings contain exterior doors that are monitored with door-prop alarms, key and card access. There are two to three Resident Assistants on duty each evening Sunday through Thursday night and 24 hours starting Friday at 5pm to Monday mornings. Residential Life team members provide evening rounds and enforce University and Housing policy. There are professional staff members On-duty each night and one Director-level professional staff member on duty each night.

Manzanita Square

Manzanita Square houses approximately 590 continuing students. Located just steps away from campus, this state-of-the-art eight-story building includes residential apartments for students in their second year or later. Studio, one-, two-, three-, and four-bedroom units are available and some units are specially adapted for students with disabilities. Depending on the size of the unit, rooms are furnished with bed(s), closet space, dresser or armoire, window coverings, couch, desk and chair, and dining room table and chairs. Each room has a cable TV outlet providing basic cable programming, power outlets, phone jacks, and Wi-Fi. Kitchen areas include cabinetry, a full refrigerator, sink, and stove with oven. Residents are allowed to bring a microwave to use in their rooms. The facility includes a spacious outdoor courtyard, retail, student support spaces, and on-site laundry facilities.

Mary Ward and Mary Park Halls

The Residence Halls house approximately 840 first-time, first-year students. Most rooms are double occupancy and when requested, ADA accessible single rooms are available. The rooms are furnished with a bed, closet space, desk, chair and drawers for each resident. Each room has a cable TV outlet providing basic cable programming, power outlets, phone jacks and 10baseT Ethernet jacks. Residents are allowed to bring or rent a small refrigerator and/or microwave to use in their rooms.

Towers at Centennial Square & Towers, Junior Suites

The "Towers" is a 15-story apartment building which houses approximately 800 first-time first-year students. Towers junior suites is a 5-story suite-style (shared room with private bathroom) housing approximately 100 first-time first-year students. The apartments are fully furnished, one- or two- bedroom, double occupancy, units with a kitchenette, living room and bathroom. Each bedroom has a cable TV outlet providing basic cable, power outlets, phone jacks and 10baseT Ethernet jacks for both residents. There is electronic card access to the exterior doors and 24-hour front desk employees.

The Village at Centennial Square

The Village at Centennial Square which houses 800 mostly first-time first-year students with some continuing first-year and second-year students at San Francisco State University. In addition, the Village community includes 12,000 square feet of retail space for restaurants and shops, as well as the Student Services Building and the Student One Stop Office. The Village name reflects a philosophy of easy student access to services with its design approach of a low-rise profile, linked courtyard, canopied walking areas and numerous community activity and study areas.

The Village offers single and double occupancy rooms in its three-bedroom apartments and double occupancy rooms in the two-bedroom apartments. Spaces are filled on a first come, first served basis. Residents are first- and second-year students and must be enrolled at San Francisco State University, carrying a minimum of 12 semester units. All apartments are fully furnished and have cable TV outlets providing basic cable, power outlets, phone jacks and 10baseT Ethernet jacks. Each apartment has a full kitchen with stove, refrigerator, dishwasher, microwave, and garbage disposal. ADA accessible units are available throughout the complex.

South Campus

San Francisco State offers three apartment-style garden homes, which provide on-campus housing for approximately 300 students and approximately 100 faculty, staff, and nonaffiliated residents. Crime prevention programs include orientation workshops, individual floor meetings, residential community-wide presentations and educational programs. South Campus residential buildings (University Park South) have 16-hour community desk staffing operating in the Residential Life office.

Residents with automobiles may park them in reserved carport spaces after purchasing a semester permit. Exterior doors to apartments open to the general public and are not monitored by a central source. There are two to three Resident Assistants on duty each evening Sunday through Thursday night and 24 hours starting Friday at 5 p.m. to Monday mornings. Residential Life team members provide evening rounds and enforce University and Housing policy. There are professional staff members On-duty each night and one Director-level professional staff member on duty each night. The Resident Assistant On-Duty Teams are supplemented with Community Service Officers who provide pedestrian patrol in the community Wednesday thru Saturday night.

University Park South (Blocks 2, 5, 41 and 42 forming the perimeter of South Campus)

University Park South (UPS) is comprised of 262 multi-family homes on the San Francisco State campus. The properties provide housing opportunities to students, faculty and staff of San Francisco State as well as residents not affiliated with the University. The units vary in size (one-, two-, and three-bedroom units) and are constructed as low-rise profile with linked courtyards, covered parking areas and common laundry rooms. Block 41 offers 16 unfurnished, three bedrooms, two and one-half bath town homes offered exclusively to San Francisco State faculty and staff. Spaces are filled on a first come, first served basis. Blocks 42, 1, 2, 5 and 6 offer 246 apartment homes open to faculty, staff and students. Spaces are filled on a first come, first served basis. All apartments at UPS are fully equipped and include power outlets, phone jacks and internet options. Each apartment has a full kitchen with stove and refrigerator. Some apartment homes have dishwashers and garbage disposals.

The following is a list of available entrances to various blocks:

- Entrances to the Block 41 residences are accessible via Vidal Street; a public road maintained by the City of San Francisco.
- Entrances to the Block 42 residences are accessible via Font Boulevard, Pinto Avenue and Arballo Drive; public roads maintained by the City of San Francisco.
- Entrances to the Block 41 residences are accessible via Tapia Drive and Font Boulevard; public roads maintained by the City of San Francisco.
- Entrances to the Block 2 residences are accessible via Holloway Avenue, Font Boulevard, Arellano Avenue and Serrano Drive; public roads maintained by the City of San Francisco.
- Entrances to the Block 5 residences are accessible via Arellano Drive, Serrano Drive and Holloway Avenue; public roads maintained by the City of San Francisco.

University Park South is owned by San Francisco State and managed by San Francisco State Housing.

North Campus

San Francisco State University offers four apartment-style towers and garden homes, which provide on-campus housing for approximately 1350 students and approximately 230 faculty, staff, and nonaffiliated residents. All buildings are owned and managed by San Francisco State University. Security safeguards within the residence community include restricted access, video surveillance. Crime prevention programs include orientation workshops, individual floor meetings, residential community-wide presentations and educational programs. North Campus residential buildings (University Park North) have 24-hour community desk staffing operating in the Residential Life office.

Residents with automobiles may park them in reserved carport spaces after purchasing a semester permit. Exterior doors to apartments open to the general public in the garden homes and to central hallways in the towers and are generally not monitored by a central source. There are two to three Resident Assistants on duty each evening Sunday through Thursday night and 24 hours starting Friday at 5 p.m. to Monday mornings. Residential Life team members provide evening rounds and enforce University and Housing policy. There are professional staff members On-duty each night and one Director-level professional staff member on duty each night. The Resident Assistant On-Duty Teams are supplemented with Community Service Officers who provide pedestrian patrol in the community Wednesday thru Saturday night.

University Park North (Blocks 1 thru 14 forming the perimeter of North Campus) University Park North (UPN) provides 697 unfurnished apartments to students and San Francisco State faculty and staff, in addition to residents of the area. The complex provides easy access to the Main Campus with a design of both low-rise and tower accommodations.

University Park North offers one-, two-, and three-bedroom apartments with linked common areas and is filled on a first come, first served basis. Priority is given first to students, then to faculty and staff, and finally to residents of the area.

Student apartments are both furnished and unfurnished. All faculty, staff, and nonaffiliated resident apartments are unfurnished and include basic cable programming, power outlets, phone jack and accessible high-speed internet options. Each apartment has a full kitchen with stove, refrigerator, dishwasher, microwave, and garbage disposal. Entrances to the University Park North towers are protected by a key system that enables only residents or authorized personnel to open doors and have access to the building. Garden apartments have general entrances with private homes secured by individual front doors.

University Park North is owned and managed by San Francisco State University.

LAW ENFORCEMENT AUTHORITY

The University Police Department has statewide law enforcement authority to enforce federal and state laws under Penal Code § 830.2, and primary concurrent jurisdiction within a mile of campus under the California Education code § 89560.

The San Francisco State University campus is under the primary jurisdiction of the California State University Police Department as described in section 89560 of the California Education Code and section 830.2 (c) of the California Penal Code.

Specifically stated in section 89560 of the California Education Code; the trustees may appoint one or more persons to constitute a police department for the headquarters and for each campus of the California State University. Persons employed and compensated as members of a California State University police department, when so appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their powers or authority except (a) at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University, or by trustees or the state on behalf of the California State University.

University police officers meet all the requirements set forth by the Commission on Peace Officer Standards and Training (P.O.S.T.), which sets the standards for all California State law enforcement Officers. In addition, California State University police officers undergo training specially designed to meet the needs of the campus community after graduation from an academy. All sworn police officers have been trained in first aid and cardiopulmonary resuscitation and are authorized to enforce all regulations on the University campus and an immediate one-mile radius. All sworn police officers have the authority to make arrests. In some instances,

police powers extend statewide. University police officers are armed with firearms; they conduct foot, vehicular and bicycle patrols on campus and in the Residence communities 24-hours a day.

ADMINISTRATIVE AGREEMENT BETWEEN SAN FRANCISCO STATE UNIVERSITY POLICE AND SAN FRANCISCO POLICE DEPARTMENT

The University Police Department works closely with the San Francisco Police Department (SFPD), agencies near our branch sites, and other law enforcement agencies to assist with incidents involving campus community members that may occur off campus.

The University Police Department and SFPD have mutual aid and working agreements. Each department augments the other within their jurisdictions during mutual investigations, arrests and prosecutions. The University Police Department is responsible for processing, investigating and prosecuting all crimes committed on San Francisco State University property and grounds owned, operated, controlled or administered by the California State University except the following: homicide, suicide, and those death cases deemed suspicious by the Medical Examiner of San Francisco.

The Memorandum of Understanding (MOU) between the University Police Department and SFPD promotes collaboration, and enhances the reporting, investigation and appropriate response to sexual assault and other Clery Act crimes. The primary purpose of the MOU is to promote compliance with the numerous state and federal laws that provide specific requirements related to these issues, as outlined in California Education Code Sections 67380, 67381 (the Kristin Smart Campus Safety Act of 1998) and 67383; SB 967 (De León, 2014), specified in California Education Code Section 67386; the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”) and Title IX of the Higher Education Amendments of 1972 (“Title IX”), as well as the California Penal Code and applicable state laws related to health and confidentiality/privacy. By this agreement, the UPD may call upon the San Francisco Police Department to assist in the handling of major crimes, including but not limited to Part 1 violent crimes as defined in California Education Code Section 67381.

Additionally, the purpose of the MOU is to meet the statutory requirements established by AB 1433 (Gatto, 2014), specified in the California Education Code (§ 67383(a) and § 67381), requiring covered institutions to adopt and implement written policies and procedures to ensure that reports of Part 1 violent crimes, hate crimes or sexual assaults are immediately, or as soon as practicably possible, disclosed to local law enforcement.

SECURITY PROCEDURES AND PRACTICES

The University Police Department is committed to contributing to the welfare of the campus community. The University Police Department supports this commitment through programs designed to anticipate, recognize, and appraise crime risks, and that initiate action to reduce those risks. These programs attempt to promote community involvement and support of activities that address community perceptions and misperceptions of crime.

CRIME PREVENTION PROGRAMS

The department's crime prevention function is a shared responsibility of all employees, but specific duties are assigned to the Commanding Officer of Crime Prevention Unit, Community Liaison Unit, and the Investigations unit personnel.

The department's Crime Prevention Unit provides for the following:

- a. Targeting crime prevention programs based on the type of crimes that are occurring and location of those crimes as the result of an analysis of crime data by Department Investigators or other department employees;
- b. Targeting crime prevention programs to address community perceptions or misperceptions of crime; and

The Commanding Officer of Investigations or their designee will prepare a comprehensive written evaluation of the agency's crime prevention programs, at least once every four years. Crime Prevention Unit activities shall include safety presentations to:

1. University departments and office areas;
2. Campus Housing;
3. Fraternities and Sororities;
4. Campus clubs and organizations; and
5. Other interested groups.
6. New student and employee orientations.

Community education presentations will include sexual assault and acquaintance rape prevention, alcohol and drug abuse, bicycle safety, general campus safety and security, workplace violence, home, campus housing and office security, personal safety, self-defense training and theft prevention. The Crime Prevention unit will maintain a Community Engagement log in the Investigations Office to document all programs presented to the campus community.

Additionally, members of the University Police Department are available at any time to provide presentations to staff, faculty and students on topics such as: Personal Safety, Sexual Assault Prevention, Prevention of Auto Theft and Auto Burglary, Dealing with Distressed Individuals, Emergency Preparedness, Safety Presentations for Children and Parents, Laptop Safety, Fraud Prevention, Public Transportation Safety, Senior Citizen Safety and many other topics related to protecting personal and state property. In addition to crime prevention information, information regarding disciplinary procedures in relation to criminal activity is also covered and provided to community members.

We do encourage participation in our crime prevention programs and ask for your assistance in keeping our community safe. If you would like to schedule a Crime Prevention Presentation, please call our Crime Prevention Coordinator at 415-338-2226. For more information on our Crime Prevention, please visit the UPD website at: http://upd.sfsu.edu/html/crime_prevention.

When time is of the essence, information is released to the university community through security alerts/bulletins posted prominently throughout campus or placed on university websites. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. If you see something suspicious or out-of-the-ordinary, say something by contacting the police.


SAFETY ESCORT PROGRAM

The University Police Department provides a safety escort program. Team members provide personal escorts and additional building security during evening and nighttime hours. Team members are available to escort students, faculty, and staff to and from their classroom, laboratory or office, automobile, campus housing or any other location within a reasonable distance to campus. A safety escort can be provided by trained

uniformed Student Community Service Specialist, Community Service Officers, or Police Officers. Mobility transports are typically provided by Student Community Service Specialist and Community Service Officers. Police Officers will provide this service in limited situations. Call 415-338-7200, then press - for an escort, or visit <https://parking.sfsu.edu/care-escort-program> for more information.

EMERGENCY CAMPUS PHONES

Emergency phones are spread throughout the campus including every level of the main parking garage. Emergency phones are clearly marked and when activated connect directly to the University Police Dispatch Center. For more information on emergency phones, visit <http://upd.sfsu.edu/html/emergency-phones>.

Emergency Phones are labeled on the SFSU Campus map with a . The online version of the campus map is broken into four sections. Click on any one of those sections to zoom in and view where the emergency phones are located. To view the online map, please see the San Francisco State Map Page.

COMMUNITY LIAISON UNIT

The Community Liaison Unit was created to help foster a stronger working relationship between the University Police Department and the SFSU community it serves. The Community Liaison Unit works with multiple campus organizations, community organizations, advocacy groups, and individual students through education, involvement, and policing initiatives. As a result of these working partnerships, the Community Liaison Unit is able to develop pro-active crime prevention projects by analyzing crime hazards in our community and coming up with strategies to help mitigate them. The unit also provides members of the University community with a variety of services, including safety presentations and community e initiatives. For more information on the Community Liaison Unit please visit our website at <http://upd.sfsu.edu/content/community-liaison-unit>.

INTERNET SAFETY ZONE

The University Police Department launched the “Internet Sale Safety Zone” in July 2017 as a key safety awareness component of the Crime Prevention and Community Liaison Programs. The University Police Department has designated parking spots in front of the current San Francisco State University Police station as “Internet purchase exchange locations” that will allow students, staff and faculty to safely conduct and complete internet sale transactions they have made online in familiar surroundings. The spaces provided are monitored by video surveillance 24-hours-a-day and police personnel are nearby to deter crimes that can occur during these types of transactions and ensure everyone’s safety.

RAPE AGGRESSION DEFENSE SYSTEMS (R.A.D.)

The University Police Department offers R.A.D., a safety education program that consists of realistic self-defense tactics and techniques that can help reduce your chances of being victimized. This comprehensive, women-only course begins with awareness, prevention, risk reduction and avoidance, while progressing onto the basics of hands-on defense training. The R.A.D. self-defense training program is taught by certified instructors and is offered several times throughout the year. For more information, contact the UPD Crime Prevention Coordinator at 415-338-2226.

SF STATE CITIZEN’S POLICE ACADEMY

The San Francisco State University Citizen’s Police Academy is a program designed to educate members of the campus community about law enforcement on our campus through various methods of instruction including lectures, activities, discussions and scenario training. In addition to learning about law enforcement and community service, students will have the opportunity to explore new career opportunities and develop relationships that will last well beyond the course. For additional information on the Citizen’s Academy, please visit our website at <http://upd.sfsu.edu/content/citizens-police-academy>.

LOST AND FOUND

The University Police Department is the central repository of all found property. The Lost and Found office can be reached at 415-338-2306 and the link to the website is <http://upd.sfsu.edu/html/lost-and-found>.

ORIENTATION: NEW STUDENT & FAMILY PROGRAMS

Orientation is an important aspect in helping new San Francisco State University students prepare for college success. The Office of New Student & Family Programs will offer guidance and resources that can help students get started at San Francisco State University. Orientation is a collaborative effort consisting of academic counselors, student leaders, and many student services staff members and partner departments.

The University Police Department is involved in the orientation of new students and their parents and families. Orientation programs stress safety measures and general crime prevention strategies. Additionally, police personnel are often invited to speak in courses to provide an overview of the University Police Department, the services provided, current crime issues, and crime prevention strategies. The following link will take you to the New Student Programs website for more detailed information, <https://newstudentprograms.sfsu.edu>.

CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS

When a San Francisco State is involved in an off-campus offense, police officers may assist with the investigation in cooperation with local, State, or federal law enforcement. Many San Francisco State students live in the neighborhoods of San Francisco. While local police have primary jurisdiction in all areas off-campus, UPD Officers can and do respond to student-related incidents that occur in close proximity to campus on a case by case basis. Any student who has been arrested for or found guilty of committing a crime off-campus is subject to campus disciplinary adjudication for violation of Title V of the Student Code of Conduct. The Student Code of Conduct can be found at <https://conduct.sfsu.edu/standards>.

Student organizations may also use off-campus buildings or property on either a frequent or repeated use basis. Additionally, in a “reasonable good-faith effort” UPD will request the records and monitor for any criminal activity that may have occurred at those locations from local law enforcement agencies. UPD will coordinate with the Student Activities & Events office to assess for non-campus property of student organizations. San Francisco State University does not formally recognize or support student organizations with non-campus housing facilities.

ALCOHOL AND DRUGS

As an academic community, San Francisco State is committed to providing an environment in which everyone can learn and grow. However, the use and misuse of drugs can seriously affect members of the campus community. The University expects every student, faculty member, staff member, and administrator to be aware of and comply with all local, state, and federal laws regarding the unlawful possession, distribution, or use of illegal drugs and alcohol.

The University has a zero-tolerance policy regarding the use and sale of illegal drugs on the university campus or at any university-sponsored event off campus. The possession, transportation and/or consumption of alcohol by individuals under 21 years of age is strictly prohibited. Alcoholic beverages may not be consumed in public areas and must be concealed and not in plain view when transported in the residence

community. Residents in the residence community under the age of 21 years of age are not permitted to host guests or residents of any age who are in possession of alcohol in their room/apartment.

The University also enforces state laws regarding driving while under the influence of alcohol. A Police Officer can confiscate the license of any driver suspected to be driving under the influence who refuses to take a blood alcohol concentration (BAC) test. Anyone under 21 found in possession of alcohol can have their driver's license taken away, even if the underage person was not drinking, drunk, or driving. No one may use illegal substances, or abuse legal substances, including alcohol, in a manner, which impairs performance of assigned tasks in the workplace and/or academic environment. A more complete description is contained here:

University Directive 89-12 (The Alcohol and Drug Policy)

https://adminfin.sfsu.edu/sites/default/files/documents/UED%2089-12_0.pdf

University Directive 90-15 (Policy on Substance Abuse in the Workplace)

https://policiesandpracticelirectives.sfsu.edu/sites/default/files/ued90_15_0.pdf

For questions and more information on these University Directives, e-mail policies@sfsu.edu.

Student violators are subject to discipline through the Student Conduct process (refer to CSU Executive Order 1098, found at <https://calstate.policystat.com/policy/8453518/latest/>, which may result in either probation, suspension, or expulsion from the University and/or the CSU system. This may also include removal from University Housing. Parents or guardians may be notified about any disciplinary violation involving alcohol or a controlled substance that has been committed by a student who is under the age of 21.

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

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

HEALTH RISKS ASSOCIATED WITH ALCOHOL ABUSE OR ILLICIT DRUG USE

Substance use is linked to serious negative health effects including chronic diseases, increased risk of injury, and in some cases overdose. When taken in large quantities, alcohol can negatively affect many parts of the body including the brain, heart, liver, pancreas, and immune system. It can also increase risk of developing certain cancers including mouth, esophagus, throat, liver and breast cancer. Mixing alcohol and prescription or illicit drugs can also have serious negative effects including the increased risk of heart attack.

For more information please visit: <https://wellness.sfsu.edu/alcohol-tobacco-other-drugs>

PROGRAMS AND RESOURCES FOR SUPPORT:

HEALTH PROMOTION & WELLNESS

Health Promotion & Wellness provides health education through workshops and seminars on topics related to alcohol and other drugs and provides training to volunteers who work with other students, faculty, and staff to assist in creating a campus environment that reinforces healthy lifestyles. Information can be found at <http://wellness.sfsu.edu>.

COUNSELING & PSYCHOLOGICAL SERVICES (CAPS)

Counseling & Psychological Services provides culturally sensitive information and support services for students grappling with substance related problems through assessment, counseling and referrals. Services are free and confidential. The Center is located in the Student Services Building, Room 205 and can be reached at 415-338-2208 or <http://caps.sfsu.edu>.

SEXUAL VIOLENCE

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

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

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

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

PREVENTION, EDUCATION, AND AWARENESS

SEXUAL VIOLENCE

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

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

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

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

PREVENTION, EDUCATION, AND AWARENESS

It is University policy per CSU Executive Order 1095 to implement preventive education programs/training to promote the awareness of CSU policies against of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. Executive Order 1095 requires programs/training for all new students and new employees; refresher programs/training at least annually for all students; programs/training twice a year for all students who serve as advisors in residence halls; annual programs/training for all student members of fraternities and sororities; annual programs/training for all student-athletes and coaches; and, annual programs/training for all employees consistent with their role in responding to and reporting incidents.

Training for all incoming students and new employees declares that San Francisco State University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking, and includes the definition of these crimes. These programs outline campus reporting and response procedures, define consent in reference to sexual activity; provide safe and positive options for bystander intervention, provide information on risk reduction to recognize warnings of abusive behavior and how to reduce the rate of attacks on campus by creating a safer campus community for all. It is our goal to increase empowerment for survivors in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Primary prevention programs include programming, initiatives, and strategies informed by research or assessed for value, effectiveness or outcome that are intended to stop Sexual Misconduct, Dating or Domestic Violence, or Stalking before they occur. This done through the promotion of positive and healthy behaviors that foster mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Ongoing prevention and awareness campaigns for all students and employees are also conducted.

BYSTANDER INTERVENTION

Bystander intervention includes the following four techniques known as the “Four Ds” campus community members can use to intervene and support our fellow community members:

- “Direct” - You can be direct when confronting a situation where someone else is being harmed or at risk of being harmed. In the case of witnessing a fight, the direct approach might involve asking the students who were fighting if everything is alright or asking the other students in the room if they are as uncomfortable with the situation as you were. In the case of a depressed housemate, a direct approach might be letting them know you are concerned and asking if you can walk to Counseling & Psychological Services (CAPS) with them.
- “Distract” - In a situation that involves more than one person, you can also distract one or both people involved. In a fight, this can allow people to cool off, and in cases of sexual violence, it can create an opportunity for the potential victim to get away. Distraction can also be useful for talking to friends with mental health concerns in addition to encouraging them to seek professional help. For example, if you suspect someone is suffering from an eating disorder, you can encourage that person to see themselves as more than just their eating disorder by talking about other aspects of their lives. The goal of distraction is to interrupt the harmful behavior, not necessarily to confront it.
- “Delegate” - You can delegate the task by looking for people to back you up when it’s time to intervene. Depending on the situation, that could mean asking for help from fellow party goers when you witness a fight or see sexual violence or letting your Resident Assistant know that you have a housemate who is depressed or struggling with eating concerns. If you are unsure who to contact for help with a particular problem, check out this link to additional resources
http://titleix.sfsu.edu/sites/sites7.sfsu.edu.titleix/files/RightsAndOptionsForVictimsOf_SexualViolence.pdf.
 Delegating is great because it can create a shared sense of responsibility among community members.
- “Delay” - If the first 3 Ds don't work for you or your situation, if you need to gather more information from an outside source, or if you feel like you missed an opportunity to intervene, don't panic. You can also use a delayed response, such as following up and asking if someone is okay after the fact. The important thing is to show your fellow students that you care and are there to support them. (Fox, 2013)

ACTION CARE TEAM

The Action Care Team (ACT) is a multidisciplinary team of key campus partners established by the Student Affairs & Enrollment Management cabinet area to meet regularly to serve five major functions for the University:

1. Provide consultation and support to faculty, staff and administrators in assisting students who display concerning or disruptive behaviors;
2. San Francisco State Annual Security Report;
3. Gather information to assess situations involving students who display concerning or
 1. disruptive behaviors;
4. Recommend appropriate intervention strategies or disciplinary sanctions;
5. Connect students with needed campus and community resources; and
6. Monitor ongoing behavior of students who have displayed disruptive or concerning behavior.

While interacting with students across the University, staff may be confronted with situations in which a student is disruptive or displays behavior that may be intimidating, threatening or disturbing to others. The ACT is designed to assist faculty, staff and administrators in addressing these situations in a uniform and supportive manner. The ACT's composition and membership is designed to provide all segments of the University with access to assistance, speedy response, and information/resources with direction for addressing students' inappropriate behavior in and outside the classroom.

The ACT will be composed of representatives from various critical areas of the campus community including the following:

- Counseling & Psychological Services- ACT Co-Chair
- Dean of Students Office- ACT Co-Chair
- University Police Department
- Disability Programs & Resource Center
- Residential Life
- Undergraduate Advising
- College Associate Deans
- Office of Student Conduct

Following the guidance of the National Behavioral Intervention Team Association (NaBITA - nabita.org), the ACT will consult with Academic Advising, Athletics, Human Resources, Student Activities & Events, Career Services & Leadership Development, and other campus offices as needed. The ACT will receive ongoing training in the assessment of disturbing and threatening behaviors in students, protocol for intervention and referral, protocol for documentation and database development within the guidelines of FERPA confidentiality.

The University has zero tolerance for violence against members of the University community. To fulfill this policy, the University will work to prevent violence from occurring and will ensure federal and state laws, as well as University regulations prohibiting violence, are fully enforced. In determining whether conduct constitutes a credible threat or act of violence, the circumstances surrounding the conduct will be considered.

Established University faculty, staff and the University Police Department procedures will serve as the mechanisms for resolving situations of violence or threats of violence. Each allegation of violence will be taken seriously. Individuals are encouraged to report acts of violence, threats of violence or any other behavior which by intent, act or outcome harms another person. For more information about the Action Crisis Team or to submit a report: <https://act.sfsu.edu>.

NOT ANYMORE: NEW STUDENT TRAINING

"Not Anymore" by Vector Solutions is a sexual assault prevention and alcohol abuse awareness program. Education on sex discrimination, sexual harassment, and sexual misconduct is provided to all incoming students (freshman, transfers, international students, graduate students, and College of Extended Learning students). The Health Promotion & Wellness unit coordinates San Francisco State University's efforts at providing sexual violence prevention education to all incoming students at our university. San Francisco State University uses Vector Solutions "Not Anymore" online workshop, which empowers students to make well-informed decisions about alcohol and sexuality, as well as to respond more effectively to the risky behaviors of peers. It also provides information to understand affirmative consent, healthy relationships, and effective communication. Additionally, CSU EO 1095 requires campuses to provide a "refresher" training to all campus students in order that there is a culture of ongoing consciousness raising and awareness about sexual violence. In AY 2020-2021, San Francisco State University offered Vector Solutions' online workshop titled "Rethinking Relationships."

Every incoming student will be required to take Not Anymore. The material covered in the online course may be distressing for some students, so San Francisco State University offers assistance for those who may need additional information or support around these issues through the Health Promotion & Wellness Unit at svp@sfsu.edu and The SAFE Place.

COUNSELING & PSYCHOLOGICAL SERVICES (CAPS)

The University Police Department works closely with Counseling & Psychological Services (CAPS). We work as a team in dealing with sensitive situations and we refer persons to Counseling and Psychological Services on a regular basis. Both University Police Officers and counselors have received training on risk assessments and the counselors consistently encourage their clients to report crimes to the University Police Department to prevent future crimes. Counseling sessions are considered confidential and privileged. The holder of the privilege is the client. Crime information can be forwarded anonymously at the request of the client. The counselors do not disclose information to the University Police Department without the consent of the client unless there is an immediate threat to safety. Any reporting of statistics to comply with this act is done by reporting numbers and not names so the information provided by clients is confidential.

Counseling & Psychological Services provides brief therapy to students at no cost. The staff consists of culturally diverse, professionally trained and licensed counselors, marriage and family therapists, psychologists, and clinical social workers. Counselors are also available for consultations regarding distressed or potentially violent students and can be reached at 415-338-2208. For more information on the CAPS, visit <http://caps.sfsu.edu>.

DISCRIMINATION, HARRASMENT, & RETALIATION PREVENTION NEW EMPLOYEE AND SUPERVISOR TRAINING

New employees and supervisors are required to complete online sexual violence awareness and prevention training which can be accessed here: https://csu.sumtotal.host/Core/dash/home/Home_San_Francisco. This course required within the first six months of hire and every two year thereafter. This course is designed to raise awareness about workplace harassment and discrimination, and to foster a clear understanding of anti-discrimination laws. It educates employees on inappropriate conduct so that they can apply what they learn to everyday situations.

Federal law requires all colleges and universities that participate in federal financial aid programs to train faculty and staff on how to prevent, identify and report incidents of sexual misconduct to campus authorities. This course provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings. It also helps post-secondary institutions comply with the employee training requirements of Title IX and the Campus Sexual Violence Elimination Act (Campus Save Act). Through interactive case studies, videos and real-world examples, this course explains how to respond to known or suspected sexual violence which includes sexual assault, dating violence, domestic violence, and stalking. Examples are based on real cases that teach important concepts to build a safe campus community and create a culture that does not tolerate sexual violence. Employees will build valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence.

HEALTH PROMOTION & WELLNESS

In 2015, San Francisco State established the Health Promotion & Wellness (HPW) unit to coordinate health education and promotion efforts for the San Francisco State University community, including programs targeted at the prevention of sexual violence.

During the academic year 2020-21, San Francisco State University's Health Promotion & Wellness (HPW) unit provided the following sexual violence prevention education workshops, activities and programs in support of CSU Executive Order 1095 mandated sexual violence prevention efforts:

1. Workshops on sex discrimination, sexual harassment, and sexual misconduct for campus Residential Life Student Leaders: On August 11, 2020, HPW conducted an updated Sexual Violence Prevention to approximately 120 student leaders in Residential Life. This updated training includes prevention education covering affirmative consent, effective techniques for bystander intervention, and the importance of shifting norms in positively changing campus culture, while incorporating mandatory content around reporting responsibilities and procedures in compliance to CSU EO 1095. A follow-up training was also conducted in Spring 2021 that served as a refresher training, which additionally included reflection exercises to further help support student leaders in navigating their unique role.
2. Sexual violence prevention education is provided to student members of fraternities and sororities: Building on the updated content delivered to Residential Life student leaders, HPW also worked closely with Student Activities & Events to provide hybrid education on highlighting the relationship between students' rights, protections, and practical strategies to prevent sexual violence.
3. Sexual violence prevention education is provided to student-athletes: In AY 2020-2021, HPW also tailored its sexual violence prevention content for student-athletes. HPW provided this education in Fall 2020 and Spring 2021 that includes affirmative consent, addressing social norms and rape myths, basic bystander intervention, power and privilege, and how to support survivors. In addition, mandatory CSU EO 1095 content was included in this training to emphasize the connections between students' rights, protections, and practical strategies to prevent sexual violence.
4. HPW launched The Link-Up Series, a collaboration between HPW Alcohol, Tobacco, and Other Drugs (ATOD), Sexual Health Education, and Sexual Violence Prevention Education programs. This cross-topic workshop series is designed to foster healthy relationships, while highlighting the interconnections of AOD use, consent, and healthy sexual communication as a means to provide primary prevention education to address the Redzone, the first 6-8 weeks of the academic year where sexual assault statistically is likely to increase. The following workshops were offered from early September to mid-October in 2020 as part of this series:
 - Coffee & Convo: Consent
 - "I Did What?!" The Power of Alcohol Over Our Decisions
 - Mock-tales
 - The Birds & The Baes: Sexual Communication
 - The Birds & The Baes: Birth Control Methods
 - Pod-Mapping Workshop
5. In collaboration with AS Women's Center and The SAFE Place, HPW coordinated of Domestic Violence Awareness Month (DVAM) in October 2020. HPW planned, designed, and implemented the following activities and programs in Fall 2020:
 - What's Healthy & Unhealthy: Red & Green Flags for Relationships
 - Coffee & Convo: Domestic Violence
 - Supporting BIPOC Queer & Trans Survivors' Self-Determination
 - Pod-Mapping Workshop
 - (Dangerous) Love in the Time of Covid-19: Keeping Yourself & Others Safe While Sheltering-in-Place
6. HPW hosted the Masculinity Day of Action on November 18, 2020 to raise awareness and build skills among communities of men to examine unhealthy masculinity and develop skills to

appropriately intervene when witnessing attitudes and behaviors that support rape culture. Two workshops were offered:

- The Man Box examines unhealthy messages that boys and men learn in our culture that increases risk for perpetration, while providing opportunities for reflection and dialogue to begin the process of change.
- Bystander Intervention for Men describes the different forms of intervention (direct, delegate, distract, delay) men can use as they relate to different attitudes and behaviors that uphold rape culture.

7. HPW spearheaded the formation of the new Sexual Violence Prevention Collaborative (SVPC). To build campus capacity in creating programmatic and organizational changes, the group met monthly to push forward set of strategies, practices, and program initiatives to prevent sexual violence.

8. In collaboration with HPW Alcohol, Tobacco, and Other Drugs (ATOD) and Sexual Health Education programs, Equity Programs & Compliance, The SAFE Place, LGBTQ+ Student Life at SF State, HPW coordinated Dating Violence & Stalking Awareness Month in February 2021. The following workshops and events were offered for the awareness month:

- Coffee & Convo: Dating Violence & Stalking
- Dating While Queer Community Conversation
- How to Be A Better Boyfriend
- Dating in the COVID-19 Era Workshop
- Moving Forward: A Community Space for Survivors of Stalking

9. In partnership with various campus partners, HPW coordinated Sexual Assault Awareness Month in April 2021 (SAAM). Campus partners include: The SAFE Place, AS Women's Center, Student Activities & Events, Phi Gamma Chi, Equity Programs & Compliance, Sexual Violence Prevention Collaborative at SF State, Student Council of Intertribal Nations (S.K.I.N.S.) of SFSU, LGBTQ+ Student Life at SF State, Counseling and Psychological Services, and Residential Life. The following workshops were offered for SAAM 2021:

- Coffee & Convo: Sexual Assault
- Survivors Agenda: Kitchen Table Conversation
- How to Support Male Survivors of Sexual Assault
- Missing and Murdered Indigenous Women, Girls and Two-Spirits (#MMIWG2S): An Open Conversation
- Womxn of Color Healing Circles
- Honoring Us: a mini-series on practicing accountability
- Trauma Informed Professors & Staff (TIPS) Training
- Sexual Violence Prevention Collaborative Staff & Faculty Info Sessions

EQUITY PROGRAMS & COMPLIANCE

Educational outreach and trainings are provided and facilitated to the campus community by members of the Equity Programs & Compliance team. The following policy and procedure trainings were conducted during Academic Year 2020-21:

EPC 2020-21 Academic Year Trainings

September 9, 2020 – Associated Students – Board

September 10, 2020 – Coffee & Convo about Consent (Workshop in collaboration with the SAFE Place, hosted by HPW) – Students

September 29-30, 2020 – Biology Department Training – Title IX – Students

October 7, 2020 – Coffee & Convo about Domestic Violence (Workshop in collaboration with the SAFE Place, hosted by HPW) – Students
October 20, 2020 – Associated Students - Executive Order 1096 and 1097 Training on Addendum B – Staff
November 9 – Athletics – SF State Athletics

February 3, 2021 — Coffee & Convo: Dating Violence & Stalking (Workshop in collaboration with the SAFE Place, hosted by HPW) - Students
February 5, 2021 – Philosophy Department - Staff
March 3, 2021 – FINA Department (in conjunction with DPRC) - Staff
March 15, 2021 – Engineering Department (in conjunction with DPRC) - Staff
May 3, 2021 – Athletics Staff and Coaches Title IX Training - Staff
May 13, 2021 – Greek Organizations – Title IX – Students

DEFINITIONS PER EXECUTIVE ORDERS 1095-1097

These policy definitions are derived from the local jurisdiction, and based on the California Penal Code, the California Family Code, and the California Evidence Code. In some instances, these definitions may differ slightly from the federal definitions set forth in the section for mandatory crime statistic reporting. For reportable crime statistics, the Clery Act regulations mandate definitions from the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Handbook.

In 2020, through Secretary of Education Betsy DeVos, the United States Department of Education, Office for Civil Rights (OCR) issued and amended federal regulations (Federal Regulations) implementing Title IX of the Education Amendments of 1972. The Federal Regulations are titled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance* (34 C.F.R. 106). The Federal Regulations were published in the Federal Register on May 19, 2020. The Federal Regulations have been implemented in CSU policy by way of an Addendum to Executive Orders 1096 and 1097 known as "Addendum B – Federal Mandated Hearing Addendum." The definitions required by the Federal Regulations are included below and identified as "Addendum B Definitions." These definitions will apply where the campus Title IX Coordinator determines that a Formal Complaint of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking falls within the scope of Addendum B. Additional Executive Order definitions are included. These definitions apply to conduct that falls outside of the scope of Addendum B.

SEX DISCRIMINATION

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

SEXUAL HARASSMENT

ADDENDUM B: Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- An Employee conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity

EXECUTIVE ORDER: Sexual Harassment is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:

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

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom or work environment that are unrelated to the coursework or employment. Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. The University's policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to University policy.

SEXUAL MISCONDUCT

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

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

SEXUAL ASSUALT (ADDENDUM B):

RAPE: the penetration, or attempted penetration, no matter how slight, of the vagina or anus with anybody part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant. Rape also includes the attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.

FONDLING: the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.

INCEST: is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

STATUTORY RAPE: is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.

AFFIRMATIVE CONSENT

- An informed, affirmative, conscious, voluntary, and mutually agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean consent. Affirmative Consent must be voluntary, and given without coercion, force, threats, or intimidation.
- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.
- Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions,
- Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.
- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.

- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
 - The person was asleep or unconscious;
 - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
 - The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
 - The respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;
 - The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

DOMESTIC VIOLENCE

ADDENDUM B: Physical violence or threat of physical violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant.

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

DATING VIOLENCE

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

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

EXECUTIVE ORDER: Abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party,

introduced through a friend, or on a social networking website. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to self or another. Abuse does not include non-physical, emotional distress or injury.

STALKING

ADDENDUM B: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

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

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

PROCEDURES FOR REPORTING A CRIME OF SEXUAL VIOLENCE/SEXUAL MISCONDUCT

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

Persons who have experienced Sexual Misconduct/Sexual Assault, including Rape, Dating Violence, Domestic Violence, or Stalking, are encouraged to seek immediate assistance from police and healthcare providers for their physical safety, emotional support and medical care. University or local police can escort victims to a safe place and transport them to a hospital for medical treatment, if needed. University police can also provide access to a Sexual Assault Victim Advocate. Regardless of whether an individual chooses to notify the police, they are strongly encouraged to seek assistance from the campus Title IX Coordinator and/or a Sexual Assault Victim Advocate or counselor who can provide information on options, rights and remedies.

A written explanation of rights and options must be provided to a Student, Employee or Third Party who reports to the University that s/he has been a victim of Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking, whether the offense occurred on or off Campus. It is the Title IX Coordinator's responsibility to ensure this written Notice is provided to the complainant/victim(s). The Title IX Coordinator annually provides the written explanation of Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking (Attachment C in Executive Order 1095) to all members of

the campus community including Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking victims. The written explanation of Rights and Options is described in detail later in this document.

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

The University's primary concern is the safety and well-being of every member of the campus community. The use of alcohol or drugs never makes the victim at fault. If a campus community member has experienced Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking they should not be deterred from reporting the incident out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies. A person who participates in investigations or proceedings involving Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking will not be subject to discipline for related violations of the Student Conduct Code or other University policies at or near the time of the incident unless the University determines the conduct places the health and safety of another person at risk, or is otherwise egregious.

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

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

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

PRIVILEGED AND CONFIDENTIAL REPORTS

Treating physicians, psychotherapists, professional counselors, and clergy who work or volunteer providing medical or mental health treatment or counseling (including those who act in that role under their supervision may not report any information about an incident of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from physicians, psychotherapists, professional,

licensed counselors, and clergy without triggering a University investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when these professionals must report to local law enforcement agencies. These confidential professionals should explain these limited exceptions to victims, if applicable.

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

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

EXCEPTIONS TO CONFIDENTIALITY

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

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

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

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

PRESERVATION OF EVIDENCE

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

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

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

REPORTING OPTIONS

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

REPORTING TO THE POLICE

Reporting to University Police and/or local police is an option at any time. Victims who choose not to report to the police immediately following a Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, or Stalking incident, can still make the report at a later time. However, with the passage of time, the ability to

gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on the victim's behalf.

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

If a victim reports to a local police agency or the University Police about Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that their identity be kept confidential, their name will not become a matter of public record and the police will not report the victim's identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself, including the identity of the perpetrator if known, to the Title IX Coordinator being sure not to reveal the victim names/identities or compromise their own criminal investigation. The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed. All publicly available record keeping will be maintained without the inclusion of personally identifiable information about the victim.

REPORTING TO A CSA

Any member of the University community may report incidents of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence or Stalking to any Campus Security Authority (CSA'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/Sexual Assault, Dating Violence, Dating Violence and Stalking to the Title IX Coordinator. Title IX Coordinator reporting responsibilities are described in detail below.

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

REPORTING TO A TITLE IX COORDINATOR OR RESPONSIBLE EMPLOYEE

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

process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters.

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

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

To the extent possible, information reported to the Title IX Coordinator or other University employees will be kept private and shared only with individuals responsible for handling the University's response to the incident. Any Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures. The University will protect the privacy of individuals involved in a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident except as otherwise required by law or University policy. A Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section on Privileged and Confidential Communications above, no University employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

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

The Title IX Coordinator will provide the written explanation of Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking (Attachment C in Executive Order 1095)

which includes written information to victims about supportive measures. This includes information on preservation of evidence, how and to whom to report the alleged offense, the options available regarding and involving law enforcement and campus authorities (including notification of law enforcement authorities, being assisted by campus authorities in notifying law enforcement if the victim chooses, and declining to notify the authorities), and notification of the rights of victims to seek orders of protection and request “no-contact” orders, and restraining orders. The Title IX Coordinator will inform the victim of the initiation of an investigation prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s response to the incident. The Title IX Coordinator will remain mindful of the victim’s well-being, and will take ongoing steps to protect the victim from retaliation or harm, and work with the victim to create a safety plan. Retaliation against the victim, whether by students, employees or third parties, will not be tolerated. The University and Title IX Coordinator will also:

- Provide Supportive Measures requested by the victim and the other party to a complaint, if they are reasonably available, regardless of whether the victim chooses to report to campus or local police;
- Assist victims in accessing available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Make connections to individuals on campus who can provide support and solutions with respect to a variety of logistics, including transportation assistance, visa/immigration assistance, and financial aid assistance.
- Provide security and support, which could include issuing a mutual no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules or adjustments for assignments, tests, or work duties, including supervisory reporting relationships and leaves of absence; and
- Inform victims of their right to report a crime to University or local police – and provide victims with assistance if desired.

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures. The Title IX Coordinator remains available to assist the victim and provide reasonable Supportive Measures requested throughout the reporting, investigative, and disciplinary processes, and thereafter.

The University will not require a victim to participate in any investigation or disciplinary proceeding if the victim does not wish to participate.

The University will not generally notify parents or legal guardians of a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking report unless the victim is under 18 years old or the victim provides the University with written permission to do so.

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

Because the University is under a continuing legal obligation to address the issue of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking campus-wide, reports (including non-identifying

reports) may also require the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported incident(s) occurred; increased education, training and prevention efforts, including to targeted population groups; climate assessments/victimization surveys; and/or revision of policies and practices.

NON-REPORTING

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

CIVIL LAWSUIT

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

RESTRAINING ORDERS

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

Civil Restraining Orders

New civil restraining orders are to be obtained in the court jurisdiction of where the incident had occurred. If a new civil restraining order stems from an incident located within San Francisco, the restraining order will be obtained through the City and County of San Francisco.

The City and County of San Francisco provides a detailed [online guide](#) obtaining Civil Harassment Restraining Orders, Domestic Violence Restraining Orders, Elder or Dependent Adult Restraining Orders, Gun Violence Restraining Orders, and Workplace Violence Restraining orders.

These restraining orders all require different forms that are available from the [San Francisco Superior Court website](#) or can be physically obtained at the San Francisco Civic Center Courthouse located at 400 McAllister St (Between Polk St and Van Ness Ave).

All completed forms and copies will be filed with the appropriate clerk at the San Francisco Civic Center Courthouse. Filing fees and fee waiver information can be obtained from the Superior Court website or PH# 415-551-4000.

For additional assistance, the [San Francisco Superior Court ACCESS Center](#) offers a live help line on Monday, Tuesday, and Thursday, from 0800-1600 at: 415-551-0605. The ACCESS Center will give legal information—not legal advice— regarding Restraining Orders, as well as Family Law, Small Claims Court, and Name and Gender Change. It should be noted that the ACCESS cannot be used in lieu of legal representation and information provided directly to the ACCESS Center is not confidential. For information regarding legal counsel, contact the Bar Association of San Francisco at: 415- 989- 1616.

Emergency Protective Orders

SFSU PD Officers have the ability to issue emergency protective orders for situations in which the protection of person from being physically or sexually abused, threatened, stalked, or harassed, is of an immediate or urgent concern. Emergency Protective Orders are temporary and are valid for five (5) business days or seven (7) calendar days and must be reviewed and approved by an San Francisco Superior Court Judge. Emergency Protective Orders cannot be renewed.

Criminal Stay Away Orders

Criminal Stay Away Orders are issued as a protective measure in relation to a criminal court case. Criminal Stay Away Orders are requested with the San Francisco District Attorney and are issued by the Judge presiding on the case. Criminal Stay Away Orders remain active during the restrained party's involvement in the criminal justice system or until lifted by the Judge.

Filing Active Restraining Orders

In general, the protected party should have access to a copy of the restraining order, and the restraining order should be filed with the local police stations, including San Francisco State University Police.

San Francisco State University Police will obtain and hold the copy of the restraining order in our records system.

Violations of the restraining order should be reported to the police.

DISCIPLINARY PROCEDURES

COMPLAINTS MADE BY STUDENTS

Executive Order 1097, entitled "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation, Sexual Misconduct , Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct , Sexual Violence, Domestic Violence, Dating Violence, and Stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party. Executive Order 1097 can be viewed at <https://calstate.policystat.com/policy/6742744/latest/>

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

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

Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Sex Discrimination or Sexual Harassment, including Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking should use the grievance procedure specified in their collective bargaining agreement. Executive Order 1096 can be viewed at <https://calstate.policystat.com/policy/6743499/latest/>

COMPLAINTS MADE BY STUDENT-EMPLOYEES

Executive Order 1096 is the appropriate system-wide procedure for all complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, made by student-employees where the alleged Sex Discrimination, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking arose out of the person's status as an employee and not their status as a student. Executive Order 1096 can be viewed at <https://calstate.policystat.com/policy/6743499/latest/>

The following is a description of the CSU's disciplinary procedures for matters involving allegations of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, and Stalking. Full policies and procedures are contained within [CSU Executive Order 1095](#), [CSU Executive Order 1096](#), and [CSU Executive Order 1097](#). Any questions about CSU Title IX-related policy should be directed to the campus Title IX Coordinator.

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

Victims are not required to participate in any University disciplinary process and may choose not to be a part of it. Disciplinary procedures will:

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, and Stalking and how to conduct an investigation and hearing process that protects members of the campus community and promotes accountability;
- Provide the complainant and respondent the same opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice;
- Simultaneously inform the complainant and respondent in writing of:
 - The outcome of the disciplinary proceeding;
 - The University's procedures to appeal the results of the disciplinary proceeding;
 - Any change to the disciplinary results that occurs prior to the time such results become final; and
 - When disciplinary results become final.

STANDARD OF EVIDENCE

The standard of evidence that will be used during all CSU disciplinary proceedings arising from allegations of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, and Stalking is the Preponderance of the Evidence. Preponderance of the Evidence means the greater weight of the evidence, i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side.

SUPPORTIVE MEASURES

Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or Respondent regardless of whether a complaint is filed under CSU Executive Order 1096 or 1097 (including Addendum A or Addendum B) or with campus police or local law enforcement. Supportive Measures are designed to restore or preserve equal access to CSU Education Programs or Activities without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational environment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escorts, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures.

After receiving a report of Sexual Misconduct/Sexual Assault, Domestic Violence, Dating Violence, or Stalking, the Title IX Coordinator will contact the Complainant promptly to discuss the availability of Supportive Measures. During the discussion, the Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a complaint, and explain the process for filing a complaint.

COMPLAINT PROCEDURES

The CSU has adopted and published complaint procedures that provide for prompt, impartial, and equitable resolution of complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct/Sexual Assault, Domestic Violence, Dating Violence, and Stalking. The complaint procedures that will apply in a particular case will depend on certain factors described below. There are three sets of procedures that could apply:

EXECUTIVE ORDER 1096 OR 1097 SINGLE INVESTIGATOR PROCESS

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

ADDENDUM A: STATE MANDATED HEARING ADDENDUM

In January 2019, a California Court of Appeal ruled that students accused of Sexual Misconduct who face severe discipline (expulsion or suspension) at any California university have the right to a hearing to cross-examine (question), directly or indirectly, their accusers and other witnesses if witness credibility is "central" to the case. To implement the new requirements, the CSU created an addendum to Executive Orders 1096 and

1097. This addendum is known as Addendum A: State Mandated Hearing Addendum (“Addendum A”), and it describes the investigation and resolution process for cases that meet the above requirements. Cases that proceed under Addendum A **do** involve a hearing (where the case is not resolved through Informal Resolution).

ADDENDUM B: FEDERAL MANDATED HEARING ADDENDUM

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

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

UNIVERSITY RESPONSE TO REPORTS OF SEXUAL MISCONDUCT/SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

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

Complaints alleging Sexual Misconduct/Sexual Assault, Sexual Assault, Domestic Violence, Dating Violence, and Stalking will initially be assessed to determine if they meet the requirements for the case to proceed under Addendum B.

When the Title IX Coordinator receives a Formal Complaint,¹ the Title IX Coordinator will simultaneously provide both Parties a written Notice of Allegations. The Notice of Allegations includes the factual allegations and policy violations alleged.

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

MANDATORY AND DISCRETIONARY DISMISSAL OF A FORMAL COMPLAINT

When the Title IX Coordinator receives a Formal Complaint, or information from a third party, the Title IX Coordinator will assess whether the Formal Complaint meets the requirements of the Federal Regulations to move forward under the process in Addendum B to Executive Order 1096 (if the Complainant is an employee or a third party) or Executive Order 1097 (if the Complainant is a student). A determination that allegations in a Formal Complaint do not meet the requirements of Addendum B will result in a dismissal of the allegations in the Formal Complaint that do not meet the requirements and, in some cases, a referral of the allegations to another process as the University may have an obligation to address the matter under other laws and policies. During the process, a Formal Complaint or any allegation in the Formal Complaint, may be dismissed under the circumstances listed below.

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

MANDATORY DISMISSAL/REFERRAL

AA Formal Complaint must be dismissed as to any conduct alleged that:

1. would not meet the definition of Sexual Harassment even if proved;
2. did not occur in an Education Program or Activity; or
3. did not occur in the United States.

DISCRETIONARY DISMISSAL

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

1. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any part of it;
2. the Respondent is no longer a Student or Employee; or
3. if the specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

WRITTEN NOTICE

Written notice of a mandatory or discretionary dismissal and reason(s) for the dismissal will be sent simultaneously to the Parties when a Title IX Coordinator dismisses a Formal Complaint (Notice of Dismissal). The notice will inform the Parties of their right to appeal the dismissal, whether the matter will be referred to another process and the process for submitting an appeal. This notice may be accompanied by a Notice of Allegations, as described in Article VI. below, where a Notice of Allegations has not already been provided.

APPEAL OF A FORMAL COMPLAINT DISMISSAL/REFERRAL

Either Party may appeal from a dismissal of a Formal Complaint or any part of the Complaint to the Chancellor's Office (CO) Systemwide Title IX Unit. The appeal must be filed within **10 Working Days** from the date of the Notice of Dismissal. The appeal will be in writing and will be based only on one or more of the following grounds: a procedural irregularity occurred that affected the dismissal of the Formal Complaint; new evidence that was not reasonably available at the time the dismissal decision was made that could affect

the decision to dismiss the Formal Complaint; or the Title IX Coordinator (or designee) who dismissed the Formal Complaint had a conflict of interest or bias for or against the Complainant or Respondent in this case or complainants or respondents in general.

Appeals will be filed with the Chancellor's Office (CO) Systemwide Title IX Unit. and will be addressed to:

Systemwide Title IX Unit

Systemwide Human Resources

Office of the Chancellor

TIX-Dismissal-Appeals@calstate.edu

If you are Any individual who is unable to file an appeal or a response to an appeal electronically, please should contact the Campus Title IX Office for assistance.

When an appeal is submitted, the other Party as well as the Campus Title IX Coordinator will be notified in writing. In response to the appeal, the other Party will be given **5 Working Days** from their receipt of notice of the appeal to submit a written statement in support of or challenging the dismissal. Within **10 Working Days** of the CO's receipt of the appeal, the Parties will simultaneously receive (via email) a written decision with explanation.

The CO review will not involve a new assessment of the Dismissal/Referral or consideration of evidence that was not introduced during the Campus review, unless the new evidence was not reasonably available at the time of the review.

If the CO review determines that the Dismissal/Referral should be reviewed to cure any defects, the matter will be remanded back to the Campus to reassess within a timeframe specified by the CO. The Parties will be informed simultaneously of the review and the timeframe. Once the review is complete the Campus will provide the Parties and the CO with either a Notice of Dismissal/Referral or Notice of Allegations, depending on the outcome, that reflects any changes to the determination. The notice will inform the Parties of their right to appeal and the CO will contact the appealing Party to determine whether that Party wishes to continue with the appeal.

The CO appeal response is final and concludes the Dismissal/Referral process under Addendum B. If there is a mandatory dismissal of a Formal Complaint, it does not preclude the Campus from later identifying a relevant policy or policies that address the alleged conduct, notifying the Parties of the policy or policies, and moving forward under the procedures of those policies.

When the Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator will Simultaneously provide both Parties a written Notice of Allegations.

The Notice of Allegations will be provided to both Parties regardless of whether the Formal Complaint must be dismissed. See section above on dismissal of formal complaints. If a Formal Complaint is dismissed at this stage of the process, the Notice of Allegations will also include the Notice of Dismissal and appeal rights.

If new allegations are raised during the investigation that were not included in the Notice of Allegations, a revised Notice of Allegations will be issued Simultaneously to the Parties.

If the Notice of Allegations also serves as notice of a Respondent's expected attendance at an interview, it will include details of the date, time, location, participants, and purpose of that interview. The Notice of Allegations must be provided to a Respondent at least 5 Working Days prior to the interview.

If a Respondent requests to meet sooner than 5 Working Days after receipt of the Notice of Allegations, they should verbally confirm at the start of the meeting that they are aware that they were provided notice of at least 5 Working days and this confirmation should be documented by the Title IX Coordinator or investigator.

INVESTIGATIVE PROCEDURES

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

ADVISORS

During the investigations the Parties may be accompanied by Support Advisors. During Addendum B hearings, the Parties must also have a Hearing Advisor to conduct cross-examination.

Support Advisor-The Complainant and the Respondent may each elect to be accompanied by a Support Advisor to any meeting, interview, or proceeding regarding the allegations that are the subject of a complaint. The Support Advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or, in the case of the Complainant, a Sexual Assault Victim's Advocate. The Support Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent or speak on behalf of a Complainant or Respondent. However, the Support Advisor may observe and consult with the Complainant or Respondent.

HEARING ADVISORS – ADDENDUM B Hearings ONLY

In matters proceeding under Addendum B, the Complainant and Respondent must each have a Hearing Advisor at the hearing. A Hearing Advisor will be responsible for asking the other Party and any witnesses all relevant questions and follow-up questions, including those that challenge credibility, during the hearing.

GATHERING OF EVIDENCE

The Complainant and the Respondent shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation. The Investigator will take reasonable steps to gather all relevant evidence from the Parties, other witnesses or other sources. The Investigator will document the steps taken to gather evidence, even when those efforts are not successful

REVIEW OF EVIDENCE

After gathering evidence and before issuing a Final Investigation Report, the Investigator will share with the Complainant and Respondent,² all evidence (including, in an Addendum B case, evidence upon which the University does not intend to rely) obtained as part of the investigation that is Relevant (single investigator process or Addendum A) or Directly Related (Addendum B) to the allegations raised in the Formal Complaint

² For an Addendum B matter, this information will also be sent to the Parties' respective Support Advisors, if any.

(Preliminary Investigation Report). In matters proceeding under Addendum A or Addendum B, the Preliminary Investigation Report will also identify the material facts – disputed and undisputed, with explanations as to why any material fact is disputed.

Each Party will be given a minimum of **10 Working Days** for the initial Review of Evidence to respond to the list of disputed facts and evidence and submit additional questions for the other Party and witnesses. During the Review of Evidence, each Party may:

- meet again with the Investigator to further discuss the allegations;
- identify additional disputed facts;
- respond to the evidence in writing;
- request that the Investigator ask additional specific questions to the other Party and other witnesses;
- identify additional relevant witnesses; or
- request that the Investigator gather additional evidence.

The Investigator will share with the Parties the answers to questions posed during the Review of Evidence. If additional disputed material facts are identified or evidence is gathered, it will be included in the Preliminary Investigation Report (or in a separate addendum) and shared with all Parties, who will be given a reasonable opportunity to respond to the new evidence and submit additional questions to the other Party and other witnesses about the new evidence only. The Investigator determines when it is appropriate to conclude the Review of Evidence.

FINAL INVESTIGATION REPORT

After the Review of Evidence phase is concluded, the Parties will receive a Final Investigation Report that will summarize all Relevant evidence, including any additional Relevant evidence received during the Review of Evidence. Any Relevant documentary or other tangible evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator will be attached to the Final Investigation Report as exhibits.

WRITTEN RESPONSE TO FINAL INVESTIGATION REPORT – ADDENDUM B ONLY

Under Addendum B, the Parties and their Support Advisors will be provided 10 Working Days to review and provide a written response to the Final Investigation Report for an Addendum B matter.

TIMEFRAME FOR COMPLETION OF INVESTIGATION

EXECUTIVE ORDER 1096 OR 1097 SINGLE INVESTIGATOR

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

ADDENDUM A OR ADDENDUM B

Absent a determination of good cause made by the Investigator or Title IX Coordinator (of which the Parties will receive written notice): (i) an Addendum A or Addendum B investigation should be concluded within **100 Working Days** from the date that the Notice of Allegations is provided to the Parties; and (ii) the Final

Investigation Report should be completed and provided to the Parties within **10 Working Days** after the Review of Evidence has concluded. Extensions may be granted, and notice to the Parties given, as set forth in Article V. E. of EO 1096 and EO 1097. Within **10 Working Days** after the Parties have been provided the Final Investigation Report, the Parties will be informed of the timelines that will apply to the pre-hearing and hearing processes described below. Under Addendum B, the Parties will be required to provide the name and contact information for their Hearing Advisor within **5 Working Days** after notice of the hearing timeline.

HEARING PROCEDURES

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

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

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

The Parties can object to the appointed Hearing Officer in writing to the Hearing Coordinator within **5 Working Days** after notice of the identity of the Hearing Officer has been communicated to the Parties. The objection may only be based on an actual conflict of interest. A conflict of interest exists if the Hearing Officer has a personal relationship with one of the Parties or witnesses or has demonstrated actual bias towards a Party or witness. The fact that a Hearing Officer has previously served as a Hearing Officer in a University proceedings will not constitute a conflict of interest. The Hearing Coordinator will determine if a conflict of interest exists.

No later than **15 Working Days** before the hearing, each Party will, under Addendum A: a. Provide to the Hearing Coordinator a proposed witness list that includes the names of, and current contact information for, that Party's proposed witnesses as well as an explanation of the relevance of each proposed witness's testimony and the disputed issue to which the witness's testimony relates. Under Addendum B, the Parties may, but are not required to provide this information. No later than **10 Working Days** before the hearing, the Hearing Coordinator will share a final witness list with the Parties and notify each witness of the date, time and location of the hearing.

No later than **5 Working Days** prior to the hearing, the Parties will under Addendum A, and may under Addendum B, submit a list of proposed questions to the Hearing Coordinator. The questions will be provided to the Hearing Officer. The proposed questions will not be shared with the other Party.

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

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

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

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

QUESTIONING BY A HEARING OFFICER DURING AN ADDENDUM A HEARING ONLY

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

The Hearing Officer will ask the questions proposed by the Parties except for questions that:

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

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

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

QUESTIONING BY HEARING ADVISORS DURING AN ADDENDUM B HEARING ONLY

Under Addendum B, Hearing Advisors will be permitted to ask Relevant questions once the Hearing Officer has concluded their questioning of the other Party and each witness. Parties themselves may not directly ask questions of each other and witnesses.

Each Party's Hearing Advisor is permitted to ask all Relevant questions of the other Party, the Investigator, and any witnesses, and is also permitted to ask follow-up questions, including those questions challenging credibility. A Party may not be directly questioned by their own Hearing Advisor. The Hearing Officer controls the hearing and determines whether a question is Relevant.

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

Even if a question relates to a Relevant subject or issue, the Hearing Officer may determine that the Party or witness being asked the question is not required to answer if the question is repetitive or duplicative of prior questions.

The Hearing Officer has the discretion to request information from the Parties or Hearing Advisors regarding questions prior to making a determination about the Relevancy of the question. Neither the Parties nor Hearing Advisors may assert objections to questions.

Immediately after each question is asked by the Hearing Advisor, and before the question is answered, the Hearing Officer will indicate whether the question is Relevant, and if it is not, provide an explanation as to why the question is excluded as not Relevant. A Complainant, Respondent, or witness will only answer questions posed by a Hearing Advisor that the Hearing Officer determines are Relevant.

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

IN RELATION TO HEARINGS UNDER ADDENDUM A AND ADDENDUM B

Abusive or otherwise disorderly behavior that causes a material disruption will not be tolerated. The Hearing Officer may excuse from the hearing anyone (including either Party or their Hearing Advisor/Support Advisor/Support Person) whose behavior causes a material disruption. Should a Hearing Advisor be removed from a proceeding, the University will provide a Hearing Advisor. The Hearing Officer, in their discretion, may postpone the hearing. In making a determination whether to postpone the hearing, the Hearing Officer will consider the equity of postponement as to both Parties.

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

DETERMINATION REGARDING RESPONSIBILITY

After the hearing, the Hearing Officer will make written findings of fact and conclusions about whether the Respondent violated University policy.

The Hearing Coordinator will simultaneously send the Hearing Officer's Report promptly to the Parties, the Title IX Coordinator, and the appropriate University Administrator, usually within **10 Working Days** (Addendum A) or **15 Working Days** (Addendum B) of the close of the hearing.

If no violation is found, the president (or designee) will be notified along with the Parties. The notification will include the outcome of the hearing, a copy of the Hearing Officer's Report (redacted as appropriate or as

otherwise required by law) and notice of the Complainant's and Respondent's right to appeal to the Chancellor's Office.

If a violation is found, within **5 Working Days** of receiving such finding the Parties may submit to the Hearing Coordinator an impact statement or other statement regarding discipline that is no more than 2000 words in length. The document is an opportunity for the Parties to suggest disciplinary outcomes and to provide information that they believe is important for the Hearing Officer to consider. The Student Conduct Administrator and/or appropriate University Administrator responsible for discipline and Title IX Coordinator may also submit a written statement regarding aggravating and mitigating factors that provides a recommendation regarding the disciplinary outcome, including information regarding prior disciplinary outcomes for similar conduct and whether the Respondent was previously found to have violated university policy.

Within **5 Working Days** after receiving and considering any impact or other statements submitted by the Parties and other statements described above, the Hearing Officer will submit the Hearing Officer's Report to the president (or designee). The Hearing Officer's Report will be amended to include a statement of, and rationale for, any recommended disciplinary sanctions to be imposed on the Respondent ("Final Hearing Officer's Report"). The Final Hearing Officer's Report will attach the Final Investigation Report.

In cases where the Hearing Officer has found a violation of policy, the president (or designee) will review the Final Investigation Report and the Final Hearing Officer's Report and issue a decision ("Decision Letter") concerning the appropriate sanction or discipline within **10 Working Days** of receipt of the Final Hearing Officer's Report.

PRESIDENT'S SANCTION DECISION/NOTIFICATION

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

The president will simultaneously send the Decision Letter electronically to the Respondent and Complainant. The decision letter will also be sent to the Student Conduct Administrator or other appropriate University Administrator responsible for Employee discipline and the Hearing Officer.

The president will also send the Decision Letter to the Title IX Coordinator so that they may determine whether any additional Remedies (or other supportive measure) will be provided or undertaken in order to maintain a safe and nondiscriminatory University environment.

The determination regarding responsibility and any sanctions become final either on the date that the Chancellor's Office provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely (**11 Working Days** after the date of the Decision Letter).

NOTICE OF INVESTIGATION OUTCOME – SINGLE INVESTIGATOR PROCESS ONLY

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

Within **10 Working Days** of issuance of the Final Investigation Report, the Title IX Coordinator will notify the Complainant and Respondent in writing of the outcome of the investigation. The notice will advise the Complainant and Respondent of their right to file an appeal under the Executive Order.

Where a Complaint is made against another Student and the Executive Order is found to have been violated, the Title IX Coordinator will also notify the Campus Student Conduct Administrator of the investigation outcome, and provide a copy of the investigation report.

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

INFORMAL RESOLUTION

INFORMAL RESOLUTION UNDER EO 1096/1097 SINGLE INVESTIGATOR PROCESS

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

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

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

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

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

Where the Respondent is another Student, the Title IX Coordinator shall inform the Student Conduct Administrator of the outcome of the Informal Resolution process, including any Supportive Measures afforded to the Complainant. Where the Respondent is an Employee, Human Resources or Academic Affairs shall be informed as appropriate.

If resolution is not reached, the Campus shall promptly notify the Complainant and, where applicable, the Respondent in writing that the Informal Resolution process is terminated, and the termination effective date.

The Title IX Coordinator shall also determine whether the matter is appropriate for investigation, and so notify the parties in writing. The Complainant shall be provided written notification of the right to file a complaint.

The Complainant shall be notified that the Complainant or the Campus may at any time elect to terminate the Informal Resolution process. In that event, the Title IX Coordinator shall promptly notify the Complainant and the Respondent in writing that the Informal Resolution process has terminated, the effective date thereof, and inform the Complainant of the right to file a complaint.

INFORMAL RESOLUTION UNDER ADDENDUM A

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

1. both Parties must agree to engage in the Informal Resolution process;
2. any agreed-upon remedies and disciplinary sanctions will have the force and effect of sanctions imposed following a Hearing;
3. the terms of any resolution must be memorialized in writing and signed by the Parties and the Title IX Coordinator; and
4. the resolution will be final and not appealable by either Party.

INFORMAL RESOLUTION UNDER ADDENDUM B

Under Addendum B, at any time prior to the issuance of the Hearing Officer's Report, if the Title IX Coordinator or either Party believes that it may be possible to resolve the Formal Complaint in a prompt, fair, and reasonable manner without a hearing, the Parties may consider an Informal Resolution that does not involve a full investigation and adjudication, subject to the following:

1. informal Resolution under this Addendum may only be offered where a Formal Complaint has been filed;
2. the University cannot offer or facilitate Informal Resolution under this Addendum to resolve allegations that an Employee sexually harassed a Student; and
3. the University must obtain the Parties' voluntary, written consent before starting the Informal Resolution process.

Once the Title IX Coordinator determines that Informal Resolution is appropriate, the Parties should simultaneously be provided written notice regarding Informal Resolution.

The Informal Resolution process will be completed prior to any determination of responsibility being made, but no later than 60 Working Days after both Parties provide voluntary, written consent to participate in the Informal Resolution process.

The terms of any Informal Resolution must be put in writing and signed by the Parties, and the Title IX Coordinator. Prior to signing the Informal Resolution, the Title IX Coordinator will consult with the Student Conduct Administrator and/or other appropriate University Administrator responsible for the implementation of the terms. Use of electronic signatures is permitted.

WRITTEN PRELIMINARY ASSESSMENT – ADDENDUM B ONLY

As part of an Informal Resolution under Addendum B, at the request of both Parties, Campuses will provide a written preliminary assessment of the evidence by the Title IX Coordinator. Neither the fact nor the substance of the assessment will be shared with the Hearing Officer or considered relevant at the Hearing.

EMPLOYEE DISCIPLINE

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

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

STUDENT SANCTIONS

The following sanctions as defined in Article V, California State University Executive Order 1098 may be imposed for violation of the Student Conduct Code:

1. LOSS OF FINANCIAL AID

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

2. EDUCATIONAL AND REMEDIAL SANCTIONS

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

3. DENIAL OF ACCESS TO CAMPUS OR PERSONS

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

4. DISCIPLINARY PROBATION

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

5. SUSPENSION

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

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

6. EXPULSION

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

More than one sanction may be imposed for a single violation.

OTHER CONSIDERATIONS RELATED TO SANCTIONS:

ADMINISTRATIVE HOLD AND WITHOLDING A DEGREE: The University may place an administrative hold on registration transactions and release of records and transcripts of a student who has been sent written notice of a pending investigation or disciplinary case concerning that student, and may withhold awarding a degree otherwise earned until the completion of the process, including the completion of all sanctions imposed³.

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

³ This is not applicable in matters that fall under Addendum B.

misconduct investigation or disciplinary proceeding remains on the transcript permanently, without exception⁴. These requirements shall not be waived in connection with any resolution agreement.

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

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

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

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

APPEALS

CSU EXECUTIVE ORDER 1096 OR 1097

Any Complainant or Respondent who is not satisfied with a Campus investigation outcome may file an appeal with the CSU Chancellor's Office (CO) no later than 10 Working Days after the date of the Notice of Investigation Outcome.

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

ADDENDUM A

⁴ This is not applicable in matters that fall under Addendum B.

Any Complainant or Respondent who is not satisfied with a Campus hearing outcome may file an appeal with the Chancellor's Office (CO) no later than **10 Working Days** after the date of the Decision Letter.

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

APPEAL GROUNDS

1. The hearing outcome is not supported by substantial evidence (in other words, there was no reasonable basis for such findings or conclusions);
2. Prejudicial procedural errors impacted the hearing outcome to such a degree that the hearing did not comply with this Executive Order;
3. New evidence that was not reasonably available at the time of the hearing and would have affected the Hearing Officer's decision about whether the Respondent violated CSU policy; or
4. The sanction(s) imposed constituted an abuse of discretion based on the substantiated conduct.

ADDENDUM B

Any Complainant or Respondent who is not satisfied with a Campus hearing outcome may file an appeal with the Chancellor's Office (CO) no later than **10 Working Days** after the date of the Decision Letter.

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

APPEAL GROUNDS

1. the hearing outcome is not supported by substantial evidence (in other words, there was no reasonable basis for such findings or conclusions);
2. a procedural irregularity occurred that affected the outcome of the matter; new evidence that was not reasonably available at the time of the hearing and would have affected the Hearing Officer's decision about whether the Respondent violated the Executive Order, including addendum B;
3. the Title IX Coordinator, Investigator, or Hearing Officer had a Conflict of Interest or Bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter;
4. and the sanction(s) imposed as part of the outcome of the Formal Complaint process constituted an abuse of discretion based on the substantiated conduct.

ISSUES AND EVIDENCE ON APPEAL: EXECUTIVE ORDER 1096 AND 1097

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

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

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

A copy of the final CO Appeal Response shall be forwarded to the Complainant and Respondent, as well as the Campus Title IX Coordinator. The CO will respond to the appealing Party no later than 30 Working Days after receipt of the written appeal unless the timeline has been extended as specified in Article V, E. of EO 1096 and 1097.

ISSUES AND EVIDENCE ON APPEAL: ADDENDUMS A & B: The issues and evidence raised on appeal will be limited to those raised and identified during the Campus hearing, unless new evidence becomes available that was not reasonably available at the time of a Campus hearing that could affect the outcome of the matter and is submitted by the appealing party. The CO may communicate, at the CO's discretion, with the appealing party, the responding party, and/or the Campus to clarify the written appeal.

The CO will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide prompt written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the Campus Title IX Coordinator. The notice will include the right of the non-appealing Party and the Campus to provide a response to the appeal within **10 Working Days** of the date of the notice.

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

If a matter is to be reopened, the CO will return the matter to the Campus and will specify in writing the timeline by which a reopened hearing must be completed. The CO will simultaneously notify the Parties of the reopening of the hearing and the timeline for completion of the reopened hearing. The Campus will complete the reopened hearing and provide the CO with an amended Hearing Officer's Report. The Campus will also provide the Parties with amended Notices of Hearing Outcome, and such Notices will provide the Parties the opportunity to appeal any new or amended findings, in accordance with the Executive Order. Upon receipt of the amended hearing report, the CO will contact the appealing party to determine whether that Party wishes to continue with the appeal.

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

A copy of the final CO Appeal Response will be sent simultaneously to the Complainant and Respondent, as well as the Campus Title IX Coordinator. The CO Appeal Response is final and concludes the Complaint and CO review process under the Executive Order. The CO will respond to the appealing Party no later than **30 Working Days** after receipt of the written appeal unless the timeline has been extended as specified in Article V, E. of EO 1096 and 1097.

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

REGISTERED SEX OFFENDERS

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

EMERGENCY NOTIFICATION POLICY

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

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

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

Once UPD has received the report, the Chief of Police (or management designee) will, without delay and taking into account the safety of the community, confer with the appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency, if available, to confirm **both**: 1) a legitimate emergency or dangerous situation exists impacting on-campus geography; **and** 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community. This confirmation process may include, but is not limited to, visual observation, officer investigation, the assistance of key campus administrators, local or campus first responders, and/or official government reporting through agencies such as the National Weather Service.

If both of the above factors are not met, no emergency notification is required. If it is determined that both of the above factors are met, then an emergency notification as described below shall be issued. The Chief of Police (or management designee) will confer with the Clery Director, if available, to prepare the content of

the notification and determine which members of the campus community are threatened and need to be notified. The content of the message will be developed based on a careful but swift analysis of the most critical facts.

Once the notification is prepared, the Chief of Police and/or the Clery Director (or their management designees) will, without delay and taking into account the safety of the community, transmit the emergency notification unless doing so would delay the ability to mitigate and/or contain the emergency, including the ability to provide immediate, life saving measures. If an emergency notification is issued, a timely warning shall not be issued for the same incident.

CONTENTS OF THE EMERGENCY NOTIFICATION

The emergency notification shall contain the following information:

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

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

METHODS OF DISTRIBUTION

The San Francisco State University Emergency Notification System also known as SF State Alert is a fully hosted web-based system which can disperse messages to phones, voicemails, emails, and via text messaging and TTY. Emergency Notifications will be distributed as quickly as possible in a manner that will likely reach the segment(s) of the on-campus community threatened by the emergency. Segmentation will be considered by the Chief of Police (or management designee) by evaluating which persons are likely to be at risk, and notifying those persons. Segmentation should not be considered if making this determination would delay issuing the emergency notification. The Chief will determine if notification to the larger community is appropriate. Distribution methods, including distribution to the larger community, vary from campus to campus and depending on the nature of the emergency, may include:

- A campus mass notification system, including but not limited to phone, campus email, or text messaging. Systems should provide currently enrolled students, faculty and staff the ability to adjust their subscription preferences to select multiple contact methods from text messages, emails and phone calls, or if desired, to 'opt out' of the service and not receive any notifications
- Audio/visual message boards
- Audible alarms/sirens
- Campus public address systems
- In person or door-to-door notifications in a building or residence halls
- Local media

- Social media
- Other means appropriate under the circumstances

TESTING AND EVACUATION SYSTEM

Testing of the Emergency Notification System and evacuation will be done at least once annually. The tests may be announced or unannounced. Tests must be scheduled, contain drills, exercises and appropriate follow-through activities, and be designed for assessment and evaluations of emergency plans and capabilities. However, at least one test will be publicized in conjunction with the campus's emergency response and evacuation procedures. Each test will be documented to include a description of the exercise, the date of the test, the start and end times of the test, and whether the test was announced or unannounced. The [California State University Emergency Management Policy](#) describes these tests and defines responsibility for their completion. A copy of the documentation will be provided to the Clery Director.

Students and employees who need information on how to add contact information to be included for emergency notification or to remove information and “opt out” of notifications should visit <http://upd.sfsu.edu/ENSFAQ> or call the on-campus University Police Department at 415-338-7200 for assistance. To make changes to your notification preferences, changes can be made by logging into your SFSU Gateway at <http://gateway.sfsu.edu>.

MISSING STUDENT NOTIFICATION

It is the policy of Residential Life at San Francisco State to investigate any report of a missing student living in one of the University's residence halls or apartments. All students residing in a campus residence hall or apartment have the option to register one or more individuals to be a contact strictly for missing person's purposes. All students residing in a campus residence hall or apartment are requested to complete an Emergency Contact form upon completing their License Agreement. The License Agreement is collected in advance of the student checking in to University residences. This contact can be anyone. Residential Students have this option even if they have already identified a general emergency contact. This contact information is registered confidentially and is only available to authorized campus officials. The information will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

San Francisco State understands that students may make individual arrangements to stay outside of the University residences. As such, the location of students in the halls and apartments is not monitored by Residential Assistants or other University staff. However, if there is a reason to believe a student is missing, all reasonable efforts will be made by Residential Life staff to locate the student to determine their state of health and well-being. These efforts include, but are not limited to, checking the student's room, speaking with friends and/or roommates, checking ID and meal access and calling the student's cell phone number. If at any point in the process of trying to locate the student a Residential Life staff member determines there is a credible threat to the well-being of the student reported as missing, the University Police Department will be contacted immediately at 415-338-2222.

If known contacts do not confirm the student's whereabouts and there does not appear to be a probable threat to the well-being of the student reported missing, Residential Life staff will notify the Director of Residential Life and write an Incident Report detailing the efforts to locate the student reported as missing. The Director of Residential Life will contact the Associate Vice President & Dean of Students reporting all obtained information. The Dean of Students will in turn notify the Vice President for Student Affairs & Enrollment Management.

When a residential student is missing, students, employees or other individuals not affiliated with the University should make a report to the University Police Department. If upon investigation by the University Police Department the student is determined missing, staff from the University Police Department and/or Student Affairs & Enrollment Management will contact the resident's designated Emergency Contact within 24 hours.

The University Police Department will also notify the local law enforcement agency within 24 hours of the official determination that a residential student is missing. This notification can be accomplished via the Missing and Unidentified Persons (MUPS) law enforcement database.

If upon investigation by the University Police Department the student is determined missing, staff from the University Police Department and/or Student Affairs & Enrollment Management will contact the resident's designated Emergency Contact within 24 hours.

For any non-emancipated student under the age of 18, San Francisco State University will notify a custodial parent or guardian, in addition to any other individual designated on the Emergency Contact form, with 24 hours of the University Police Department determining that they are missing. University Police will continue to investigate, utilizing established procedures in collaboration with staff from Residential Life, other campus offices and local law enforcement agencies. University Police will contact the student's parents or legal guardian when an Emergency Contact form cannot be located or has not been provided.

FIRE SAFETY ACT

The 2020 Fire Safety Report is available at

https://reslife.sfsu.edu/sites/default/files/Fire_safety_report.pdf

ADDENDUM: LOCAL JURISDICTION DEFINITIONS FOR DVAS AND STALKING

Rape (CA Penal Code Chapter 1 Section 261)

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

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act.

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

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

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

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

(A) Was unconscious or asleep.

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

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

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

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

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

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

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

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

Sodomy (CA Penal Code Chapter 1 Section 286)

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

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

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

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

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

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

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

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

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

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

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

(e) Any person who participates in an act of sodomy with any person of any age while confined in any state

prison, as defined in Section 4504, or in any local detention facility, as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year.

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

As used in this subdivision, "public official" means a person employed by a governmental agency who has the

authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

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

Oral Copulation (CA Penal Code Chapter 1 Section 287)

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

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

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

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

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

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

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

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

(D) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim’s will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years.

Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(2) Any person who, while voluntarily acting in concert with another person, either personally or aiding and

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

three, six, or eight years.

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

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

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

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

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

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

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

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

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

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

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years.

Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the

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

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

- (1) Was unconscious or asleep.
- (2) Was not aware, knowing, perceiving, or cognizant that the act occurred.
- (3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
- (4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

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

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

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

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

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

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

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

prison for three, six, or eight years.

(k) As used in this section:

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

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

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

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

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

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

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

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

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

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

(e)(1) Any person who touches an intimate part of another person, if the touching is against the will of the

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) To intentionally or recklessly cause or attempt to cause bodily injury.
- (2) Sexual assault.
- (3) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
- (4) To engage in any behavior that has been or could be enjoined pursuant to Section 6320.

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

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

- (a) A spouse or former spouse.
- (b) A cohabitant or former cohabitant, as defined in Section 6209.
- (c) A person with whom the respondent is having or has had a dating or engagement relationship.
- (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).
- (e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.
- (f) Any other person related by consanguinity or affinity within the second degree.

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

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

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

- (1) The offender's spouse or former spouse.
- (2) The offender's cohabitant or former cohabitant.
- (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship.
- (4) The mother or father of the offender's child.

CA Penal Code 243

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

Stalking

CA Penal Code, Chapter 2, Section 646.9

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

CA Penal Code, Chapter 2, Section 653m

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

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

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

In prosecutions under Section 261, 262, 286, 287, or 289, or former Section 288a, in which consent is at issue, "consent" shall be defined to mean positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.

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