CSU, Chico 2016 Annual Security Report

October 1, 2016

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Message from Chief of Police, John Feeney

Dear Chico State community,

California State University, Chico (Chico State) is committed to providing a safe and secure environment for our students, faculty, staff, and visitors. To that end, we are pleased to present the Annual Security and Fire Safety Report.

The California State University, Chico Police Department is responsible for ensuring the safety and security of the Chico State community from all hazards, including crime. The California State University, Chico Police Department is the primary department responsible for providing security and law enforcement services for the University.

This report will provide you with information on safety and security at all locations that are part of the Chico State campus. Inside you will find information on University policies and procedures for reporting crime, facilitating safety and security, prevention and protection programs, victim assistance services, fire safety, and other resources that promote a safe campus community.

This report is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), the Higher Education Opportunity Act (HEOA), and the Violence Against Women Reauthorization Act of 2013 (VAWA). VAWA has amended the Clery Act to require institutions to compile statistics, policies, procedures, and programs for incidents of domestic violence, dating violence, and stalking.

We encourage you to read this information and consider how we can all work together, through prevention, education, and timely reporting, towards a safe Chico State community.

Thank you for taking the time to review this information and for helping to make Chico State a safer community for our students, faculty, staff, and visitors.

Sincerely,

J. Feeney

John J. Feeney
Chief of Police
University Police Department
Preparing the Annual Security Report (ASR)

California State University, Chico (Chico State) presents The Annual Security Report to provide information about campus security, policy statements, and certain crime statistics related to our campus community and geography. The Annual Security Report is prepared with collaborative effort from all departments on campus that have a commitment to public safety. CSU, Chico Police Department (UPD) is currently responsible for the completion and publication of this report, including the gathering of policy statements. This report is prepared in compliance with The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, often referred to as the Clery Act. The Clery Act is named after Jeanne Clery, who was a student at Lehigh University when she was raped and murdered in her residence hall in 1986. In her honor, her family petitioned the government to adopt the regulations of the Clery Act which includes the publication of The Annual Security Report by October 1st of each year. More information about the Clery Act can be found at the Clery Center for Security on Campus website at http://clerycenter.org/summary-jeanne-clery-act. In this document, California State University, Chico is referred to as CSU, Chico, Chico State, and/or The University.

The California State University, Chico Police Department is responsible for gathering statistics for Clery Act crimes (including hate crimes and violations of state and local drug, weapon, and liquor laws) that occur within Clery Act geography, and providing safety and security information to the public. These statistics also include arrests and referrals for discipline. These statistics are gathered from direct reports to CSU, Chico Police Department, information from Chico Police Department, and from Campus Security Authorities (CSAs) across campus. This is accomplished through written annual requests for data from CSAs and Chico Police, and through the use of RIMS, a Record Management System owned by UPD. UPD has an established relationship with Chico Police Department that includes a Memorandum of Understanding that provides for joint patrol efforts for areas near campus (one-mile radius) that do not fall within UPD jurisdiction.

The Annual Security Report includes statistics for crimes determined by the Clery Act. The statistics include crimes that occurred on campus, in certain off-campus buildings, property owned or controlled by CSU, Chico, and on public property within or immediately adjacent to (or accessible from) the campus. This report includes statistics from the previous three years.

This report also includes institutional policy statements concerning campus security, including those concerning alcohol and drug use, crime prevention, the reporting of crimes including sexual misconduct, domestic violence, dating violence, stalking, and other matters.

The CSU, Chico Police Department is aware that many crimes go unreported to law enforcement and encourages all employees of CSU, Chico who have significant responsibility for students and student activities to report any crimes they become aware of to the CSU, Chico Police Department.
Deans, directors, department heads, resident directors, resident advisors, faculty advisors, and others are all considered CSAs. Clerical staff, cafeteria staff, and faculty who have no responsibility outside of the classroom are types of roles on campus that do not meet the criteria for being CSAs. The Annual Security Report is available in print at CSU, Chico Police Department or on our website at http://www.csuchico.edu/up/.
Crime Statistics

The following statistics are being provided as part of CSU, Chico's commitment to safety and security on campus and to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The tables illustrate crimes occurring on-campus, in residence halls, in non-campus areas owned or controlled by the University, and in public areas adjacent to or within campus. These statistics include data received from other law enforcement agencies in response to annual requests. Crime statistics reported as occurring "on-campus" include incidents reported to the CSU, Chico Police Department as well as incidents reported to other campus officials, including Campus Security Authorities defined above. Reports received from campus officials may have been submitted anonymously and may result in criminal statistics higher than those reported to the FBI by the CSU, Chico Police Department pursuant to their reporting guidelines. Hard copies of this information are available upon request. If you have any questions, please contact the CSU, Chico Police Department at (530) 898-5555.

Disclaimer

*Any increase or decrease in specific statistics from a previous year may be due to our organization’s better understanding of the regulations regarding how crimes should be classified and counted, and may not be due to an actual increase or decrease in reported crimes.*

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Notes about statistics:

N/A indicates that this statistic was not required to be counted or reported for the corresponding year.

**Campus** refers to the number of incidents reported on the main campus including on-campus residence halls.

**Residential** refers only to on-campus residence halls.

**Public Property** refers to areas adjacent to the main campus in Chico. Public property offenses are those offenses reported to the University Police as well as to the Chico Police Department in the city jurisdiction. Public property including thoroughfares, streets, sidewalks, and parking facilities, that are within campus or immediately adjacent to and accessible from the campus are included.

**Non-Campus** refers to any building or property owned or controlled by a student organization that is officially recognized by the institution, or any building or property owned or controlled by Chico State that is used in direct support of, or in relation to educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of our main campus.

**Hate Crimes**

- 2013: There were no reported hate crimes.
- 2014: There were no reported hate crimes.
- 2015: There were no reported hate crimes.
Reporting Criminal Actions & Emergencies

The CSU, Chico Police Department has primary law enforcement jurisdiction for all criminal incidents occurring on campus. This includes incident investigation, follow-up, and resolution. UPD works in conjunction with outside agencies, such as the Butte County Sheriff’s Department, the City of Chico Police Department, and local fire and emergency medical services.

All crime reports and emergencies occurring on-campus should be reported to the CSU, Chico Police Department immediately. UPD officers respond to all on-campus reports of fires, criminal and suspicious activity, and medical emergencies. Reports can be made in person in the UPD lobby on the corner of 2nd and Chestnut Streets, or by any of the options below.

Emergencies On-Campus
The on-campus emergency telephone number is 9-1-1. Use this number for reporting on-campus fires, criminal or suspicious activity, and medical or other emergencies. This number goes directly to UPD if dialed from a campus phone. Dispatchers are trained to respond appropriately to emergencies of any nature.

Off-Campus Emergencies
The off-campus emergency telephone number in Butte County is 9-1-1. Use this number from home phones, cell phones, and all off-campus locations for community-based fire, police, and emergency medical services. Refer to your local telephone directory for further information.

On-Campus Non-Emergencies
The non-emergency telephone number to contact the CSU, Chico Police Department is (530) 898-5555. This number should be utilized to obtain non-emergency, on-campus police services or to report any non-emergency crimes.

Other Options
Chico State recognizes that not all people in all situations will report all crimes to UPD. If you are unable or unwilling to report a crime to UPD, you may choose to report to the individuals listed below. Be aware that these individuals may not be able to respond as quickly as UPD.
CSU, Chico Title IX Coordinator

- **Dylan Saake**  
  Director of Labor Relations and Compliance  
  Kendall Hall, Room 220  
  Chico, CA 95929-0010  
  Phone: 530-898-4949  
  dsaake@csuchico.edu

Deputy Title IX Coordinators

- **Sandy Parsons**  
  Director of Student Judicial Affairs  
  Student Services Center (SSC) 190  
  Chico, CA 95929-0105  
  Phone: 530-898-6897  
  sparsons@csuchico.edu

- **Evanne O’Donnell**  
  Director of Labor Relations, Faculty Affairs  
  Kendall Hall, Room 104  
  Chico, CA 95929-0024  
  Phone: 530-898-5690  
  eodonnell@csuchico.edu

- **Gloria Godinez**  
  Labor Relations and Compliance Manager  
  Kendall Hall, Room 220  
  Chico, CA 95929-0010  
  Phone: 530-898-4949  
  ggodinez5@csuchico.edu

- **Emily Peart**  
  Student Conduct Administrator  
  Student Services Center (SSC) 190  
  Chico, CA 95929-0105  
  Phone: 530-898-6897  
  epeart@csuchico.edu
Title IX NCAA Compliance Coordinator

- **Anita Barker**
  Director of Athletics
  Acker Gym, Room 135
  Chico, CA 95929-0300
  Phone: 530-898-6470
  abarker@csuchico.edu

Timely Warnings

The CSU, Chico Police Department is committed to maintaining a safe campus and believes that a well-informed community is an essential component in achieving this goal. Timely Warnings are provided to the campus community when a Clery Act crime is reported and the details provided indicate that an ongoing threat to the campus community may still exist. Timely warnings will be issued through student, staff, and faculty email and will be posted on our website. The Chief of Police may also use SendWordNow, Chico State’s community notification system, to relay the Timely Warning to the campus community.

The University’s Chief of Police, in conjunction with the University’s Office of Public Affairs, is responsible for issuing Timely Warnings. The issuing of a timely warning may be delayed if it is determined that such a warning would interfere with or hinder efforts to resolve the situation.

Voluntary Confidential Reporting

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

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

Security of and Access to Campus Facilities

CSU, Chico is deeply committed to the safety of its faculty, staff, and students. There are several campus programs designed to promote campus-wide safety. The CSU, Chico Police Department provides 24-hour patrol protection of University buildings, property, parking lots, and residence halls. Officers investigate crimes, alarms, suspicious incidents and persons, and respond to fires and calls for medical aid.

Most buildings on campus are equipped with card access, which works to provide the highest degree of security possible for our students, faculty, staff, and guests. Campus facilities and buildings are generally open to the campus community, visitors, and guests Monday through Friday from 6:00 a.m. to 8:00 p.m., and as certain special events dictate. Thereafter, access is available only to individuals with authorized access cards or keys. The University Police Department is responsible for programming most University (non-housing) access cards. The Facilities Management and Services’ Key Shop is responsible for issuing and keeping a record of all campus keys and provides access to key boxes.

Access to campus residence halls is restricted to residents, their guests, and University officials. Residents have access to residence halls with their authorized access cards, and are issued keys for their rooms. Lending room keys or access cards to any individual for any reason is prohibited. There are service desks at each residence hall community, most of which are open 24 hours per day (the desk at University Village is open from 7:00 a.m. to midnight Sunday through Thursday and 7:00 a.m. to 2:00 a.m. Friday through Sunday). All guests must check in at the service desk from 8:00 p.m. to 8:00 a.m. and must be at least 18 years of age. Guests are issued wrist bands at check-in, which must be worn at all times and returned to the service desk when the guest leaves.

Campus shrubbery, trees, and other vegetation are routinely trimmed and artificial lighting maintained with safety issues in mind. The campus community is encouraged to report unsafe conditions, safety concerns, exterior lighting issues, or telephone malfunctions to Facilities Management and Services at (530) 898-6222 or the CSU, Chico Police Department at (530) 898-5555.

Law Enforcement Authority

The CSU, Chico Police Department is a full-service state police agency staffed by sworn state peace officers 24 hours a day, 7 days a week. The peace officers have statewide police authority, full powers of arrest, and are vested with law enforcement powers pursuant to California Penal Code
Section 830.2. Officers enforce local, state, and federal laws both on and off campus. As state officers, their police authority includes concurrent jurisdiction with the City of Chico Police Department within a one-mile radius of campus. An existing Memorandum of Understanding (MOU) between the CSU, Chico Police Department and the City of Chico Police Department clarifies the patrol boundaries as well as the roles and responsibilities of each department for crimes that occur on property owned or controlled by the University. Officers and Dispatchers meet ongoing training requirements as mandated by the California Commission on Peace Officer Standards and Training, as well as additional training designed to meet the needs of the University community. The law enforcement duties and responsibilities of CSU, Chico Police Department officers are often identical to those of city police officers or sheriff’s deputies.

Chico State encourages the prompt and accurate reporting of all crimes on campus to UPD. If the crime happened off campus, the reporting party should report to whatever agency has jurisdiction for that location. If the reporting party is unsure of jurisdiction, UPD can assist in making that determination if/when the victim of a crime elects to, or is unable to, make such a report.

Security Procedures and Practices

Freshman Safe Start

Freshman Safe Start is designed to educate freshman students on safety issues that encompass college life in any environment. It provides support to students who, often for the first time, are away from home and are often unprepared for the situations that they may face in their college career. The Freshman Safe Start program is committed to training all incoming freshmen students living in University Housing and is offered at the beginning of each fall semester. Freshman Safe Start topics include:

- General personal safety tips
- Sexual misconduct awareness and prevention
- Bystander intervention training
- Avoiding and reporting interpersonal violence and stalking
- Hate crimes
- Overview of resources and assistance available on- and off-campus

Presentations at New Student Orientations

The CSU, Chico Police Department provides an officer for the annual Summer Orientation Program to inform prospective students and their parents of available police services and safety programs. Similar presentations have been tailored for graduate students or international students and are provided on an as needed basis.
Safety talks are available upon request for any office, organization, or classroom on campus (based on the availability of a police department presenter).

**Moonlight Safety Walk**

Each year, the members of the Public Safety Advisory Board and the University President lead the campus on the Moonlight Safety Walk. The purpose of the program is to identify areas of concern regarding safety issues on campus. Participants divide into teams to walk through areas of campus in the mid-evening to help identify safety hazards, including inadequate lighting or overgrown brush. Any safety concerns identified during the walk are entered into a database and reviewed by University Police, Facilities Management and Services (FMS), and other relevant campus departments.

**Blue Light Phone Testing**

Each month, the CSU, Chico Police Department tests all blue light phones on campus. The outcome of testing for each phone is logged and will be maintained and filed for a minimum of seven years. If there is a malfunction with any blue light phone, an equipment request will be sent to the appropriate office (Facilities Management and Services for lighting malfunctions or User Services for telephone malfunctions). Follow up testing is conducted during the following month to ensure the phone or light has been fixed.

**Active Shooter Training**

UPD offers the campus community Active Shooter Training using the “19 seconds” framework. This course provides attendees with information on how to best protect themselves in the event of an active shooter on our campus. “19 Seconds” was designed by the police department at CSU, Fresno specifically for personnel working in academic and educational environments. This instructor-led course is facilitated by UPD staff and is offered as frequently as can be organized, advertised, and staffed; typically, 2-3 times per calendar year. The audience is primarily campus staff, faculty, and student employees, but others may be invited depending on availability.

**Disaster Drill and Preparedness Exercise Procedures**

All disaster drills and large scale preparedness exercises are scheduled and planned by either the CSU, Chico Police Department or the Department of Environmental Health and Safety Emergency Preparedness Coordinator, and/or campus Emergency Manager, depending on the type of drill or exercise. A description and plan for the scenario of each event will be reviewed by a member of the UPD staff at the level of Sergeant or above and/or the Emergency Preparedness Coordinator, or campus Emergency Manager.
Building evacuation drills, including all University Housing student residence buildings, are overseen by the Emergency Preparedness Coordinator. Building evacuation drills are a cooperative effort between University Police, Environmental Health and Safety, Facilities Management Services and University Housing, as applicable to the event.

Campus building evacuation drills include the participation of campus Floor Evacuation Coordinators (FEC) who are trained by the Emergency Preparedness Coordinator. The FEC team of each building meet with the Emergency Preparedness Coordinator to plan prior to each drill. Each building’s team of FECs are trained in the prompt and safe evacuation of buildings, assisting persons with disabilities, and have knowledge of building specific fire and life safety features.

Planning for each exercise or drill will include a description of the event, the building or location of the event, the date, time, and any related announcement information.

Following each exercise or drill, an After Action Report will be completed and kept on file by the Department of Environmental Health and Safety for a period of seven years.

Access to Daily Log of Police and Fire Calls for Service
The CSU, Chico Police Department maintains a daily log of officer activity and calls for emergency service for the most recent 60-day period. The log is open for public inspection during normal business hours of 8:00 a.m.–5:00 p.m., Monday through Friday. Log entries older than 60 days can be obtained by request and are usually fulfilled within two business days.

Crime Prevention Programs

Bicycle Theft Prevention

Bicycle theft is one of the most frequent crimes committed on campus. UPD offers bicycle license and registration throughout the year. Specific times and dates are posted on the UPD bike registrations website at http://www.csuchico.edu/up/bike-skate-info/bike_reg.shtml

During the license and registration process, information is provided to educate students, staff, faculty, and the general public, including bike-locking tips, bicycling maps, and safe bicycling rules on campus. Licensing and registering your bicycle greatly reduces your risk for theft and provides a mechanism for return if a stolen bike is recovered.

R.A.D.

UPD offers a Rape Aggression Defense (R.A.D.) course. R.A.D. is a system of self-defense designed specifically for women. It combines risk-reduction strategies with basic physical defense
techniques, making it one of the most comprehensive courses of its kind. The course is taught by certified instructors and is the only women's self-defense program ever to be endorsed by the International Association of Campus Law Enforcement Administrators (IACLEA). The course concludes with realistic scenarios performed in a safe environment by trained police department staff. R.A.D. is offered to women within the campus community. If a class does not fill up, UPD will open it up to other citizens. More information about R.A.D can be found at http://www.csuchico.edu/up/safety_programs/rad.shtml.

Campus Connection

Campus Connection is the campus safety shuttle. It runs during the fall and spring academic semesters, 7 days a week, from 6:00 p.m. to midnight. The shuttle drivers, who are trained police department student-level Community Service Officers (CSOs), follow a predesignated route consisting of 15 stops throughout the main campus, campus parking lots, and off-campus University-owned apartments. All of the Campus Connection stops are located near University blue light phones, so that riders have emergency access to UPD while they are waiting for the shuttle.

Crime prevention pamphlets are available in the UPD lobby at the corner of 2nd/Chestnut Streets.

Criminal Activity at Non-Campus Locations of Student Organizations

CSU, Chico Police Department has primary jurisdiction for non-campus locations of recognized student organizations, such as fraternity and sorority housing, and therefore monitors criminal activity for those locations. For certain serious crimes such as homicide, UPD would work in conjunction with Chico Police Department to investigate.

Alcohol and Drugs

Campus Alcohol Policy

CSU, Chico complies with the Drug Free Workplace Act of 1990 and the Higher Education Act Section 120a.

The possession, consumption, or transportation of alcoholic beverages on Chico State campus or in campus-owned facilities is generally prohibited as a matter of institutional policy. This policy is formalized in Executive Memorandum 99-011. CSU, Chico and the CSU, Chico Police Department are very concerned about the abuse and over consumption of alcoholic beverages by students and devote a great deal of attention and resources to this serious issue. It is the belief of the CSU, Chico Police Department that education, as well as strict enforcement of local, state, and federal laws, will
help to control the abuse of alcohol on campus. Education regarding the dangers of alcohol abuse will provide students with the opportunity to make informed choices regarding its use, while strict enforcement will help to ensure the safety and security of the campus community. Visit www.csuchico.edu/sa/policies/alcohol for a detailed look at the University alcohol policy and alcohol abuse prevention programs offered by CSU, Chico. CADEC, the Campus Alcohol and Drug Education Center, provides culturally sensitive information about alcohol and other drugs to the campus community, involves a collection of students who assist in creating a campus environment that reinforces healthy lifestyles, provides support services for students who are experiencing problems with drugs or alcohol, and educates students about the impact of both alcohol and other drug abuse.

It is important to note that the CSU, Chico Police Department will investigate and prosecute violations of local, state, or federal laws pertaining to the use/abuse of alcohol, including California underage drinking laws. Successful prosecution can lead to fines or incarceration in county jail or state prison, depending on the violation committed. Students may also face sanctions from Student Judicial Affairs, including disciplinary probation, suspension, or expulsion.

**Campus Policy on Controlled Substances**

The unlawful manufacture, distribution, sales, possession or use of a controlled substance is prohibited on campus, at any University-sponsored off campus event, and on any workplace site of employees of the University. The CSU, Chico Police Department strictly enforces local, federal, and state laws, as well as the University's zero-tolerance policy, for the use and sale of illegal drugs. Student violators are subject to criminal prosecution, and/or discipline, including removal from University Housing, suspension, and expulsion. Staff and faculty violators may also face criminal charges, reprimand, demotion, suspension without pay, or dismissal. This policy is formalized in Executive Memorandum 89-012.

**Sexual Misconduct**

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

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

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

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

Prevention, Education and Awareness

New Student Training: Not Anymore
As part of CSU, Chico’s commitment to the safety, health, and wellness of our campus community, the University requires all incoming students to complete Not Anymore, an online interpersonal violence prevention program providing information about consent, bystander intervention, sexual assault, dating and domestic violence, stalking and more. Completion of the Not Anymore online program is mandatory for all incoming students, and should be completed prior to the first day of classes. Failure to complete the program with at least an 80% score results in an academic hold being placed on the student’s records and will prevent the student from registering for classes the following academic period.

Sexual Violence, Bystander Intervention, & Victim Blaming Training
Sexual misconduct, bystander intervention, and victim blaming training is available to students who are not newly enrolled at CSU, Chico and provides information geared at preventing sex discrimination, sexual harassment, sexual misconduct, dating and domestic violence, and stalking.
Students are also provided information about relevant CSU policies, resources, and confidential reporting. This is provided year round.

**Annual Prevention and Awareness Training**

Student athletes, Resident Advisors, members of club sports, and members of fraternities and sororities are provided annual training to promote awareness of affirmative consent, sexual misconduct, dating violence, domestic violence, and stalking. CSU and campus policy information is provided. By focusing on situations that members of these groups may encounter, they are provided information regarding safe and positive options for bystander intervention, myths and facts about sexual misconduct, risk-reduction tips to avoid becoming a victim and to avoid becoming a perpetrator, and resources for victims. Resident Advisors and athletic coaches are also provided training to help ensure that they handle incidents of sexual harassment, sexual misconduct, dating or domestic violence, and stalking appropriately.

**New Employee Orientation**

New Employee Orientation provides general information to new employees. During the orientation, new employees are provided information on campus safety, discrimination, harassment, retaliation, child abuse and their obligation to report. CSU and campus policy information is provided and discussion on their rights to be free from these types of violations and their rights/responsibilities to report to the Title IX coordinator and share confidential resources with victims of sex discrimination, sexual harassment, sexual misconduct, dating or domestic violence, and stalking is emphasized.

**Annual Title IX Online Compliance Training for Employees**

The CSU Chancellor's Office provides access to mandatory Title IX online training for employees. The objective of the training is to help CSU employees identify sex discrimination, sexual harassment, sexual misconduct, domestic or dating violence, and stalking. The training also provides general Title IX information, resources for reporting, and ways employees can help victims. A learning management system is used to automatically assign the training to all employees (including student employees) on a yearly basis, provide notices of deadlines, and track completion of training.

**Annual Announcement to Employees**

CSU, Chico sends an annual announcement to all employees highlighting the CSU policies regarding sex discrimination, harassment, sexual misconduct, domestic and dating violence, and stalking, and as a reminder of their obligation to report such incidents and the resources available to victims.

If you have questions about education, prevention, and awareness programs, you may contact:
Definitions per Executive Orders 1095-1097:

**Sex Discrimination**
An adverse action taken against an individual because of gender or sex (including Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking) as prohibited by Title IX; Title IV; VAWA/Campus SaVE Act; California Education Code § 66250 et seq.; and/or California Government Code § 11135. See also Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act (Cal. Govt. Code § 12940 et seq.), and other applicable laws. Persons of all genders and gender identities can be victims of Sex Discrimination.¹

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

a. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a person's employment terms or conditions, academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or

¹ As mandated by the Clery Act's Violence Against Women Act (VAWA)/Campus SaVE Act, these policy definitions are derived from the local jurisdiction, and based on the California Penal Code, the California Family Code, and the California Evidence Code. In some instances, these definitions may differ slightly from the federal definitions set forth in the next section for mandatory crime statistic reporting. For reportable crime statistics, the Clery Act regulations mandate definitions from the Federal Bureau of Investigation’s (FBI’s) Uniform Crime Reporting (UCR) Handbook.
b. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as limiting their ability to participate in or benefit from the services, activities or opportunities offered by the University; or

c. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the complainant, and is in fact considered by the complainant, as creating an intimidating, hostile or offensive environment.

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

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

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

Sexual Misconduct

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

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

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

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

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

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

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.

- Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion.
There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

- **Affirmative Consent cannot be given by a person who is incapacitated.** A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol, or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions,

- **Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person’s decision-making ability, awareness of consequences, and ability to make informed judgments.** A person’s own intoxication or incapacitation from drugs or alcohol does not diminish that person’s responsibility to obtain Affirmative Consent before engaging in sexual activity.

- **A person with a medical or mental disability may also lack the capacity to give consent.**

- **Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.**

- **It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:**
  - The person was asleep or unconscious;
  - The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  - The person was unable to communicate due to a mental or physical condition.

- **It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:**
  - The respondent’s belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;
The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

**Domestic Violence**

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

**Dating Violence**

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

**Stalking**

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

- Course of Conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through Third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;

- Reasonable Person means a reasonable person under similar circumstances and with the same Protected Status(es) as the complainant;

- Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
• Protected Status includes Age, Disability, Gender, Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.

PROCEDURES FOR REPORTING A CRIME OF SEXUAL VIOLENCE/SEXUAL MISCONDUCT

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

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

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

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

The University encourages victims of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking to talk to someone about what happened so they can get the support they need, and so the University can respond appropriately. Whether and the extent to which a University employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends on the employee’s position and responsibilities at the University. The following information is intended to make everyone aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn for help. The University strongly encourages victims to talk to someone identified in one or more of these groups.
Certain University employees, listed below, are required by law to maintain near or complete confidentiality; talking to them is sometimes called a “privileged communication.” University law enforcement employees may maintain the victim’s identity as confidential, if requested by the victim, but will report the facts of the incident to the Title IX Coordinator, including the identity of the perpetrator. Most other University employees are required to report all details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator so the University can take immediate action to protect the victim, and take steps to correct and eliminate the misconduct.

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

**Privileged and Confidential Reports**

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

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

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

**Exceptions to Confidentiality**

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

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

**Reporting Options**

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

**Criminal**

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

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

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

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

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

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

**Reporting to a Campus Security Authority (CSA)**

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

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

**Administrative**

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

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

**Reporting to a Title IX Coordinator or Responsible Employee**

Many resources and options are available on and off campus including confidential and privileged communication options. The University has designated a Title IX Coordinator as the primary point of contact to provide victims with assistance and support, and to monitor and oversee overall compliance with laws and policies related to Sexual Misconduct, Dating and Domestic Violence, and Stalking. The campus Title IX Coordinator is available to explain and discuss rights to file a criminal complaint and to assist in doing so; the University’s relevant complaint process, and rights to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters.
Most University employees have a duty to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incidents when they are on notice of it. When a victim tells the Title IX Coordinator or another non-confidential University employee about a Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking incident, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the University strongly encourages victims to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking directly to the campus Title IX Coordinator.

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

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

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

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

- Provide interim remedies requested by the victim, if they are reasonably available, regardless of whether the victim chooses to report to campus or local police;

- Assist victims in accessing available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;

- Provide security and support, which could include issuing a no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules (including for the perpetrator pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and

- Inform victims of their right to report a crime to University or local police and provide victims with assistance if desired.

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

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

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

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

**Non-Reporting**

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

**Civil Lawsuit**

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

**Restraining Orders**

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

**Disciplinary Procedures**

The University has procedures that provide for an administrative investigation of reports of Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking, and written findings based on the preponderance of the evidence standard, provided to the complainant and respondent. Both the complainant and respondent may appeal written findings to the CSU Chancellor’s Office, as well as the ultimate sanction for violation of CSU policy in student misconduct cases. The procedure for CSU employees and third parties is separate from, but similar to, the procedure for CSU students.

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

The investigation process from initial complaint to final result shall be prompt, fair, and impartial. The investigator will meet separately with the complainant and the respondent and other potential witnesses to gather information. The investigation shall be completed no later than 60 Working
Days after the intake interview, unless the timeline has been extended. The timeline should not be extended for a period longer than an additional 30 Working Days from the original due date. Before reaching a final conclusion or issuing a final investigation report, the Investigator shall have: a) advised the Parties, or have offered to do so, verbally or in writing, of any evidence upon which the findings will be based; and, b) given the Parties an opportunity to respond to the evidence, including presenting further relevant evidence, information or arguments that could affect the outcome. The Investigator will not reach a final conclusion or issue an investigation report until giving careful consideration to any such relevant evidence, information or arguments provided by the Parties. The Investigator retains discretion and authority to determine relevance.

At the conclusion of the University’s complaint and investigation procedure, any employee or student found to have violated University policy against Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking will be subject to discipline. For employees, discipline would be administered consistent with applicable collective bargaining agreements, University policies and legal requirements. For students, discipline would be administered in accordance with CSU Executive Order 1098 (discussed below). Victims are not required to participate in any University disciplinary 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, Dating Violence, Domestic Violence, and Stalking and how to conduct a hearing process that protects the of victims and promotes accountability;

- Provide the complainant and respondent the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;

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

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

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

**Complaints Made by Students**


**Complaints Made by Employees, Former Employees, Third Parties, and Applicants for Employment**

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

Complaints Made by Student Employees

Executive Order 1096 is the appropriate systemwide procedure for all complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, made by student-employees where the alleged Sex Discrimination, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking arose out of the person’s status as an employee and not their status as a student. Executive Order 1096 can be viewed at http://www.calstate.edu/EO/EO-1096-rev-6-23-15.pdf.

Disciplinary Procedure

The Title IX Coordinator (or designee) is responsible for investigating complaints of Gender Discrimination, Harassment and Retaliation, including Sex Discrimination and Sexual Harassment, as well as Complaints of Sexual Misconduct, Domestic and Dating Violence, and Stalking. (See Executive Orders 1095, 1096 and 1097). In accordance with Executive Orders 1096 and 1097, the Title IX Coordinator investigates those complaints, determines whether the accused violated the applicable Executive Order(s), and prepares a report that includes findings of facts and conclusions about whether the applicable Executive Order was violated. Unless the determination is appealed as provided in Executive Orders 1096 or 1097, it is final and binding in all subsequent proceedings.

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

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

- verbal reprimand
- written reprimand
- reduction in salary
- temporary or permanent demotion
- paid or unpaid administrative leave
- suspension
- denial or curtailment of emeritus status
• mandated education or training

• change in work location

• restrictions from all or portions of campus

• restrictions to scope of work

• dismissal

Unless the Chancellor’s Office notifies the campus that an appeal has been filed, investigative findings pursuant to Executive Orders 1096 or 1097 become final 11 working days after the date of the Notice of Investigation.

Outcome issued are pursuant to those Executive Orders. If an appeal is filed, the investigative findings do not become final until the appeal has been exhausted.

Appeal of Finding an Investigation Outcome

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

Student Conduct Proceedings

Where the investigative report finds a violation of Executive Order 1096 or 1097 and any appeal has been exhausted, the report is referred to the Student Conduct Administrator to initiate student conduct proceedings. The Student Conduct Administrator will offer to conduct pre-hearing conferences separately with the complainant and respondent to review information concerning the charges, interim remedies, proposed sanctions or range of sanctions, the nature of further proceedings, and possible disposition without hearing.

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

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

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

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

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

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

**President’s Sanction Decision/Notification**

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

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

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

1. RESTITUTION.

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

2. LOSS OF FINANCIAL AID.

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

3. EDUCATIONAL AND REMEDIAL SANCTIONS.

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

4. DENIAL OF ACCESS TO CAMPUS OR PERSONS.

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

5. DISCIPLINARY PROBATION.

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

6. SUSPENSION

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

   a. A student who is suspended for less than one academic year shall be placed on inactive student (or equivalent) status (subject to individual campus policies) and remains eligible to re-enroll at the University (subject to individual campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
b. A student who is suspended for one academic year or more shall be separated from student status but remains eligible to reapply to the University (subject to individual campus application policies) once the suspension has been served. Conditions for readmission may be specified.

c. Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the student’s transcript permanently without exception; this requirement shall not be waived in connection with a resolution agreement.

7. EXPULSION

Permanent separation of the student from student status from the California State University system. Expulsion, withdrawal in lieu of expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the student’s transcript permanently, without exception; this requirement shall not be waived in connection with a resolution agreement.2

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

OTHER CONSIDERATIONS RELATED TO SANCTIONS:

1. ADMINISTRATIVE HOLD AND WITHOLDING A DEGREE

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

2. RECORD OF DISCIPLINE

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

2 A student is not considered to be in good standing for purposes of admission to the University while under a sanction of suspension or expulsion, or while admission or re-admission has been disqualified.
3. **INTERIM SUSPENSION**

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

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

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

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

5. **ADMISSION OR READMISSION**

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

**Appeal of President’s Sanction**

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

Sanction appeals are limited to a determination as to whether the sanction is reasonable under the facts and circumstances as determined by the investigation and whether any prejudicial procedural errors occurred during the hearing. The Chancellor’s Office appeal review will not involve a new investigation and will not consider evidence that was not introduced during the investigation or hearing. The record will be limited to the record at the hearing.
The Chancellor’s Office shall issue a final appeal response no later than 10 working days after receipt of the written appeal.

Registered Sex Offenders

Convicted Sexual Offender Campus Registration Laws

Penal Code 290.01 requires certain sexual offenders to register with the CSU, Chico Police Department if they meet any of the following criteria: residing on the University campus, enrolled as a student of the University (either full or part-time), employed by the University (either full or part-time, with or without pay), or working or carrying on a vocation at the University (e.g. contractors and vendors) for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year (including paid workers as well as volunteers).

Persons listed above must register with the CSU, Chico Police Department within five working days of commencing enrollment or employment with the University. Registrants are also required to notify the CSU, Chico Police Department within five working days of ceasing to be enrolled or employed, or ceasing to carry on a vocation at the University.

Megan’s Law

Information on registered sex offenders including look-up by name, residence address, or zip code may be obtained on the California Department of Justice Megan’s law website at www.meganslaw.ca.gov

Emergency Notification

The CSU, Chico Emergency Preparedness Program includes important emergency information in the form of the University Emergency Response Guide. This document lists the steps individuals should take in response to a variety of emergency situations that have potential to occur on campus or affect the campus. This guide is reviewed annually and updated as needed. The University Emergency Response Guide was designed to serve as a guide for personal preparedness and response and can be located on the campus Emergency Preparedness web site at http://www.csuchico.edu/emergencyprep/index.shtml

The University also maintains an Emergency Operations Plan (EOP) which is designed to serve as a guide during an emergency, and to establish policies, procedures and an organizational hierarchy for response to emergencies occurring on campus.

If an emergency or unplanned event occurs that threatens the safety of persons or property, the CSU, Chico Police Department should be notified immediately. UPD will ensure the most rapid response of necessary resources. Police personnel will conduct or coordinate a rapid needs
assessment with other personnel and communicate the findings to the appropriate designated authority to evaluate the need to close all or a portion of campus.

It should be noted that some unplanned events or emergencies may dictate the need for CSU, Chico Police Department Officers to exercise their police powers to direct persons to evacuate buildings or areas directly affected by a criminal or non-criminal incident for safety and evidence preservation purposes.

When an unplanned event or emergency occurs, the UPD Watch Commander on duty will notify the following University officials as soon as possible:

- Police Lieutenant
- Chief of Police
- Campus Emergency Manager
- University President or designee

The decision to close the entire campus or any portion of the campus when an emergency or unplanned event occurs shall be made by the University President or his/her designee.

In most cases this decision will be made on the basis of information and recommendations received through consultation with the CSU, Chico Police Department and/or other emergency management personnel.

When campus closure is authorized and/or a campus emergency is declared, the Campus Emergency Manager in cooperation with the Chief of Police will implement campus closure procedures. Ultimately, the University President has the authority to issue the Proclamation of a Campus State of Emergency.

In the event of an emergency or dangerous situation occurring on the campus geography, the University will, without delay, issue an official emergency notification as quickly as the situation allows. Information concerning the emergency will be available to students, faculty, staff, and the local community through a variety of sources including some or all of the following:

- CSU, Chico Home Page
- Emergency Preparedness Page
- Email Communications
- Voice and Text Messaging (Via SendWordNow): Register at [http://www.csuchico.edu/alerts/](http://www.csuchico.edu/alerts/)
• Local Media

• Police Department's "Vehicle PA System"

• Social Media such as Twitter and Facebook

The University's Chief of Police, Police Lieutenant, Civilian Manager, Campus Emergency Manager and/or the University's Public Affairs Office are responsible for issuing Emergency Notifications and will do so unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. The decision to issue an Emergency Notification will be made after UPD Management, the Campus Emergency Manager, and/or staff from the Public Affairs Office have collected and discussed facts and are in agreement with content. Because of the intimate geography of Chico State, emergency notifications will be directed to all students, staff, and faculty using SendWordNow. Adequate follow up information will also be provided using the same system as dictated by changing circumstances.

Faculty, students, and staff are encouraged to become familiar with the University Emergency Response Guide which can be found on the campus Emergency Preparedness web site. The Response Guide contains important information related to campus Emergency Notification systems and methods, how the University will respond to emergency situations, emergency phone numbers, as well as specific information related to responding to a variety of emergencies, including but not limited to; building evacuations, medical emergencies, earthquakes, fires, chemical spills, power outages, severe weather, violent or criminal behavior, and bomb threats. It is important to have a plan and know what to do before, during, and after an emergency.

**Missing Students**

The CSU, Chico Police Department is committed to ensuring that students who are reported missing are located as quickly as possible.

Any time that a member of the University community believes (or receives a report) that a resident of an on-campus housing facility has been out of contact and cannot be reached, that person should immediately notify the CSU, Chico Police Department. CSU, Chico Police Department will initiate a missing person investigation, will notify local law enforcement agencies, and enter the missing student into the national law enforcement Missing and Unidentified Person System (MUPS) within 24 hours.

A student who resides in an on-campus student housing facility has the right to confidentially register the name and contact information of an individual whom he or she would like to have
contacted, within 24 hours, if it is determined that he or she is missing or his or her whereabouts are unknown. This information will be accessible only to authorized campus officials and may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

Parents and/or confidential contacts of on-campus housing students who are minors under the age of 18 and not emancipated, will be notified within 24 hours of the official determination that they are missing.

**Fire Safety Act**

The 2016 Fire Safety Report is available at the following link:

http://www.csuchico.edu/ehs/campus-fire-safety.shtml