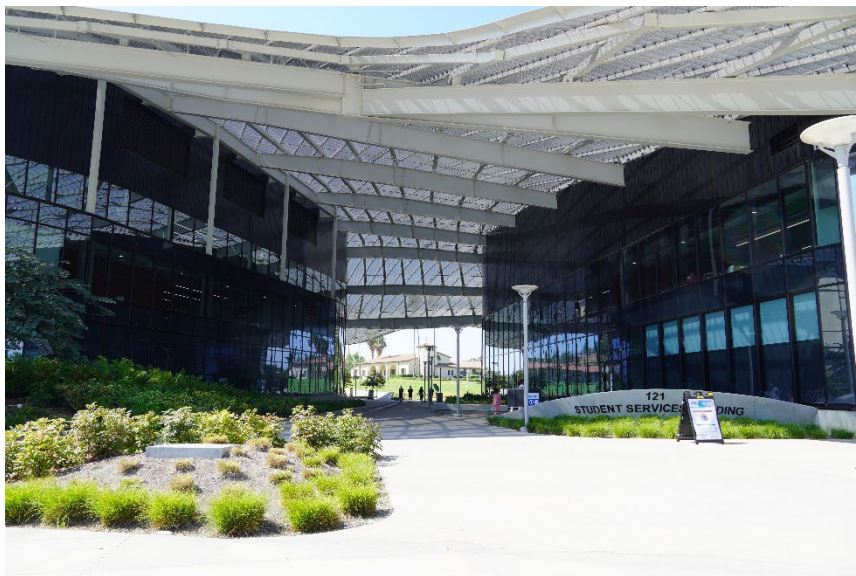




# CAL POLY POMONA



2022

## ANNUAL SECURITY REPORT

JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY POLICIES & CAMPUS CRIME STATISTICS ACT  
(20 U.S.C. § 1092(F))  
Clery Crime Statistics 2019-2021

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# CAL POLY POMONA

## ANNUAL SECURITY REPORT

### MESSAGE FROM THE PRESIDENT

Our university serves as the model for an inclusive polytechnic university. Guided by our core values of academic achievement, diversity, inclusion and community engagement, we cultivate student success and scholarly excellence through experiential learning, discovery and innovation. As we work to foster an environment that supports this mission, the safety and wellbeing of our campus community is our top priority.

Cal Poly Pomona publishes this Annual Security Report to keep the campus informed about our public safety procedures and policies, crime statistics and emergency management protocols. It also contains information about crime reporting, crime prevention, victim's rights and other important services. This document also meets the requirements stipulated under the federal Clery Act, which requires colleges and universities to report campus crime data, support survivors of violence, and publicize policies and procedures fostering campus safety. I invite all members of our community to review the report and to become familiar with the public safety resources available at Cal Poly Pomona.

Campus safety is a team effort. It is important that each of us look out for one another and be alert for potentially unsafe situations. Likewise, it is critical that all members of our campus community are engaged and informed about safety-related services, emergency preparedness and crime prevention.

Working together, we will continue to keep Cal Poly Pomona a great place to live, learn and work.

A handwritten signature in blue ink that reads "Soraya M. Coley". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Soraya M. Coley, Ph.D.  
President

## PREPARING THE ANNUAL SECURITY REPORT

The publication of the Annual Security Report (ASR) is part of a collaborative effort to promote safety and security at Cal Poly Pomona and to comply with the Jeanne Clery Disclosure of Campus Security Policies and Campus Crime Statistics Act (hereafter, the Clery Act or Clery). This report complies with state and federal crime awareness and campus security legislation, including the Clery Act, California Education Code section 67380, the Higher Education Opportunity Act (HEOA), and The Violence Against Women Reauthorization Act of 2013, including the Campus Sexual Violence Elimination Act (Campus SaVE). The ASR includes statistics for the previous three years concerning Clery reportable crimes, hate crimes, and violations of state and local drug, liquor, and weapons laws occurring within Clery defined geography where arrests or referrals for discipline were made. Clery geography includes: 1) on-campus, 2) campus residential, which is a sub-set of on-campus, 3) non-campus, which is defined as certain off-campus buildings or property owned or controlled by the University, and 4) public property within, or immediately adjacent to and accessible from the campus. The ASR includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual violence, and other matters. The ASR also meets HEOA campus safety requirements in hate crime reporting and missing student notification. Institutions that maintain on-campus housing facilities must collect fire statistics, publish an Annual Fire Safety Report, and keep a "fire log". Cal Poly Pomona's ASR and Annual Fire Safety Report are separate publications.

Cal Poly Pomona publishes the ASR using a format distributed by the CSU Director of Systemwide Clery and Campus Safety Compliance. The Clery Director or designee is responsible for the collection and compilation of crime statistics for Clery crimes, including hate crimes, by and through working relationships with Campus Security Authorities, University Police Department (UPD), and other campus stakeholders. UPD and/or the Clery Director or their designee conducts outreach to law enforcement agencies to request Clery crime statistics from the Clery geography that UPD does not patrol or provide a primary law enforcement response.

The campus Clery Director or designee is responsible for preparing the ASR working in collaboration with UPD, campus partners, and other law enforcement agencies. The Clery Director or designee and campus partners collect, classify, and reconcile crimes and violations of state and local drug, liquor, and weapons laws occurring within Clery geography where arrests or referrals for discipline of students or employees were made. The ASR includes criminal offense and arrest statistics of Clery reportable crimes made to UPD, other Campus Security Authorities (CSAs), and local law enforcement, and crime/disciplinary referral data from UPD and other CSAs, including (but not limited to) the Office of Equity and Compliance/Title IX, University Housing Services, Foundation Housing Services/Village, Student Conduct and Integrity, and Athletics. CSAs are defined as individuals with significant responsibility for students and/or campus activities. This ensures that statistics are captured for incidents in which the victim elected not to file a police report and/or no criminal charges or arrests were made.

CSAs must promptly report allegations of Clery crimes that occur within a Campus' Clery Geography that are reported to them. A report may be a written or verbal disclosure made by any person to the CSA, including information shared with the CSA by witnesses or other third parties. CSA reports must include the following, if known: the crime that was reported and the information provided, the exact location where the reported crime occurred, the date and time the reported crime occurred, any witness and perpetrator information, victim information, unless the victim requests confidentiality (employees may be required to share this information with other offices if they have responsibilities under other laws and policies including, but not limited to, Mandatory Reporting of Child Abuse and Neglect, and CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation). In the event the

victim does request confidentiality, enough information must be obtained and provided by the CSA about the criminal incident to prevent over-reporting or "double-counting" of the incident.

The Clery Director or designee, UPD, and conduct personnel, compile and cross-reference UPD crime reports maintained in the records management system, administrative cases, and disciplinary referrals documented in the Maxient database to avoid duplicate reporting. Campus partners provide data and/or program and other information from their area of responsibility for inclusion in the ASR.

The Clery Director or designee requests crime statistics from the City of Pomona Police Department, Los Angeles County Sheriff's Department, and other law enforcement agencies for public property adjacent to the campus geography and non-campus locations. Crime statistics for properties leased by student organizations and off-campus incidents associated with a University-related activity are reported in the non-campus category. UPD conducts outreach and establishes collaborative relationships with local and state law enforcement agencies to encourage statistical Clery reporting by those agencies serving public property and non-campus locations where UPD does not patrol/provide a primary law enforcement response. Crimes are recorded in the calendar year in which the crime was reported.

By October 1 of each year, all enrolled students and employees receive an email notification, which includes a summary of the ASR content, availability, direct web link to access, and how to request a print copy. Prospective students and employees receive information regarding the report and availability from Admissions and Human Resources, respectively. Cal Poly Pomona annually submits statistical data to the U.S. Department of Education, which publishes crime data for colleges and universities on their [Campus Safety and Security web site](#).

### Compiling Crime Statistics

The following definitions used for reporting Clery crimes are derived from the Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) Program and Department of Regulations:

- The definitions for Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Weapons: Carrying, Possessing, Etc., Law Violations, Drug Abuse Violations, and Liquor Law Violations are from the FBI's UCR Summary Reporting System (SRS) User Manual.
- The definitions for Fondling, Incest, and Statutory Rape are excerpted from the FBI's UCR National Incident-Based, Reporting System (NIBRS) User Manual.
- The definitions for Larceny-Theft (except Motor Vehicle Theft), Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are from the FBI's UCR Hate Crime Data Collection Guidelines and Training Manual.
- The definitions for Dating Violence, Domestic Violence, And Stalking are from the Department of Education's *Clery Act* implementing regulations at 34 C.F.R. §668.46.

The statistics provide an overall picture of crime at Cal Poly Pomona from January 1 to December 31 for 2018, 2019, and 2020. Clery Act crime statistics are classified and counted pursuant to the guidelines specified in the U.S. Department of Education, Office of Postsecondary Education, and *The Handbook of Campus Safety and Security Reporting, 2016 Edition*, Washington, D.C., 2016 ("Clery Handbook") and separated by the following geographical areas:

- On campus;
- On-campus residential housing facilities;
- On public property (within and immediately adjacent to the institution);

- In or on non-campus property (either owned or controlled by the institution in direct support of or related to its education purposes; or a building or property owned or controlled by an officially recognized student organization not reasonably contiguous to the main campus).

### Counting Hierarchy

When multiple offenses occur in a single incident, Cal Poly Pomona uses the FBI's UCR Hierarchy Rule. Under this rule, when more than one Criminal Offense is committed during a single incident, only the most serious offense is counted. A single incident means the offenses were committed at the same time and place. Beginning with the most serious offense, the following list shows the hierarchy for Clery Act reporting:

- Murder and Non-Negligent Manslaughter
- Manslaughter by Negligence
- Sexual Assault
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft

There are exceptions to using the Hierarchy Rule when counting Arson, Sexual Assaults, Hate Crimes, and VAWA Offenses. Under the following exceptions:

1. Always count Arson regardless of the nature of any other offenses committed during the same incident.
2. When multiple offenses are committed during the same distinct operations as the Arson offense, report the most serious offense along with the Arson.
3. Include incidents in which persons are killed as a direct result of the Arson as Murder and Non-Negligent Manslaughter and Arson or Manslaughter by Negligence Arson.
4. Fondling is recognized as an element of Sexual Assault. Include a Sexual Assault as Fondling only if it is the only Sexual Assault. If Fondling occurs in the same incident as Murder, count both the Fondling and the Murder.
5. Count both the Sexual Assault and the Murder if Rape, Fondling, Incest or Statutory Rape occurs in the same incident as Murder.

The Hierarchy Rule does not apply to Hate Crimes; all of the offenses committed in a multiple offense incident that are bias motivated are counted. For any Criminal Offense that is also a Hate Crime, statistics will indicate the offense and also the category of bias. See crime statistics chart for bias categories. The Hierarchy Rule does not apply to Violence Against Women Act (VAWA) Offenses, which include Dating Violence, Domestic Violence, and Stalking. Therefore, for any Criminal Offense, Hate Crime, or arrest for Weapons, Drug, or Liquor Law Violations that is also a VAWA Offense, statistics reflect the original offense and the VAWA Offense.

### Unfounded Crimes

In accordance with 34 C.F.R. § 668.46, Cal Poly Pomona may only exclude a reported crime from an upcoming ASR or remove a reported crime from its previously reported statistics after a full investigation. Only sworn or commissioned law enforcement personnel can make a formal determination that the report was false or baseless when made and the crime report was therefore unfounded.

Crime reports can be properly determined to be false only if the evidence from the complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. Crime reports can only be determined to be baseless if the allegations reported did not meet the elements of the offense or are determined to be improperly classified. The unfounded crime will be included in the total count of unfounded crimes for the year in which the crime was originally reported.



# CLERY CRIME STATISTICS 2019 TO 2021

## **MURDER/NONNEGLIGENT MANSLAUGHTER**

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

## **NEGLIGENT MANSLAUGHTER**

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

## **RAPE**

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	4	5	0	0
2020	4	4	0	0
2021	14*	15*	1	0

*\*(7) incidents in this Clery category are associated with the same perpetrator and victim, within the context of an ongoing sexually abusive intimate relationship between the parties. Per Clery reporting guidelines, these incidents are also reported under the Clery offense category Domestic Violence.*

## **FONDLING**

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	3	5	0	0
2020	2	2	0	0
2021	4	5	0	0

## **INCEST**

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

## **STATUTORY RAPE**

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	0	0	0	0

### **ROBBERY**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	0	0	0	0
<b>2020</b>	0	0	0	0
<b>2021</b>	0	1	0	1

### **AGGRAVATED ASSAULT**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	1	2	0	0
<b>2020</b>	0	0	0	0
<b>2021</b>	0	1	0	0

### **BURGLARY**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	9	24	0	0
<b>2020</b>	4	13	1	0
<b>2021</b>	2	5	0	0

### **MOTOR VEHICLE THEFT**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	0	7	1	0
<b>2020</b>	0	5	0	0
<b>2021</b>	0	7	1	0

### **ARSON**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	0	0	0	0
<b>2020</b>	0	0	0	0
<b>2021</b>	0	0	0	0

### **DOMESTIC VIOLENCE**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	3	4	0	0
<b>2020</b>	0	1	0	0
<b>2021</b>	7*	10*	0	0

*\*(7) incidents in this Clery category are associated with the same perpetrator and victim, within the context of an ongoing sexually abusive intimate relationship between the parties. Per Clery reporting guidelines, these incidents are also reported under the Clery offense category Rape.*

### **DATING VIOLENCE\***

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	3	4	0	0
<b>2020</b>	0	0	0	0
<b>2021</b>	-	-	-	-

*\* California family code includes "(c) A person with whom the respondent is having or has had a dating or engagement relationship." within its definition of domestic violence. Therefore, Cal Poly Pomona is reporting all incidents of violence between persons in a social relationship of a romantic or intimate nature under the Clery category of Domestic Violence, rather than differentiating Dating Violence and Domestic Violence.*

### **STALKING**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	0	9	0	0
<b>2020</b>	0	1	0	0
<b>2021</b>	0	3	0	0

### **ARRESTS FOR WEAPONS LAW VIOLATIONS**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	0	3	0	0
<b>2020</b>	0	1	0	0
<b>2021</b>	0	1	0	0

### **ARRESTS FOR DRUG LAW VIOLATIONS**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	0	9	0	4
<b>2020</b>	0	8	0	1
<b>2021</b>	0	4	0	1

### **ARRESTS FOR LIQUOR LAW VIOLATIONS**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	0	0	0	0
<b>2020</b>	0	1	0	0
<b>2021</b>	0	0	0	0

### **REFERRALS TO DISCIPLINARY ACTION FOR WEAPONS LAW VIOLATIONS**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	1	1	0	0
<b>2020</b>	0	0	0	0
<b>2021</b>	0	0	0	0

### **REFERRALS TO DISCIPLINARY ACTION FOR DRUG LAW VIOLATIONS**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	25	31	0	0
<b>2020</b>	5	5	0	0
<b>2021</b>	11	11	0	0

### **REFERRALS TO DISCIPLINARY ACTION FOR LIQUOR LAW VIOLATIONS**

<b>Year</b>	<b>Campus Residential</b>	<b>Campus Total</b>	<b>Noncampus</b>	<b>Public Property</b>
<b>2019</b>	38	39	0	0
<b>2020</b>	35	36	0	0
<b>2021</b>	25	25	0	0

### **Unfounded Crimes**

[2019] – There were no unfounded crimes.

[2020] – There were no unfounded crimes.

[2021] – There were no unfounded crimes.

## Hate Crimes

[2019] – There were no reported hate crimes.

[2020] – There were no reported hate crimes.

[2021] – There were no reported hate crimes.

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

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

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

## PROCEDURES FOR STUDENTS & OTHERS TO REPORT CRIMINAL ACTIVITIES & EMERGENCIES ON CAMPUS

The University has policies and procedures regarding the reporting of criminal activities and emergencies. Although there is no single institutional policy, students, staff, faculty, and guests are strongly encouraged to accurately and promptly report all crimes, emergencies, and public safety related incidents on campus to UPD or appropriate police agencies if the incident occurred in an off-campus location.

Cal Poly Pomona encourages accurate and prompt reporting of crime. All members of the campus community are encouraged to promptly contact UPD and/or other appropriate police agencies when they have been the victim of, or have witnessed criminal actions, including when the victim of crime elects to or is unable to make such a report.

Crimes should be reported to UPD for purposes of providing the victim/survivor with resources and support and assessing the crime for potential timely warning notice distribution and disclosure in the ASR. Crime reporting is critical as it may prevent future crimes, protect the community, and increase the likelihood of apprehension and adjudication of perpetrators.

### **Report crimes and fire, medical, and other emergencies immediately to UPD.**

University Police Department (UPD)	Bldg. 109, Cypress & Oak Ln. East side of Parking Structure 1	<b>Dial 9-1-1</b> From campus landline/Code Blue emergency phones If using a cell phone: (909) 869-3070
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Cell Phone Use: Emergency 9-1-1 calls made on campus from a cell phone are routed to the California Highway Patrol. Please program the UPD business line (909) 869-3070 into your cell phone to reduce emergency response time and provide one-touch dialing in any emergency.

Although UPD strives to maintain a safe and sensitive environment for victims to report crimes, other campus personnel are available to assist persons who may not wish to contact the police. For this reason, sexual violence

– sexual assault, dating violence, domestic violence, and stalking - may also be reported to the campus Title IX Coordinator.

**Additional Option for Reporting Sexual Violence**

Title IX Coordinator	Dawnita Franklin Student Services Building (121-2701) – 2 <sup>nd</sup> Fl., West side	(909) 869-4646 Mon-Fri, 8:00 a.m.-5:00 p.m. <a href="mailto:dfranklin@cpp.edu">dfranklin@cpp.edu</a> <i>After hours contacts provided in recorded message</i>
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**Response to Reported Crimes**

A professional police dispatcher and sworn police officers are on-duty 24 hours a day, year-round, to answer your call and provide assistance. In response to a call, UPD or the Title IX Coordinator will take the required action. UPD will dispatch an officer while Title IX will encourage the reporting party to go to UPD to file a police report if they elect to do so. A police report will be taken and investigators will investigate a report when warranted. For incidents of sexual violence, dating violence, domestic violence or stalking, a Title IX report will be taken whether or not the reporting party elects to file a police report.

If an incident of sexual violence, dating violence, domestic violence, or stalking is reported, police officers or the Title IX Coordinator will offer the complainant written information regarding, rights, options, advocacy and support services, and resources. Cal Poly Pomona has a certified survivor advocate and crisis and support services available to assist 24 hours a day. Use of these services does not require a police report and the survivor advocate can maintain confidentiality if desired.

UPD may forward crime or incident information to the [Office of Student Conduct and Integrity](#) (SCI) should the incident potentially involve a violation of the [Student Conduct Code](#). For incidents involving faculty and staff, Academic Personnel or Employee and Organizational Development and Advancement (EODA)/HR Operations may be informed. Additional information obtained via the investigation may be forwarded to the appropriate office. UPD will contact the appropriate unit if assistance is required from another agency, such as local law enforcement, the Los Angeles County Fire Department, or the Deputy State Fire Marshal assigned to the University.

**UPD Anonymous Tip Line**

To report anonymous crime or incident information to UPD, contact the Anonymous Tip Line at (909) 869-3399. When leaving a message, please provide the time, date, and as much specific information regarding the incident as possible. UPD personnel check messages regularly and refer to appropriate personnel for follow-up. For crimes in progress or emergencies, please contact UPD immediately. Dial 9-1-1 from campus landlines or Code Blue phones or (909) 869-3070 if using a cell phone on campus.

**Hate Motivated Crimes and Incidents**

Students or employees experiencing or receiving a report of a hate crime or bias-motivated incident are urged to report it to UPD immediately.

For additional support and resources, you may contact the campus offices listed below.

Office of Equity and Compliance (OEC)/Title IX	(909) 869-4646
Human Resource Services	(909) 869-3729

## Community Hate Crime Resources

California Attorney General's Office - Victim's Services Unit	(877) 433-9069
Email	<a href="mailto:VictimServices@doj.ca.gov">VictimServices@doj.ca.gov</a>
Website	<a href="https://www.oag.ca.gov/victimservices">https://www.oag.ca.gov/victimservices</a>
L.A. County Commission on Human Relations	(213) 738-2788
Website	<a href="https://hrc.lacounty.gov/">https://hrc.lacounty.gov/</a>

Prevention Resource: [Hate Crimes Brochure - What You Need to Know to Protect Yourself and Others](#)

## VOLUNTARY AND CONFIDENTIAL REPORTING

At the time of this publication, the University does not have a formal policy and procedure for a person to make a voluntary, confidential report of a crime for purposes of inclusion in the ASR. The University does, however, have voluntary, confidential and anonymous reporting options in place for persons to report crimes for purposes of inclusion in the ASR via UPD. The University supports the practice of its professional counselors informing their clients about any and all voluntary reporting options available to them. Every attempt is made to encourage reporting where the information is otherwise privileged.

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

## CRIME OF VIOLENCE DISCLOSURES

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

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

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

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

## TIMELY WARNING POLICY

This policy describes the procedures that will be used to provide members of the community with information to aid in preventing them from becoming victims of crimes posing a serious or ongoing threat to the Campus

communities. It is intended to provide faculty, staff, and students with timely information about Clery reportable crimes occurring within the defined Clery Geography of their Campuses, and to comply with the Timely Warning requirements of the Jeanne Clery Act.

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

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

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

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

- The timing of the report: shortly after the occurrence of the crime vs. days or weeks after the occurrence of the crime, i.e., a "cold report"
- Physical injury to the victim
- Use of weapons
- Forced entry used and/or tools used in commission of the crime
- A suspect arrested or incapacitated by injury
- A suspect that is identified or otherwise can be located by law enforcement
- A suspect that is out of the area
- A victim who fears for their safety from the suspect
- A clear modus operandi and/or pre-planning indicated
- Multiple suspect(s) involved
- A pattern of similar crimes established

- The possible risk of compromising law enforcement efforts, such as to gather evidence and/or apprehend suspect(s), if a warning was issued

### **Additional Considerations**

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

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

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

### **Contents of a Timely Warning**

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

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

The Timely Warning shall not include, under any circumstances, the name of the victim, or information so specific (i.e., specific address or dorm room number or floor) that would or likely could identify the victim of the crimes of Sexual Violence, Rape, Dating Violence, Domestic Violence, or Stalking. Timely Warning Bulletins should use gender-inclusive and culturally appropriate language and avoid victim blaming and bias language.

### **Methods of Distribution**

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



1. All employee and student email distribution
2. University website
3. Public area video display monitors
4. Hard copies posted on Campus building entrance doors
5. Press Release

Cal Poly Pomona uses the following additional distribution methods for timely warnings:

- University Police Department website

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

## EMERGENCY NOTIFICATION POLICY

This policy describes the procedures that will be used to immediately notify the Campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees occurring on the Campus, as required by the Clery Act.

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

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

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

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

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

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

### **Contents of the Emergency Notification**

The emergency notification shall contain the following information:

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

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

### **Methods of Distribution**

Emergency Notifications will be distributed as quickly as possible in a manner that will likely reach the segment(s) of the on-campus community threatened by the emergency. Segmentation will be considered by the Chief of Police (or management designee) by evaluating which persons are likely to be at risk based on the circumstances at the time and notifying those persons. Segmentation should not be considered if making this determination would delay issuing the emergency notification. The Chief will determine if notification to the larger community is appropriate. Distribution methods, including distribution to the larger community, vary from Campus to Campus and depending on the nature of the emergency, may include:

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

## Testing and Evacuation System

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

The Campus Emergency Manager is responsible for scheduling drills and appropriate follow-through activities. These activities are designed to assess and evaluate emergency plans, readiness, and capabilities. The Emergency Manager works in collaboration with Student Residential Housing staff and other campus partners to conduct evacuation drills to meet legal requirements, as well as training for targeted audiences.

## Testing/Safety Alert System Procedures

The Safety Alert System is an emergency messaging system that can send alerts to phones, email addresses, and text/SMS and TTY/TDD devices. The Safety Alert System also sends desktop alerts to campus-owned computers through Alertus Desktop Notifications. The Safety Alert System will be used only for emergency communication purposes and never for routine communications.

The University tests the Safety Alert System once per semester each academic year, including a fall test in conjunction with the [Great Shakeout](#).

All faculty, staff, and students are automatically enrolled to receive emergency messages. The Safety Alert System uses contact information from the BroncoDirect database. It is University policy that we have a current main phone number for every faculty, staff, and student. Email is the official communication method for the University. Updates can be made by visiting [BroncoDirect](#).

Log into [BroncoDirect](#) and update your personal data. The University will refresh contact information for the Safety Alert System regularly. BroncoDirect can be used for employees at the University, Foundation, and ASI.

You may opt out of receiving cell and text messages by eliminating that number in BroncoDirect. However, we strongly advise against that. It is important that we have every option available to reach you in a time of crisis. You cannot opt out of a primary phone number or your email.

Students and employees who need further information on how to add contact information to be included for emergency notification or to remove information and “opt out” of notifications should visit <https://www.cpp.edu/em/emergency-communication/safety-alert-system.shtml> or call Strategic Communications at (909) 869-3342 for assistance.

## SECURITY OF AND ACCESS TO CAMPUS FACILITIES, AND SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF CAMPUS FACILITIES

Per the [University Key Issuance and Control Policy](#), as a state-supported institution, Cal Poly Pomona is committed to ensuring access to its buildings and facilities to promote the smooth operation and educational

mission of the University while maintaining the security of its buildings and facilities and their contents and other University property and records, and to protect the safety of all members of the University community.

The Vice President for Administrative Affairs has overall responsibility for campus buildings and facilities. UPD has primary responsibility for the safety of persons and the security of University buildings and property. The Facilities Planning and Management Department has responsibility for the maintenance of locks, lock hardware, issuing of keys, record-keeping, coding and storing of keys, and similar devices.

The designated Approving Authority per the Key Issuance and Control Policy has the responsibility to ensure that keys are issued to individual users in accordance with the Key Issuance and Control Policy. The person to whom a key(s) is issued is responsible to use the key(s), provide notice of a lost key(s), return the key(s) and otherwise comply with the requirements of the Policy and written procedures.

The [Use of University Buildings, Facilities, or Grounds-Presidential Order](#) provides additional guidance concerning authorized access and use of campus buildings, facilities, and property. This Presidential Order concerns the use of University buildings and grounds for purposes of commercial transactions and solicitation, non-commercial transactions and solicitation, freedom of expression activities, amplified sound, and posting or chalking, including the distribution of handbills and circulars at Cal Poly Pomona. It applies to students, student organizations, campus affiliated organizations, faculty, staff, and other off campus groups or persons while on campus grounds, including commercial vendors or solicitors.

#### Campus Facilities - Academic and Administrative Buildings

Cal Poly Pomona is an open campus. Most campus buildings are accessible to students, employees, guests and visitors at a minimum during normal business hours, Monday through Friday, and for limited designated hours during special events. Some buildings are open on a 24-hour basis. Many campus buildings have security access control and alarm systems that are operational during and/or after normal business hours. These buildings have various access levels and authorization requirements depending on security and access permissions and operational needs.

UPD officers patrol campus buildings on a regular basis. Police dispatchers monitor designated alarms and respond to certain designated priority alarm activations 24 hours a day, 7 days a week.

Identification and sign-in registration for campus buildings are generally not required. Some departments require prior approval for students requiring after-hours access. Students in these facilities after hours are required to carry documentation of authorization and photo identification. Staff and faculty working after hours should carry employee identification. Anyone working after business hours in alarmed facilities should notify UPD at (909) 869-3070. For questions or for more information, contact the building Dean's office or department head, or contact UPD at (909) 869-3070.

#### Alarm and Access Control

The Division of Information Technology (IT) is responsible for the management of campus alarm and access systems. UPD retains responsibility for response to alarm activations. IT and UPD should be jointly involved in all new alarm and access installations to determine the best security controls for the given environment, as well as to ensure compatibility with campus systems.

You may find procedures for door access requests, installation guidance, or repair requests online at:

<http://www.cpp.edu/~police/alarm-and-access-control.shtml>

## Security Of and Access to Campus Student Residence Halls

University Housing Services policies restrict access to University Housing facilities to residents, their approved and escorted guests, and other approved members of the campus community. Residents gain entry by utilizing a key or their access card via an access control system. On-campus Student Housing facilities have varied security systems. The Traditional Residence Halls (dorms) are primarily key access, with the exception of some interior secured areas (e.g., front desk, Residence Hall Coordinators office). Phase 1 of the Residential Suites utilizes a card access system on all front lobby doors with key entry at entry to suites and interior bedrooms. Phase 2 Residential Suites employ card access at the front lobby doors and entry to suites, with key access at interior bedroom doors. The Residential Halls are all card access and are part of the one-card system. Foundation Housing Services, Inc. (Village) apartments employ a key entry system in all complex common areas, apartment front doors, and interior bedrooms.

Per the University Housing License Agreement, residents shall not allow visitors or guests to enter University Housing facilities except as permitted per the policies, regulations, and community guidelines. Providing access to buildings to those other than residents or staff who have a key or card, or attended guests, by any means is prohibited. Guests must be escorted at all times, including when they are in the resident's room. Overnight guests must be registered with University Housing Services.

All University Housing Services buildings/residences are locked 24 hours per day. Call phones are located outside the main front entrance of each residence hall and suites to reach a Resident Advisor On Duty or front desk. A professional staff Area Coordinator is on-duty 24 hours a day should there be an immediate security or other safety concern.

University Housing security is monitored by University Housing Services professional staff and student on-duty Residence Life personnel. UPD Student-Assistants provide additional security presence and patrol during designated nighttime hours primarily in exterior areas. They may also conduct interior rounds in coordination with Residence Life student staff. University Housing and Foundation Housing Services, Inc. (Village) exterior areas are patrolled by police officers on a regular basis. University Housing Services and Foundation Housing Services, Inc. (Village) also enforce security measures to enhance safety and work with residents to maintain a positive residential community respectful of individual and group rights.

The University employs video cameras in some areas of the campus, including some student residence facilities. Although, video is not monitored in real time, video surveillance footage is an effective tool as a crime deterrent and is utilized, when possible, to aid in police investigations.

## Security Considerations for the Maintenance of Campus Facilities

The University makes every effort to design and maintain campus facilities and grounds to promote safety, prevent crime, and minimize hazardous conditions. Particular attention is given to crime prevention in the maintenance of facilities, landscaping, and exterior lighting. Facilities Management maintains the University buildings and grounds. Campus facilities are inspected on a regular basis and repairs that affect safety and security are made promptly. Campus groundskeepers are mindful of security and safety concerns, keeping vegetation controlled around lighting facilities and along campus walkways and roadways on a regular schedule. Strategies and concepts of crime prevention through environmental design are considered in the design and construction of new facilities. UPD police officer and auxiliary employees regularly patrol the campus and report malfunctioning lights and other unsafe physical conditions to Facilities Management for correction.

Members of the campus community are encouraged to report safety-related facilities issues promptly to UPD at (909) 869-3070 or [police@cpp.edu](mailto:police@cpp.edu) for immediate attention or to Facilities Management at (909) 869-3030.

Access to Campus Facilities for Events

All special events on campus must have prior authorization. Some special events require UPD approval and may require police, security, or parking staffing based on a risk management assessment (e.g., alcohol service, number of attendees, security concerns, parking, and traffic impacts).

Special Events Contact Information

Department	Event Venue	Contact	Website
License of Facilities	Campus-wide	(909) 979-4446 or <a href="mailto:lof@cpp.edu">lof@cpp.edu</a>	<a href="http://www.cpp.edu/~licensingofspace/index.shtml">http://www.cpp.edu/~licensingofspace/index.shtml</a>
Student Engagement, Leadership and Success (SELS)	Outdoor & Indoor Spaces, Vendors	(909) 869-2841	<a href="http://www.cpp.edu/~sel">Student Engagement, Leadership and Success (cpp.edu)</a>
Associated Students, Inc. (ASI)	Bronco Student Center	(909) 869-2847	<a href="https://asi.cpp.edu/bronco-student-center/reserve-a-room/">https://asi.cpp.edu/bronco-student-center/reserve-a-room/</a>
Associated Students, Inc. (ASI)	Bronco Recreation & Intramural Complex (BRIC)	On-line request form	<a href="https://asi.cpp.edu/campusrec/facilities/reservations/reservations-and-rentals/">https://asi.cpp.edu/campusrec/facilities/reservations/reservations-and-rentals/</a>
Cal Poly Pomona Foundation, Inc.	Kellogg West	(909) 869-2222	<a href="http://www.kelloggwest.org/events.aspx">http://www.kelloggwest.org/events.aspx</a>
Cal Poly Pomona Foundation, Inc.	Kellogg House Pomona	(909) 869-3004 <a href="mailto:khpevents@cpp.edu">khpevents@cpp.edu</a>	<a href="http://www.kellogghousepomona.com/">http://www.kellogghousepomona.com/</a>
University Police Department (UPD)	Campus wide	(909) 869-4631 <a href="mailto:myyu@cpp.edu">myyu@cpp.edu</a>	<a href="http://www.cpp.edu/~police/services/index.shtml">http://www.cpp.edu/~police/services/index.shtml</a>

**SYSTEMWIDE LAW ENFORCEMENT POLICY, LAW ENFORCEMENT AUTHORITY**

Persons employed and compensated as members of a California State University police department, when so appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their powers or authority<sup>1</sup> except (a) at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University, or by trustees or the state on behalf of the California State University, and (b) as provided in Section 830.2 of the Penal Code.

The arrest authority outside the jurisdiction of the CSU Police Department includes (Penal Code § 830.2(c); Penal Code § 836):

- When the officer has probable cause to believe the person committed a felony.
- When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
- When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence

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<sup>1</sup> Including the authority to make arrests

offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

- When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- In compliance with an arrest warrant.

On duty arrests will not generally be made outside the jurisdiction of this department except in cases of hot or fresh pursuit, while following up on crimes committed within the State, or while assisting another agency.

On duty officers who discover criminal activity outside the jurisdiction of the State should when circumstances permit, consider contacting the agency having primary jurisdiction before attempting an arrest.

Cal Poly Pomona encourages accurate and prompt reporting of crime. All members of the campus community are encouraged to promptly contact the UPD and/or other appropriate police agencies when they have been the victim of, or have witnessed criminal actions, including when the victim of crime elects to or is unable to make such a report.

#### Administrative Agreement (MOU) and Mutual Aid

An Administrative Agreement (MOU) between the Cal Poly Pomona UPD, City of Pomona Police Department, and Los Angeles Sheriff's Department, titled the Law Enforcement Jurisdiction and Criminal Investigations at the University, defines and details operational authority pursuant to the Kristin Smart Campus Safety Act of 1998, Education Code SB 1729. Refer to the Kristin Smart Act in its entirety in the Education Code § 67381 for details. This agreement designates which law enforcement agency has operational responsibility for the investigation of alleged violent crimes (Part 1 crimes) and defines the specific geographical boundaries of each agency's operational responsibility.

UPD has mutual aid agreements and cooperates fully with local and state law enforcement agencies, including the City of Pomona Police Department, the Los Angeles County Sheriff and Fire Departments, and the California Highway Patrol. Crimes committed in other jurisdictions are generally reported to the police agency where the offenses occurred, although UPD may assist in the investigation of such crimes if warranted. UPD investigators meet with area law enforcement representatives to share information regarding criminal activity, law enforcement intelligence, and trends. UPD also collaborates with the California State University, and other campus law enforcement, public safety, and security offices to enhance investigations and crime prevention activities.

## SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

Cal Poly Pomona offers security awareness programs designed to: 1) inform the campus community about University security policies, procedures, and practices, and 2) encourage students and employees to take responsibility for their own security and the security of others, when possible. Collectively, these programs support the University's priority to maintain a safe environment in support of the academic mission of the University and to ensure the safety and well-being of campus community members and visitors. Many departments, both independently and collaboratively, provide a wide range of programs, workshops, training, and presentations toward this end. The frequency of these programs is dependent on the program type and audience, and may be annually, bi-annually, ongoing (e.g., for new employees), and/or by request.

While providing these programs are functional services of UPD, security awareness and crime prevention programs are also conducted by the Office of Equity and Compliance (OEC/Title IX), Student Health Services,

Counseling and Psychological Services (CAPS), Survivor Advocacy Services (SAS), the Wellness Center, University Housing Services (UHS), Foundation Housing Services, Inc. (the Village), Orientation Services, Risk Management, Emergency Management, and Environmental Health and Safety. Collectively, UPD and partners provide a comprehensive program via ongoing orientations, workshops, presentations, events, campaigns, and trainings in a range of settings. Below is additional information regarding these departments and the programs offered.

#### Orientation – New Student, Transfer Student and Parent Health & Safety Panel and New Faculty Orientation

A panel with representatives from UPD, Student Health Services, Counseling and Psychological Services (CAPS), the Office of Equity and Compliance, and Student Conduct & Integrity provide Health and Safety training at all new and transfer student Orientations and parent orientations on an annual basis. The training purpose is to increase education and awareness regarding a range of health, safety and security concerns, communicate laws and campus policies, and provides information to aid students in keeping themselves, others, and our community safe. UPD also provides annual training at all new faculty orientations.

#### University Housing/Village Residence Life Staff and Students Training and Programs

UPD and professional staff collaborate with University Housing and Foundation Housing at the Village to provide safety and security education and awareness programs for professional staff, student resident advisors/community advisors and student residents.

UPD, the Office of Emergency Management and Business Continuity, and Housing professional staff conduct annual staff training for Residence Life professional staff and all Resident and Community Advisors. Ongoing training and educational programs are provided to students and staff upon request by UPD, Wellness Center health educators, and other campus partners. These programs focus on security policies, evacuation procedures, emergency response, legal and safe alcohol use, and other relevant topics.

As circumstances warrant, programs may be provided to address specific incidents, security issues, or crime trends that may affect various campus constituencies either by request or when warranted.

University Housing Services annually publishes and distributes safety information to all residents. UPD and University Housing partner to provide both active and passive ongoing safety related programs. Programs and active and passive campaigns include such topics as Safe Party, DUI risks and consequences, sexual assault prevention and resources, theft prevention, community safety, and interactive alcohol awareness activities (e.g., beer simulation goggles).

#### Associated Students, Inc. – Bronco Student Center (BSC), Bronco Recreation & Intramural Complex (BRIC)

All BSC and BRIC full-time and student staff receive annual training on building safety and security, emergency preparedness, and evacuation procedures to ensure the safest possible facilities and effective emergency response. Safety and security topics and any current issues or concerns are addressed during staff meetings.

#### Emergency Preparedness and Safety Training

The Office of Emergency Management and Business Continuity (a unit within UPD) and UPD conduct ongoing trainings on preparation, response and recovery to critical incidents and potential threats. Training topics include (but are not limited to) the following: major disasters or explosions, earthquakes, fire safety, evacuation, evacuation tips, evacuation for persons with disabilities, disaster preparedness, shelter in place, response to potential threats, bomb threats, suspicious persons, suspicious packages, and armed intruders. These trainings improve both individual and collective readiness and response to a range of emergencies and critical incidents. Trainings are available throughout the year by request. Contact Emergency Management and Business Continuity at (909) 869-4022 or by email at [em@cpp.edu](mailto:em@cpp.edu) or UPD at (909) 869-3068 or [police@cpp.edu](mailto:police@cpp.edu) to request a training.



### Safety and Security Consultations

UPD staff conduct office and building security and safety consultations by request. Consultations may include physical space assessments and recommendations, identifying options for emergency egress, and security needs. Departments are strongly encouraged to consult with UPD and Information Technology if installing alarm or access systems or implementing new security protocols.

### First Aid/CPR/AED Training

ASI, Inc. offers American Red Cross First Aid/CPR certification. Typically, 3-4 courses are offered per academic year for certification and training in American Heart Association Heartsaver CPR AED - Adult, Child, and Infant.

### Environmental Health and Safety Employee Safety and Security Training

Environmental Health and Safety (EH&S) is responsible for planning, implementing, and administering the University Environmental Health and Safety Program and for providing technical consultation, training, and inspection to ultimately ensure compliance with established laws. Compliance with these laws fosters a safe place to work, study, and/or visit for faculty, staff, students, and visitors while supporting innovation and creativity within academic programs.

In addition to consultation, EH&S provides a variety of safety and security awareness trainings for employees, both on-line and in person on an ongoing basis, and by request. Safety training and refresher trainings are provided based on regulatory requirements and/or industry best practices based on employee work assignments. For more information, contact EH&S at (909) 869-4697 or email [EHS@cpp.edu](mailto:EHS@cpp.edu).

## **CRIME PREVENTION PROGRAMS**

Crime prevention is a key component in maintaining a safe campus. University crime prevention programs aim to engage campus community members, individually and as a collective, to take personal responsibility for their own safety and security, and the safety and security of others. While crime prevention is a functional service of the UPD Department (UPD), an effective crime prevention program relies upon the active participation of, and collaborative partnerships between UPD, stakeholders across departments and divisions, and campus community members. We all have responsibility for, and play an important role in, creating and maintaining a safe campus.

UPD, the Office of Equity and Compliance (OEC), Survivor Advocacy Services (SAS), Student Health and Wellness Services, and Counseling and Psychological Services (CAPS), Office of Student Life and Cultural Centers, University and Foundation Housing, and other departments provide a range of crime prevention education and awareness programs for students, staff, and faculty.

Crime prevention topics include (but are not limited to): Sexual violence (sexual assault, dating violence, domestic violence, stalking), bystander intervention, Safe Party, alcohol and other drugs, alcohol and drug recognition for residence life staff, legal and safe alcohol use with simulated beer goggles, emergency preparedness, self-defense, workplace violence, sexual harassment, identity theft, office safety and security, theft prevention, personal safety, dealing with difficult people, dealing with people in crisis, and mental health First Aid.

Members of UPD also conduct safety and security awareness and crime prevention presentations for campus departments and student organizations upon request. During these presentations, the following topics or information may be provided: common crimes on campus and crime prevention tips, campus security procedures or practices, including encouraging participants to be responsible for their own security and the security of others by taking preventive measures. UPD consistently conveys the message "See Something, Say Something" which promotes vigilance, and encourages the prompt reporting of suspicious activity or persons. UPD participates in

campus events, such as U-Hour tabling, Resource Fairs, BroncoFusion, new or prospective student events and showcases, and student fairs to increase security awareness and address questions related to security, crime trends, and campus safety.

### Behavioral Intervention Team (B.I.T.)

Working together with campus community members, B.I.T. aims to proactively identify, assess, and provide an integrated and coordinated institutional response to students, campus community members (and non-members) who may pose a risk to themselves, others and/or the campus community.

The Behavioral Intervention Team (B.I.T.) is a network of campus professionals that are committed to prevention, education, and early intervention to assist students in distress while providing support and resources to faculty and staff. The primary goal of B.I.T. is to provide timely support to our students to provide the greatest opportunity for safety and success while providing the greatest level of protection for our community. To reach out to the Care Services Coordinator for a confidential consultation, call (909) 869-5286 or email [cppbit@cpp.edu](mailto:cppbit@cpp.edu)

### Safety Escort Program

UPD Student Assistants provide safety escorts on foot or vehicle to or from your class to a safe campus destination such as to your vehicle parked on campus, Residential Hall/Suite, or the University Village. Student Assistants are available Monday through Thursday after 6:00 p.m. Call 869-3070 or extension 3070 from any campus phone to request a safety escort. Be prepared to provide the police dispatcher with your name, clothing description, pick-up location, and your destination.

Safety Escorts are provided on a “first come, first served” basis and escort vehicles can transport a maximum of two passengers at a time. Use of the escort service is encouraged to enhance personal safety, however, is not intended for use simply as a means of transportation. Abuse of the service can affect response times for legitimate purposes. Walking with a friend or in groups, taking the Bronco Express, and staying in well-lit, frequently traveled areas are also recommended safety practices. Safety escorts are not provided to City of Pomona streets, including South Campus Dr., Temple Ave., and Valley Blvd.

### Self-Defense Programs

In collaboration with UPD, Survivor Advocacy Services, ASI, and other campus departments provide self-defense programs annually. Instructors and Police Officers teach self-defense techniques and provide sexual violence prevention education, awareness and resources tailored to the needs of the requestor.

UPD offers the Rape Aggression and Defense (R.A.D.) Program, a nationally recognized self-defense program, upon request. For more information, contact the UPD Watch Commander at (909) 869-4500.

### Social Media and Digital Media

UPD works closely with Strategic Communications to ensure the timely and appropriate release of information to prevent crime and enhance the safety of the community. Cal Poly Pomona Strategic Communications has an active social media presence across applications (e.g., Facebook, SnapChat, Instagram, Twitter). While social media is used to communicate a broad range of campus-related information and engage the community, it is also a very powerful tool in informing the community regarding crime prevention measures, safety, and preparedness information, encouraging reporting (“If You See Something, Say Something”), and relaying time sensitive information. UPD maintains Twitter and Instagram accounts to increase social media presence and conducts event tabling and other community outreach activities (e.g., Coffee with a Cop).

The [Poly Post](#), [PolyCentric](#), and University web pages provide ongoing information regarding safety, crime prevention, emergency preparedness, and campus safety issues. The *Poly Post* receives a weekly Police crime and incident log from UPD and publishes the "Crime Blotter" in each issue. Brochures, posters, and on-line information on crime prevention and health and safety issues are available at offices throughout the campus, such as UPD, Student Health Services, Counseling and Psychological Services (CAPS), Survivor Advocacy Services, and OEC. Print materials are widely distributed at resource fairs, student orientation, and other campus events.

Crime Prevention, Security Awareness, and Substance Abuse Awareness Programs

University departments provide a broad range of education and awareness programs throughout the year. Although UPD has primary functional responsibility for crime prevention, the active engagement of campus departments and stakeholders collectively provide a comprehensive approach to crime prevention and security awareness to ensure both a wide reach and targeted approach to educate and inform our community.

The tables below highlight some of the campus’ primary prevention and awareness programs offered in calendar year 2021. The following **program types** are included.

- Crime Prevention Programs (CP) - Programs designed to inform students and employees about crime prevention.
- Security Awareness Programs (SA) - Programs offered to inform the campus community about campus security procedures and practices and to encourage the campus community to be responsible for its security.
- Substance Abuse Awareness Programs (SAA) - Drug and alcohol abuse programs, including substance abuse free events.

University Police (UPD) and Emergency Management

Program Title	Responsible Dept	Program Type (CP, SA, SAA)	Description	Frequency	Target Audience
Health & Safety for Students	Orientation Health & Safety Panel	CP, SA	Crime prevention, safety, sexual violence, student code of conduct, policies, campus mental health resources	Annually	New Students, Parents
Workplace Violence/ Active Shooter Training	UPD, Campus Wide	CP, SA	Types of workplace violence and armed intruder/active shooter preparedness, prevention and response; Active Shooter	Annually, By Request	Residence Life staff, Students, Staff, Faculty, Administrators
Alcohol Education and Awareness	UPD; Housing	CP, SA, SAA	Alcohol laws, university policies, safe and legal alcohol use, beer goggle activities	Annually, By Request	New Students – Housing RAs lead programs
Drug Law Education and Awareness; Drug Recognition	UPD; Housing	CP, SA, SAA	Education regarding current drug laws, including marijuana laws, housing policies, and drug recognition component may be offered as part of RA training	Annually, By Request	Students, Student employees (RAs)

<b>Program Title</b>	<b>Responsible Dept</b>	<b>Program Type (CP, SA, SAA)</b>	<b>Description</b>	<b>Frequency</b>	<b>Target Audience</b>
Campus Safety Training	UPD, Campus Wide	CP, SA	Campus safety, evacuation, emergency preparedness, critical incident individual response concepts	Annually, By Request	Staff, Administrators, Student groups
Self-Defense Workshops and R.A.D. Training	UPD, ASI, Campus Wide	CP, SA, SAA	Self-defense and sexual assault prevention concepts and techniques; Rape Aggression Defense Program	By Request; None offered in 2021	Students, Staff, Faculty
Safety and Security Topics	UPD, Campus Wide	CP, SA, SAA	Presentations and trainings tailored to meet specific need or objectives (e.g., safety concerns, incident response or follow up, classroom presentations)	By Request	Students, Staff, Faculty
Office Safety and Security	UPD, Campus Wide	CP, SA	Office safety site surveys and review of current safety protocols	By Request	Faculty, Staff, Administrators
Emergency Preparedness, Response and Evacuation	UPD, Emergency Management Campus wide	SA	Presentations, workshops, training on emergency preparedness and response concepts and practical applications. Annual Training Academy for designated Evacuation Coordinators	Annual; By Request	Evacuation Coordinators  University Housing/Village  Students, Staff, Faculty

Student Health Services/Wellness Services and Campus Partners

<b>Program Title</b>	<b>Responsible Dept</b>	<b>Program Type (CP, SA, SAA)</b>	<b>Description</b>	<b>Frequency</b>	<b>Target Audience</b>
All About Alcohol  Alcohol Safety	Wellness Services  University Housing Services; Greek Life	CP, SA, SAA	Interactive workshop to help students make informed choices and reduce risk of a negative consequence. Topics: Standard drink, alcohol and the body, risky situations, and alcohol poisoning	Quarterly, By Request	Students
Alcohol Education	Wellness Services, Engineering; UHS; University Village;	CP, SA, SAA	Standard drink, BAC, Alcohol poisoning, interactive activities (e.g., beer goggles)	Quarterly	Students, Student employees, Staff

<b>Program Title</b>	<b>Responsible Dept</b>	<b>Program Type (CP, SA, SAA)</b>	<b>Description</b>	<b>Frequency</b>	<b>Target Audience</b>
	Orientation; Greek Life				
Alcohol & Other Drugs Lecture	Wellness Services, Human Nutrition & Food Science	CP, SA, SAA	Alcohol/Other Drug health and safety lecture for academic course.	Quarterly	Students
Alcohol Education/ CHOICES	Wellness Services, SCI, UHS, University Village	CP, SA, SAA	CHOICES is an alcohol risk reduction program centered on the individual choices regarding alcohol consumption and safe behaviors. The program is designed for first-time offenders of university policy and/or law violations.	On-going	Students – Sanction for alcohol policy and/or law violations
Event - Alcohol Education	Wellness Services, A.S.I.	CP, SA, SAA	Alcohol awareness at Midnight Madness	Annually	Students
Let's Talk About Sex	Wellness Services, UHS, UB, Academic Depts, Greek Life, OSCLC	CP, SA, SAA	Sexual health, healthy relationships, affirmative consent, sexual violence prevention.	Monthly; By Request	Students
Marijuana and other Drugs	Wellness Services; Various	SAA	This presentation discusses most commonly used drugs, dependence and resources.	By Request	Students
Reducing Harm from Drug Use	Wellness Services; Various	SAA	This program reviews information on drugs like Molly (ecstasy), cocaine, LSD, and Magic Mushrooms, and how to reduce negative outcomes that can occur when people use these drugs.	Once; By Request	Students
Introduction to Smart Recovery	Wellness Services; Various	SAA	SMART (Self-Management and Recovery Training) emphasizes "self"-your role in your recovery. SMART is a science-based program that helps people recover from addictive behaviors. This presentation provides an overview of SMART concepts and tools.	By Semester	Students

<b>Program Title</b>	<b>Responsible Dept</b>	<b>Program Type (CP, SA, SAA)</b>	<b>Description</b>	<b>Frequency</b>	<b>Target Audience</b>
The Great American Smokeout	Wellness Services; Various	SAA	The Great American Smokeout is a day to encourage quit attempts for people who smoke, vape or use other tobacco/nicotine products. This workshop introduces strategies to create a quit plan and offer support resources.	Annual	Students
All of Us Research Program: Collegiate Alcohol Awareness	Wellness Services; Various	SAA	Engaging presentation to learn about Alcohol and the All of Us Research Program	Once; By Request	Students
ATOD Coaching Sessions	Wellness Services; Various	SAA	Individual coaching sessions with students to discuss alcohol, tobacco, and other drugs.	By Request	Students
Nicotine Replacement Therapy (NRT)	Wellness Services; Various	SAA	Provide (NRT) products to students who would like to quit or reduce use of nicotine.	By Request	Students
Topics tailored to need or event	Wellness Services; Various	CP, SA, SAA	Programs and workshops designed for target or specific audiences and events.	By Request	Campus wide

University Housing Services (UHS) and Foundation Housing (the Village)

<b>Program Title</b>	<b>Responsible Dept</b>	<b>Program Type (CP, SA, SAA)</b>	<b>Description</b>	<b>Frequency</b>	<b>Target Audience</b>
Safety at the Village	Foundation Housing – ResEd	CP	Open program about how to be safe while living at the Village	Annually; By need	Students
Alcohol Awareness	UHS/Foundation Housing – ResEd	CP, SAA	General alcohol education program presented in part with Health Services.	By need	Students
Watch your BAC! (Blood Alcohol Content)	UHS/Foundation Housing – ResEd	SAA	Attendees learn important facts about alcohol and its effects.	By need	Students
Drug Law Education Awareness, Recognition	UPD; Housing	CP, SA, SAA	Education regarding drug laws, housing policies, drug recognition component may be offered as part of RA training	Annually, By Request	Students, Student employees (RAs)

## Campus Resources for Awareness and Prevention Programs and Support

### [Counseling and Psychological Services \(CAPS\)](#)

Counseling and Psychological Services' (CAPS) goal is to provide quality mental health services to support students' overall health and wellbeing. CAPS provides many services such as individual or group therapy, wellbeing coaching, crisis intervention, workshops, and support to access on and off-campus resources.

College can be a fun and exciting experience, but it can also present a variety of difficult challenges. CAPS' experienced professional staff is committed to providing students with support and culturally sensitive services that are respectful of diverse identities. CAPS staff includes psychologists, marriage and family therapists, and a wellbeing coach. Currently enrolled students may utilize services at no additional fee (funded by a mandatory health fee that is included in tuition).

A psychiatrist is also available on staff. Crisis counseling and consultation is available 24 hours a day.

CAPS workshops are available to assist students in coping with their concerns. Wellbeing Workshops are drop-in sessions designed to teach students coping strategies for a variety of presenting concerns, such as stress, relationships, negative emotions, and communication difficulties.

For more information, to schedule an appointment, or to learn more, CAPS is located in Building 66 or call (909) 869-3220. For student counseling services and appointment information go to <https://www.cpp.edu/~caps/our-services/index.shtml> For Crisis Assistance for Students online information go to <https://www.cpp.edu/~caps/emergency/index.shtml>

***If you, or someone you are in contact with, is having a potentially life-threatening medical or psychological emergency at any time, please call (909) 869-3070 (UPD if on-campus) or "911" (if off-campus).***

### [Student Health and Wellness Services](#)

The Student Health and Wellness Services (SHWS) mission is to promote students' healthy lifestyles and academic success by providing quality medical, psychological, and wellness services. SHWS is a fully accredited ambulatory care facility (you must be able to walk in on your own to receive care) and provides students with affordable, accessible, and student-centered health care and wellness services so students can receive the care and assistance they may need. Services are available to all enrolled Cal Poly Pomona students and most services are provided at no cost (funded by a mandatory health fee that is included in tuition). [Services provided](#) include medical appointments with licensed and board-certified clinicians, nurses and physician assistants, digital x-rays, travel consultations, well-patient physicals, minor surgical procedures, well-women exam, flu shots, Tdap vaccine, Tuberculosis screening, and common STI/STD testing. Other low-cost services are also available.

The Wellness Services, or the [Bronco Wellness Center](#) is committed to creating a supportive environment for life-enhancing behaviors, which contribute to safety and crime prevention, individual health, community well-being, and academic success. With a focus on prevention, the Bronco Wellness Center provides a range of free, health and education services including health assessments, one-on-one education sessions on various health topics, free health promoting giveaways, quit nicotine services, latex barriers, and other safer sex supplies. Bronco Wellness Center staff also provide on-campus programs, workshops, counseling and referrals on alcohol and other drugs, stress management, nutrition and fitness, and other health related issues. To request programming assistance you may submit a [Wellness Assistance on-line request form](#). Wellness Services is located in Bldg. 46 (West Entrance) and may be reached at (909) 869-5272.

### [Survivor Advocacy Services \(SAS\)](#)

Survivor Advocacy Services (SAS) provides support for individuals impacted by sexual violence, dating violence, domestic violence, harassment, and stalking. SAS also provides education and awareness programs at least monthly and by request in the form of training, workshops, and classroom presentations. SAS also provides individual security training, such as assisting in developing safety plans. See the Sexual Violence Prevention and Education section of this report for more prevention program information.

SAS is located in Building 66 – Bronco Bookstore – Room 117 C&D. For more information or to schedule a prevention program or workshop, contact [survivoradvocacy@cpp.edu](mailto:survivoradvocacy@cpp.edu)

### [Behavioral Intervention Team \(B.I.T.\)](#)

Cal Poly Pomona is committed to providing support to students to address any issues that may be affecting their academic and personal success. Cal Poly Pomona values our students' success not only academically but also emotionally and physically. The Behavioral Intervention Team (B.I.T.) is a network of campus professionals that are committed to prevention, education, and early intervention to assist students in distress while providing support and resources to faculty and staff. Working together with campus community members, B.I.T. aims to proactively identify, assess, and offer an integrated and coordinated institutional response to students and campus community members (and non-members), who may pose a risk to themselves, others, and/or the campus community.

The primary goal of B.I.T. is to provide timely support to our students to provide the greatest opportunity for safety and success while providing the greatest level of protection for our community.

#### ***What is YOUR role?***

All campus community members play a role in ensuring the safety and wellbeing of our students, employees, and campus community. If you “See Something, then Say Something” is more than a slogan. When community members practice this basic principle, we can ensure that students and employees receive help and support when they need it most and maintain a safe campus environment.

Submit a [Broncos Care for Broncos form if](#) you observe and/or are made aware of any behavior that is concerning, leaves you worried, and/or alarmed.

When in doubt, please reach out to the Care Services Coordinator for a confidential consultation at [cppbit@cpp.edu](mailto:cppbit@cpp.edu) or (909) 869-5286.

Additional Faculty and Staff Resources:

[Crisis Assistance for Students](#)

[Supporting Students in Distress](#)

[Suicide Prevention for Faculty Staff](#)

### [Pride Center](#) and [Safe Zone Ally Program](#)

The Pride Center provides education, advocacy, support and a safe space for lesbian, gay, bisexual, transgender, intersex, queer, questioning (LGBTIQQ), and ally community at Cal Poly Pomona. The Pride Center serves the campus community by promoting empowerment and social justice on topics of sexual orientation and gender identity.



The Safe Zone Ally Program is a network of Cal Poly Pomona students, faculty, and staff who are visibly supportive of lesbian, gay, bisexual, transgender, and queer (LGBTQ) people or anyone dealing with sexual orientation and gender identity issues AND who have attended the Safe Zone training workshop. Participants of the training workshop learn about LGBTQ topics and terminology, receive resources and referral information, interact with an LGBTQ student panel, and discuss ways to be an Ally. An Advanced Safe Zone Ally training is available to further one's knowledge.

The Pride Center is located in Building 26 (University Stables), 107. For more information on Pride Center services, resources, or the Safe Zone Ally training schedule, contact the Pride Center at [pride\\_center@cpp.edu](mailto:pride_center@cpp.edu) or (909) 869-2573.

#### [Disability Resource Center \(DRC\)](#)

The DRC, in collaboration with the campus community, promotes equal access and opportunity for individuals with disabilities. The DRC further seeks to empower students to fulfill their potential through self-knowledge, life-long learning, and growth. The DRC authorizes and facilitates the use of accommodations and services. Types of accommodations provided include Alternative Media, Classroom Accommodations, Deaf and Hard of Hearing Services, Housing Accommodations, Mobility Assistance, and Testing Accommodations. The DRC also provides supplemental advising, peer mentoring, executive skills coaching, and referral services. The DRC is located in Building 9, Room 103, or call (909) 869-3333.

## MONITORING AND RECORDING CRIME ACTIVITY AT NON-CAMPUS LOCATIONS OF STUDENT ORGANIZATIONS

The campus Student Code of Conduct and relevant policies extend to non-campus locations that are owned or controlled by the student organization, or when students are engaged in University Sponsored or campus related events or activities. The University does not own or control any student organization residences or facilities. The campus recognizes a limited number of student Greek Life organizations who own or control property. Cal Poly Pomona requests crime statistics for residences leased by these student organization from the City of Pomona Police Department for inclusion in the ASR in non-campus Clery geography category.

UPD communicates and collaborates with local police agencies regarding issues occurring at known student residences to mitigate crime or violations of city ordinances (i.e., noise, party host responsibilities). UPD will continue to work with the City of Pomona and Los Angeles Sheriff's Department to implement procedures to enhance the University's ability to monitor criminal activity and other safety concerns at locations associated with our students and/or student organizations. UPD collaborates with the Dean of Students Office, the Student, Leadership, Engagement and Success (SELS), the Office of Student Conduct and Integrity, and student organizations to address any serious or ongoing issues occurring at known student organization housing locations. Student Code of Conduct or law violations at these locations during University-affiliated events are subject to University response and criminal and/or student conduct proceedings.

## POSSESSION, USE, SALE AND ENFORCEMENT OF FEDERAL AND STATE ALCOHOL AND DRUG LAWS

The University's [Alcohol and Other Drugs Policy](#) is created to comply with the Drug-Free Workplace and Drug-Free Schools & Communities Act Amendments of 1989 (Public Law 101-226), which requires the University to

adopt and implement a program to prevent the unlawful use and/or abuse of drugs or alcohol by faculty, staff, and students and to set forth standards to provide a safe, healthy, and productive community setting for work and study. The purpose of this policy is to describe University standards of conduct concerning alcohol and drugs, communicate the health risks and other legal and disciplinary consequences of failing to adhere to University standards of conduct, and provide information as to available assistance and resources. The policy contains a link to the Annual Campus Affirmation. Summary information is provided below.

### Standards of Conduct

The unlawful possession, use, manufacture, distribution, or sale of illicit drugs or drug-related paraphernalia, tobacco or alcohol, and the misuse of legal pharmaceutical drugs or alcohol by any faculty, staff, recognized auxiliary employee, student, registered student club or organization, campus entity, visitor or visiting organization is strictly prohibited in the workplace, on University premises, at University activities, or on University business, on campus or off. UPD officers enforce all local, state, and federal laws pertaining to alcohol and drugs including underage drinking. Any faculty, staff, student or student organization, campus entity, visitor or visiting organization that violates this policy is subject to disciplinary action as set forth in the [University Alcohol and Other Drugs Policy](#) and/or will be referred to the appropriate authorities for legal prosecution.

The University does allow limited use of alcoholic beverages on campus in compliance with all laws and the [University Alcohol and Other Drugs Policy](#). Alcoholic beverages may be purchased in designated food service operations and may be served at specified events upon the approval of the Vice President for Student Affairs or their designee.

Possession or consumption of alcoholic beverages on campus by persons under the age of 21 is strictly prohibited. The use of alcoholic beverages by persons 21 years of age or older is permitted only in student residential areas as designated by the Director of University Housing Services or the Director of the Cal Poly Pomona Foundation, Inc. Kegs of alcoholic beverages, regardless of type or size, are prohibited in student residences. All University Housing Services (UHS) and Foundation Housing Services, Inc. (Village) residents and their guests must comply with established alcohol and other drug policies specific to their residence community.

### Disciplinary, Legal, and Other Sanctions

As set forth in the [University Alcohol and Other Drugs Policy](#), the University will impose disciplinary sanctions on students and employees for violations of standards of conduct up to and including expulsion or termination of employment and referral for prosecution.

UPD is responsible for enforcing the laws relating to alcoholic beverages and for enforcing Federal and State laws related to illicit drugs. A list of applicable legal sanctions under federal, state, or local laws for the unlawful use, sale, possession, or distribution of illicit drugs and alcohol include referrals to administrative sanctions, diversion programs, fines, probation, and/or incarceration.

Students found in violation of University alcohol and drug policies may be subject to disciplinary sanctions, including educational sanctions, academic probation, suspension, or expulsion. University disciplinary and criminal proceedings may occur concurrently.

Employees in violation of the University alcohol and drug policies may be subject to corrective action or dismissal or may be required to participate fully in an approved counseling or rehabilitation program. Applicable legal sanctions under local, state, and federal law for the unlawful possession or distribution of illicit drugs and alcohol

range from probation, diversion, imprisonment in the county jail for less than one year, to imprisonment in State Prison.

A UPD Officer can take the license from any driver suspected of driving under the influence of alcohol and drugs, who refuses to take a blood alcohol test.

### Treatment and Health Risks

The University recognizes alcohol and other drug dependency as treatable conditions and offers educational and counseling assistance and/or referrals to employees and students to aid them in dealing with problems associated with substance abuse. For students, Counseling and Psychological Services and Student Health and Wellness Services is the campus resource for treatment of alcohol/drug related concerns, as well as for advice in assisting students with related issues. For faculty and staff, the Employee Assistance Program (EAP) is a campus resource that can provide appropriate referrals for assistance with drug or alcohol related problems. Benefits-eligible employees may have coverage in their medical benefits packages for counseling and the treatment of alcohol/drug related concerns.

Auxiliary employees and volunteers should contact the Human Resources representative in their respective auxiliary.

### Drug and Alcohol Treatment Programs

Student Health Services

Building 46

(909) 869-4000

<https://www.cpp.edu/health/>

Counseling and Psychological Services (CAPS)

Building 66, Room 116 (Bookstore Building)

(909) 869-3220

<https://www.cpp.edu/caps/index.shtml>

Employee Assistance Program (EAP) (CPPLifeMatters by Empathia)

Hotline (800) 367-7474

<http://www.cpp.edu/~employee-assist>

### Health Risks

The use of illicit drugs or tobacco, and the illegal use or excessive use/abuse of alcohol have all been shown to cause serious health consequences, including:

- Adverse effects on a person's judgment and decision making and other physical and mental health concerns such as addiction, damage to the brain and other organs, overdose, coma and even death; unpleasant symptoms or difficulty when stopping or reducing use can occur;
- Accidents and car crashes due to effects on vision, judgment, coordination, and other physical skills;
- Social and psychological problems that may interfere with school, job performance, and/or relationships; and

- Unlawful conduct and/or activity, such as committing crimes, exhibiting violent behavior, and receiving sanctions for inappropriate and/or unlawful conduct. For more information on health risks associated with alcohol and other drugs, contact the Student Health and Wellness Services at (909) 869-5272.

### Alcohol and Other Drugs Education Programs

Counseling and Psychological Services (CAPS) and Student Health and Wellness Services; provide annual and ongoing counseling, prevention education, and programming that: 1) reinforces healthy lifestyles; 2) provides support services for students who are experiencing problems with substances; and 3) educates students about the impact of both alcohol and other drug misuse and abuse. Student Health and Wellness Services promotes safe practices, responsibility, and awareness around alcohol consumption and other drugs. A professional health educator is available to provide presentations on the following topics:

- Alcohol, Marijuana, Tobacco, Prescription Drugs, and other drugs for potential of misuse
- Blood Alcohol Content (“BAC”)
- Choices
- AA Meetings
- Safe Practices
- Assess Your Alcohol Use (eCheckUpToGo)

In addition to alcohol and other drug education, the Wellness Center is committed to creating a supportive environment for life-enhancing behaviors, which contribute to safety and crime prevention, individual health, community well-being, and academic achievement. The Wellness Center provides education and awareness programs, workshops, one-on-one sessions with students, counseling and referrals on general health & wellness, body image, emotional wellness, stress and time management, nutrition and fitness and sexual & relationship health. Contact the Wellness Center at (909) 869-5272 or in person at Bldg. 46 West Entrance.

University Housing, Foundation Housing, Student Engagement, Leadership and Success (SELS, formerly OSLCC), and other campus partners also provide alcohol and other drug education and awareness programs. Associated Students, Inc. provide substance-free events and indoor and outdoor substance-free activities on an ongoing basis to promote healthy lifestyles and alternatives. A sampling of these programs is highlighted in the Crime Prevention, Security Awareness and Substance Abuse Awareness program information in the Crime Prevention section of this report.

### Alcohol, Tobacco and Other Drug (ATOD) Resources

1. [University Alcohol and Other Drugs Policy](#)
2. Campus Drug and Alcohol Abuse Prevention Program (DAAPP) <http://www.cpp.edu/alcohol-drugs>
3. ATOD Advisory Council <http://www.cpp.edu/~alcohol-drugs/index.shtml>
4. ATOD Education & Sanctions <http://www.cpp.edu/~alcohol-drugs/aod-education-and-sanctions.shtml>
5. eCheckupToGo <https://interwork.sdsu.edu/echeckup/usa/alc/coll/index.php?id=CPP&hfs=false>

## SEXUAL VIOLENCE PREVENTION

The California State University (CSU) promotes a safe living, learning, and working environment through systemwide policies and through a variety of campus educational programs provided to students, faculty, and staff. The CSU prohibits dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, and provides programs to prevent, educate, and promote awareness of these topics, in accordance with the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (“Nondiscrimination Policy”). These prohibited behaviors are also crimes as defined by 34 C.F.R. §668.46, and California criminal definitions.

The CSU provides comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to stop dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking before they occur through the promotion of behaviors that foster healthy relationships, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

The CSU’s prevention programs and initiatives are sustained over time and focus on increasing awareness and understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, using a range of strategies with audiences throughout the CSU community. This includes both community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, reduce perpetration, promote safety and a culture of respect.

Campus programs must include primary prevention and awareness training: (1) for all new Students<sup>2</sup>; and new Employees; (2) refresher programs at least annually for all Students; (3) twice a year for all Students who serve as advisors in residence halls; (4) annually for all Student members of fraternities and sororities; (5) annually for all Student athletes and coaches; and (6) annually for all Employees consistent with their role in responding to and reporting incidents. Ongoing prevention and awareness campaigns for all Students and Employees will also be conducted. The CSU system will provide online training for all Employees and each campus will provide online training for all Students. All training must be consistent with the applicable CSU policy and state and federal regulations.

Each campus must assess which student organizations participate in activities that may place Students at risk and ensure that they receive annual supplemental training focused on situations the group’s members may encounter.

To ensure that all Students receive the necessary information and training enumerated above on dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, campuses should impose consequences such as registration holds on those Students who do not participate in and complete such mandatory training.

### **Training for Employees**

Training will be mandatory for all employees within six months of their initial hiring, and on an annual basis thereafter. Such training will include, but not be limited to: what constitutes discrimination, harassment,

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<sup>2</sup> This includes incoming transfer, graduate, online, and extended education Students. The programs should occur no later than the first few weeks of the semester.

retaliation, sexual misconduct/sexual assault, dating and domestic violence, sexual exploitation and stalking under applicable law; the rights and responsibilities of each Employee relating to discrimination, harassment, retaliation, sexual misconduct/sexual assault, dating and domestic violence, sexual exploitation and stalking including the duty to report and exceptions; the protection against retaliation for Employees who report discrimination, harassment, retaliation, sexual misconduct, dating and domestic violence, sexual exploitation and stalking; the procedures provided under the CSU Nondiscrimination Policy for filing, investigating and resolving a complaint; and the option and method for filing complaints with external government agencies such as the Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC).

Under Cal. Govt. Code § 12950.1, each campus shall provide supervisory Employees at least two hours of interactive sexual harassment training within six months of the Employee's assignment to a supervisory position and every two years thereafter. Each campus shall maintain documentation of the delivery and completion of these trainings. For detailed guidance regarding the definition of "supervisor" and the implementation of this training, campuses shall consult Coded Memoranda HR 2005-35 and other applicable policies.

### **Prevention and Awareness Programming**

California State University campuses provide primary prevention programs to all incoming students and new employees. California State University campuses provide ongoing prevention programs to all students and employees during their time at the institution. To comply with CSU Policy and 34 C.F.R. §668.46., campus-specific programs to prevent dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking will include:

1. A statement that the CSU prohibits dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking as defined under CSU policy and 34 C.F.R. §668.46.
2. The definitions of "dating violence," "domestic violence," "sexual assault," and "stalking" in the applicable jurisdiction, California (California Penal Code) and the definitions under CSU policy (to also include the CSU policy definition of "sexual exploitation").
3. The definition of "consent," in reference to sexual activity, in the applicable jurisdiction, California (California Penal Code), and the definition of "affirmative consent" under CSU policy.
4. Common facts and myths about the causes of sexual misconduct/sexual assault.
5. A description of safe and positive options for bystander intervention, as exemplified below.
6. Information on risk reduction, exemplified below.
7. Information regarding campus, criminal, and civil consequences of engaging in acts of sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking.

Information about reporting, adjudication, and disciplinary procedures as required by 34 C.F.R. §668.46 and as described in the procedures under the CSU Nondiscrimination Policy.

### **Information About Campus Reporting, Adjudication, and Discipline Procedures**

Campus training programs will reference the procedures outlined in the CSU Nondiscrimination Policy that victims/survivors may follow if an incident of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking has occurred. Training programs will also reference information about preserving evidence, reporting to the appropriate authorities, confidentiality options, available protective and supportive measures.

Campuses apply the relevant CSU policy and procedures when responding to all reports of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking. Campuses shall establish

processes to provide a print and/or digital copy of the "Rights and Options for Victims" as outlined in the CSU Nondiscrimination Policy to any community member who reports experiencing such harm, regardless of whether the incident occurred on or off campus.

Campus training programs regarding the procedures for reporting and addressing reports of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking will include the following:

- A statement explaining that the campus' primary concern is the safety of members of the campus community; that the use of alcohol or drugs never makes the victim/survivor at fault for sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking; that Students who experience or witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking should not be deterred from reporting incidents out of a concern that they might be disciplined for related violations of drug, alcohol, or other CSU policies; and that Students who experience or witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking shall not be subject to discipline for related violations of conduct policies at or near the time of the misconduct unless the violation is egregious (including actions that place the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.)
- A statement that "CSU policy prohibits retaliation against a person who: reports sex discrimination, sexual harassment, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking; assists someone with a report of such conduct; or participates in any manner in a related investigation or resolution.
  - Retaliation means that a substantial motivating reason for an Adverse Action taken against a person was because the person has or is believed to have:
    - Exercised their rights under this policy,
    - Reported or opposed conduct which was reasonably and in good faith believed to be in violation of this policy,
    - Assisted or participated in an investigation/proceeding under this policy, regardless of whether the Complaint was substantiated,
    - Assisted someone in reporting or opposing a violation of this policy or assisted someone in reporting or opposing Retaliation under this policy.
    - Adverse Action means an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.
    - Retaliation may occur whether or not there is a power or authority differential between the individuals involved.
- What someone should do if they have experienced or witnessed sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- Individuals to whom incidents may be reported along with information regarding what degree of confidentiality may be maintained by those individuals.
- The availability of, and contact information for, campus and community resources for victims/survivors of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- A description of campus and systemwide policies and disciplinary procedures available for addressing alleged violations and the consequences of violating these policies, including the fact that such proceedings shall:

- Provide a prompt, fair, and impartial investigation and resolution; and,
  - Be conducted by officials who receive annual training on issues related to sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking and how to conduct an investigation and hearing process that protects the safety of victims/survivors and promotes accountability.
- The fact that the Complainant and the Respondent will be afforded the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice.
  - The fact that both the Complainant and the Respondent shall be simultaneously informed in writing of:
    - The outcome of any disciplinary proceedings that arises from an allegation of a sex discrimination, sexual harassment, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
    - The CSU's procedures for the Complainant or Respondent to appeal the results of the disciplinary proceeding.
    - Any change to the disciplinary results that occurs prior to the time such results become final.
    - When disciplinary results become final.
  - Possible sanctions or remedies the campus may impose following the final determination of a campus disciplinary procedure regarding sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
  - How the campus will protect the confidentiality of Complainants, including how publicly available recordkeeping (e.g., campus Clery reports) will be accomplished without the inclusion of identifying information about the Complainant to the extent permissible by law.
  - That all students and employees must receive written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims/survivors, both on campus and in the community.
  - That all students and employees who report being a victim/survivor of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking must receive written notification of available assistance in, and how to request changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim/survivor chooses to report the incident to campus police or local law enforcement.
  - Procedures victims/survivors are recommended to follow if sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking has occurred, as well as the fact that the following written information must be provided to victims:
    - The importance of preserving evidence following an incident of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking, which may also be used to obtain a temporary restraining or other protective order.
    - The name and contact information of the campus Employee(s) to whom the alleged incident should be reported.
    - Reporting to law enforcement and campus authorities, including the option to: (a) notify law enforcement authorities, including on-campus and local police; (b) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and, (c) decline to notify such authorities.



- Where applicable, the rights of victims/survivors and the campus' responsibilities regarding orders of protection, no contact directives, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

## **Risk Reduction**

The CSU provides community members with information and strategies for risk reduction designed to decrease perpetration, promote bystander intervention and healthy relationships, empower marginalized voices, and support victims/survivors. Information and strategies for risk reduction help promote safety and help individuals and communities address conditions that facilitate violence.

### **SEXUAL MISCONDUCT/SEXUAL ASSAULT**

The CSU is committed to maintaining a safe campus for all members of the CSU community. Risk reduction strategies are focused on creating a culture of respect, reducing the risk for perpetration and for victimization. It is important to emphasize that only those who engage in sexual misconduct/sexual assault, dating violence, domestic violence, sexual exploitation, and stalking are responsible for those actions. With this in mind, the following tips provide some possible strategies to help promote a caring community and mitigate personal risk.

- Communication is key to healthy relationships and healthy sexual interactions. Obtain Affirmative Consent from your partner for all sexual activity.
  - Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity.
  - 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.
  - Affirmative Consent can be withdrawn or revoked at any time.
  - Affirmative Consent to sexual activity in the past does not mean consent in future – there must be voluntary consent for all sexual activity.
  - Lack of protest, resistance, or mere silence does not equal Affirmative Consent.
  - Sexual activity between a minor (a person younger than 18 years old) and a person who is at least 18 and two years older than the minor always constitutes Sexual Misconduct, even if there is Affirmative Consent to all sexual activity.
- Do not engage in sexual activity with someone who is incapacitated.
  - A person who is incapacitated by alcohol or drugs cannot give Affirmative Consent.
  - A person who is unconscious or asleep cannot give Affirmative Consent.
  - A person's own intoxication or incapacitation does not diminish their responsibility to obtain Affirmative Consent from any person with whom they engage in sexual activity.
- Signs that someone does not respect the importance of consent:
  - They pressure or guilt you into doing things you may not want to do.
  - They suggest you "owe" them something (including sexual acts) because you're dating or because they have done or claim to have done something for you.
  - They react negatively with sadness, anger, or resentment if you don't consent to something or don't do so immediately

[Source: [Love Is Respect](#)]

## **DATING/DOMESTIC VIOLENCE**

### **Common signs of abusive behavior in a relationship**

According to the National Domestic Violence Hotline, one feature shared by most abusive relationships is that an abusive partner tries to establish or gain power and control through many different methods, at different moments. Even one or two of the following behaviors is a red flag that a partner may be abusive.

- Showing extreme jealousy of friends or time spent away from a partner.
- Preventing or discouraging one's partner from spending time with friends, family members, or peers.
- Insulting, demeaning, or shaming a partner, especially in front of other people.
- Preventing one's partner from making their own decisions about working or attending school.
- Controlling finances in the household without discussion, including taking a partner's money or refusing to provide money for necessary expenses.
- Pressuring one's partner to have sex or perform sexual acts they are not comfortable with.
- Pressuring a partner to use drugs or alcohol.
- Threatening to harm or take away a partner's children or pets.
- Intimidating one's partner with weapons
- Destroying a partner's belongings or home

If you notice warning signs in your relationship or that of someone you care about, remember there are support resources available on your campus, including individuals with whom you can speak confidentially and who can assist you with making a safety plan. A good starting place for a list of resources is your campus Title IX webpage. You can also contact the National Domestic Violence Hotline at 1.800.799.SAFE (7233), which is free and confidential.

[Source: National Domestic Violence Hotline]

Abusive behaviors can be difficult to recognize in a relationship, even if you are the one engaging in them. In addition to some of the common signs of abusive behavior outlined above, ask yourself if your partner:

- Seems nervous around you,
- Seems afraid of you,
- Flinches, cringes, or retreats when you are emotional,
- Seems scared, or unable to contradict you or speak up around you, and/or
- Restricts their own interactions with friends, family, coworkers, or others in order to avoid upsetting you

If you recognize the behaviors above in yourself, or in how your partner reacts, these could be signs that you are hurting them. This can be a difficult realization to come to but it's vital that you do so if you want to change and stop harming your partner. By acknowledging that your actions are harmful and taking responsibility for them, you can continue to progress on the path toward correcting them.

You could consider contacting the psychological counseling center on your campus to speak with a counselor confidentially, or you could contact the National Domestic Violence Hotline at 1.800.799.SAFE (7233), which is free and confidential.

[Source: [National Domestic Violence Hotline](#)]

## **STALKING**

### **Respecting boundaries**

If someone tells you that they do not want you to contact them or do something like visit their home or send them gifts, or if they have stopped interacting with you, respect their choice. Everyone has the right to set boundaries.

### **Recognizing stalking behaviors**

A person who engages in stalking may:

- Repeatedly call or send other unwanted communication such as text messages, emails, social media messages, letters, etc.
- Follow the person and seem to “show up” wherever they are.
- Send unwanted gifts.
- Damage home, car, or other property.
- Monitor phone calls or computer use.
- Drive or linger near the home, school, or work of the person they are stalking.
- Use other people to try and communicate with the person they are stalking, like children, family, or friends.

[Source: [Victim Connect Resource Center](#)]

Below are some tips from the Stalking Prevention Awareness and Resource Center (SPARC) regarding steps one can take if they are experiencing stalking

- Trust your instincts – if you/someone feels they are in immediate danger or fear a threat of harm, call 911
- Keep a record or log of each contact with the stalker
- Save evidence when possible, such as emails, text messages, postings on social media, etc.

Know that there are support resources available on each CSU campus, including individuals with whom individuals can speak confidentially and who can assist in making a safety plan and/or seeking a protective order. A good starting place for a list of resources is your campus Title IX webpage.

### **Bystander Intervention**

The California State University and the campuses provide training on safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene. Information about bystander intervention is included in a variety of prevention, outreach, and awareness programs across the CSU.

This training encourages employees and students to:

- Notice the Event
- Interpret the Event as a Problem
- Assume Personal Responsibility

- Learn How to Help
- And Step Up by utilizing the “4 Ds” – Direct, Distract, Delegate, and Delay
  - Direct – Directly addressing the situation.
  - Distract – Making a simple (or elaborate) distraction to diffuse the situation.
  - Delegate – Finding someone else to address the concern.
  - Delay – Checking in with the person after to see if you can do anything to support them.

### **CSU Policy Definitions**

Definitions of conduct that is prohibited under CSU policy are found in Article VII of the CSU Nondiscrimination Policy. These definitions are applicable in relation to the University’s administrative processes and may differ from the criminal law definitions (California) found in Appendix A.

## **PRESERVATION OF EVIDENCE IN CASES OF SEXUAL MISCONDUCT/SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING**

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

## **REPORTING OPTIONS**

The University’s primary concern is your safety and the safety of the campus community. The use of alcohol or drugs never makes the victim at fault for sexual misconduct/sexual assault. If you have experienced sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking you should not be deterred from reporting the incident out of a concern that you might be disciplined for related violations of drug, alcohol, or other University policies. A person who participates in investigations or proceedings involving sexual misconduct/sexual assault will not be subject to discipline for related violations of the Student Conduct Code or other University policies at or near the time of the incident unless the University determines the conduct places the health and safety of another person at risk or is otherwise egregious. You have several reporting options, and you may pursue one or more of these options at any time. It is your right to have a friend, family member, Sexual Assault Victim’s Advocate, or other representative present with you while reporting the incident. You also have the right to have a sexual assault counselor, Sexual Assault Victim’s Advocate and/or support person of your choice present with you during a rape examination. You are strongly encouraged to report any incidents to the police and/or campus Title IX Coordinator so that steps may be taken to protect you and the rest of the campus community. However, non-reporting is also an option.

Reporting to university police and/or local police is an option at any time. If you choose not to report to the police immediately following an incident, you can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on your behalf. The campus Title IX Coordinator or Sexual Assault Victim’s Advocate can assist you in notifying the police if you choose.

The campus is required by law to disclose reports of some crimes (including dating violence, domestic violence, sexual assault/sexual misconduct and stalking) including through the daily crime log, the Annual Security Report, and Timely Warning Notices as explained in greater detail below. However, while the University will include reportable incidents in these disclosures, the victim's name/identity will not be included in publicly-available records or reports.

## PROTECTIVE ORDERS

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

### **Protective Order Procedures and Court Contact Information**

The following describes some basic first steps, including contact information for the applicable courts, to obtain protective orders in the campus jurisdiction and surrounding areas.

If you are in immediate danger, call 911. If a court is closed, a law enforcement officer may be able to obtain an Emergency Protective Order, which is typically in effect for 5-7 days. A police officer responding to a domestic violence incident may contact a judge (at any time, day or night) and request an emergency protective order to be effective immediately. A police officer's assistance is needed to obtain an emergency protective order.

You may apply for a temporary restraining order at a County Courthouse. You should attempt to obtain a restraining order in the location where the abuse or harassing behavior is occurring (e.g., city, municipality or on campus). If the abuse or harassing behavior is occurring in multiple locations, contact the County Courthouse in the county of your residence. California Forms for all Restraining Orders are standardized and may be downloaded at <https://www.courts.ca.gov/forms.htm?filter=DV>.

The Office of Equity and Compliance/Title IX can provide support with restraining orders, although they cannot provide legal advice.

Once a person has a protective order, they should provide a copy of the official court order to UPD. Should there be a violation of the protective order, UPD would reference the official court order to take enforcement action. UPD maintains two hard copies of the protective order on file in the Communications Center/Dispatch (one under the protected person's name and one under the restrained person's name).

Protective orders are also maintained in a criminal justice database; however, orders are not entered in real time due to processing requirements (e.g., order must be served by the Sheriff's Department). Therefore, hard copies of the court order ensure that the order may be accessed and enforced if needed. The process and circumstances for protective orders can be confusing and stressful. UPD can help alleviate further strain if a copy of the protective order is on file in case it is needed. It is also recommended that a copy of the protective order be provided to the local agency where the protected party lives, works, or attends school. It is imperative that the protected party maintain a copy of the official court order with them at all times in case they are in another jurisdiction when contacted by the restrained party.

### Courthouse with Jurisdiction over Cal Poly Pomona

Los Angeles County  
Pomona Courthouse South  
400 Civic Center Plaza  
Pomona, CA. 91766  
(909) 802-1100  
<http://www.lacourt.org/courthouse>

### Courthouses in Neighboring Counties

San Bernardino County  
Rancho Cucamonga District  
8303 Haven Avenue  
Rancho Cucamonga, CA. 91730  
(909) 350-9764  
<https://www.sb-court.org/locations>

Orange County  
North Justice Center  
1275 Justice Center Avenue  
Fullerton, CA. 92832  
(657) 622-5600  
<https://www.occourts.org/locations/>

## SUPPORTIVE MEASURES

Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether a Formal Complaint is filed. Supportive Measures are designed to restore or preserve equal access to CSU education programs or activities, or the workplace without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational or work environment. Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, campus escorts, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator/DHR Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures.

## WRITTEN NOTIFICATION

Along with the information provided in the outreach communication, the Title IX Coordinator will provide Complainants alleging Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence or Stalking, with the information in Attachment D to the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation - Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating And Domestic Violence, And Stalking.

This written notifications states that the campus and Title IX Coordinator will provide supportive measures, if they are reasonably available, regardless of whether [the victim] chooses to report sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking to campus or local police; and also that they will:

1. Assist [the victim] in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;

2. Make connections to individuals on campus who can provide support and solutions with respect to a variety of logistics, including transportation assistance, visa/immigration assistance, and financial aid assistance;
3. Provide other security and support, which could include issuing a mutual no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules or adjustments for assignments, tests, or work duties; and
4. Inform you of your right to report a crime to university or local police – and provide you with assistance if you wish to make such a report.

If you wish to request an accommodation, you may contact the campus Title IX Coordinator.

**Cal Poly Pomona Title IX Coordinator**

Dawnita H. Franklin, MPA

Office of Equity and Compliance

Student Services #121 West Room 2701

Email: [Dhfranklin@cpp.edu](mailto:Dhfranklin@cpp.edu)

Phone: (909) 869-4646

Website: <https://www.cpp.edu/officeofequity/>

Attachment D also informs victims that disciplinary procedures for sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking will:

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

This same information is provided in writing to all students and employees within the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation, and as part of annually assigned training.

## DISCIPLINARY PROCEDURES

The following statements are excerpts from the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(“the Policy”\)](#). As required by law, the excerpts in this ASR capture the steps, decisionmakers, and anticipated timelines for both formal and informal resolution processes, as applicable. For details beyond the steps, decisionmakers, and anticipated timelines, please see the Policy.

The campus Title IX Coordinator is the designated administrator to receive reports of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and associated Retaliation.

**Cal Poly Pomona Title IX Coordinator**

Dawnita H. Franklin, MPA  
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Student Services #121 West Room 2701  
Email: [Dhfranklin@cpp.edu](mailto:Dhfranklin@cpp.edu)  
Phone: (909) 869-4646  
Website: <https://www.cpp.edu/officeofequity/>

To file a disciplinary complaint, you may submit a Title IX [On-line Reporting Form](#). You may also file a report by contacting the Office of Equity and Compliance/Title IX at (909) 869-4646 or by email at [officeofequity@cpp.edu](mailto:officeofequity@cpp.edu). Your report will be accepted in any language. More information is available on the OEC website at <https://www.cpp.edu/officeofequity/titleIX/report-an-incident-notab.shtml>

Complaints against a Chancellor's Office employee, or a campus Title IX Coordinator/ Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator") will be made to the Chancellor's Office at [eo-wbappeals@calstate.edu](mailto:eo-wbappeals@calstate.edu).<sup>3</sup>

The campus will respond in a timely and appropriate manner to all Complaints and will take appropriate action to prevent continuation of and correct Policy violations.

After receiving a report, the Title IX Coordinator will assess the report and provide outreach to the possible Complainant named in the report. This outreach will include information regarding potential Supportive Measures, where applicable. The Title IX Coordinator will describe and offer Supportive Measures to Complainants during the initial assessment (even if the Complaint is ultimately not investigated). Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, campus escorts, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The Title IX Coordinator will make reasonable efforts to ensure that anyone involved in conducting investigations, finding facts, and making disciplinary decisions in a matter will be impartial, neutral, and free from actual Conflicts of Interest.

All persons involved in implementing these procedures (e.g., the campus Title IX Coordinator and any Deputy Title IX Coordinator(s), Investigators, Human Resource Directors, and Hearing Officers presiding over hearings) shall have relevant annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking. Such annual training shall include the CSU complaint processes, as well as the handling, investigation, and analysis of complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking. The annual

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<sup>3</sup> Complaints against a President should be made to the Chancellor's Office, but only if it is alleged that the president directly engaged in conduct that violates the Policy. Any other Complaints against a president (for example, that the president had no substantial involvement other than to rely on or approve a recommendation made by another administrator) will be made to and addressed by the campus.



training shall also address applicable confidentiality issues, especially with respect to the Title IX Coordinator's duty to weigh any victim's request for confidentiality against the duty to provide a safe and nondiscriminatory environment for all members of the campus community. For matters involving Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking, the training shall also include how to conduct an investigation and hearing process that protects the safety of the person(s) involved and promotes accountability.

The Complainant and Respondent may choose to be accompanied by an Advisor of their choice during meetings or any stage of the Complaint process. The Parties also have the right to consult with an attorney, at their own expense, or a union representative at any stage of the process if they wish to do so. An attorney or union representative may serve as a Party's chosen Advisor. The unavailability of a specific Advisor will not unduly interfere with prompt scheduling.

### **Applicable Procedures**

The campus will investigate or otherwise respond to reports of alleged misconduct committed by a student in accordance with the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against a Student ("Student Respondent Procedures") if the alleged misconduct violates the Policy and:

- occurred on campus; or
- involved or impacted a campus program or activity (including campus employment); or
- affected a student's or Employee's ability to participate in a program, activity, or employment; AND
- The alleged misconduct was committed by a person who at the time of the alleged misconduct was a student.

The campus will investigate or otherwise respond to reports of alleged misconduct committed by an Employee or Third-Party in accordance with the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-Party ("Employee or Third-Party Respondent Procedures") if the alleged misconduct violates the Policy and:

1. occurred on campus; or
2. involved or impacted a campus program or activity (including campus employment); or
3. affected a student's or Employee's ability to participate in a program, activity, or employment; AND
4. The alleged misconduct was committed against a person who at the time of the alleged misconduct was a student, or the alleged misconduct was committed by or against an Employee.

Depending on the circumstances, the campus response may or may not include a formal investigation. When a Complainant requests that no investigation occur, the Title IX Coordinator will balance the request against the campus' duty to provide a safe and nondiscriminatory environment for all members of the campus community.

### **The Track System**

There are three possible sets of procedures ("tracks") for formal resolution of Complaints against a Student<sup>4</sup>(Track 1, Track 2, Track 3) as required by federal and state law. There are two sets of procedures ("Tracks")

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<sup>4</sup> A Complaint against a Student-Employee where the alleged conduct arose out of the Respondent's status as an Employee and not their status as a student, should be made using the Procedures for Complaints of

for formal resolution of Complaints against an Employee or a Third-Party (Track 1 or Track 3) as required by federal and state law. The remaining track, track 2: State Mandated Hearing Process, is not applicable to Complaints against Employees or Third-Parties, as it applies only to certain Complaints against Students. Which procedure applies to any given Complaint will depend on a variety of factors described below. Questions about which procedures apply to any specific case should be directed to the campus Title IX Coordinator and/or the Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator").

Prior to a Notice of Investigation being sent to the Complainant and the Respondent, the Title IX Coordinator/DHR Administrator will determine which Track applies.

- Track 1 applies when the alleged conduct:
  - Meets the definition of Sexual Harassment as defined in Article VII.C of the Policy; and
  - Occurred in the United States; and
  - Occurred in an education program or activity at the university, as defined in Track 1
- Track 2 applies when:
  - The Complaint is against a student; and
  - The Complaint is one of Sexual Misconduct, Dating Violence, or Domestic Violence; and
  - The credibility of one (or both) of the Complainant and the Respondent ("the Parties"), or any witness is central to the determination as to whether the student violated the policy; and
  - The student is facing a severe disciplinary sanction (expulsion or suspension) if found to be in violation of university Policy.
- Track 3 applies to all other Complaints under these procedures that allege a Policy violation.

Under Track 1 or 2, the campus will conduct an investigation, and the Complaint will proceed to a hearing unless otherwise resolved. An Investigator will first interview the Complainant, the Respondent, and any witnesses, and gather any documentary evidence. The hearing will occur once an investigation has finished. During the hearing, a hearing officer listens to the witnesses, including the Complainant and the Respondent, and analyzes the evidence, before deciding whether or not the Respondent violated the Policy.

Under Track 3, an Investigator interviews the Complainant, the Respondent, and any witnesses, gathers any documentary evidence, analyzes the evidence, and decides whether or not the Respondent violated the Policy. There is no hearing in Track 3 cases.

### **Standard of Evidence**

The Preponderance of the Evidence based on the facts available at the time of the decision is the standard for demonstrating facts and reaching conclusions in an investigation and hearing that uses the Procedures. Preponderance of the Evidence means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side.

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

## Dismissal/Referral

When the Title IX Coordinator receives a Formal Complaint under Track 1, or where new information or events arise under this Track, the Title IX Coordinator will assess whether the Formal Complaint meets the requirements of the Federal Regulations to move forward under the process under Track 1. A determination that allegations in a Formal Complaint do not meet the requirements of the Federal Regulations will result in a mandatory dismissal of the allegations in the Formal Complaint that do not meet the requirements and, in some cases, a referral of the allegations to another process as the campus may have an obligation to address the matter under other laws and policies. The Title IX Coordinator will determine whether allegations in a Formal Complaint must be dismissed for purposes of the Federal Regulations. If a Formal Complaint is dismissed it may still be referred, if appropriate, to be addressed under the processes in Track 2 or Track 3, CSU Executive Order 1098, or other applicable policies.

At any time after a Complaint has been accepted for investigation, it is within the discretion of the Title IX Coordinator/DHR Administrator to dismiss a Complaint, or any part of a Complaint, if the Complainant notifies the Title IX Coordinator/DHR Administrator in writing that they would like to withdraw the Complaint or any part of it, or if the specific circumstances prevent the campus from gathering evidence necessary to reach a determination as to the Complaint or part of the Complaint.<sup>5</sup>

Written notice of dismissal (mandatory or discretionary) and reason(s) for the dismissal will be sent simultaneously to the Parties when a Title IX Coordinator dismisses any Complaint. The notice will inform the Parties of their right to appeal the dismissal, whether the matter will be referred to another process, and the process for submitting an appeal.

Either Party may appeal from a dismissal of a Complaint or any part of the Complaint. The appeal must be filed within 10 Working Days from the date of the notice of dismissal.

Appeals against a dismissal under Track 1 will be filed with the Chancellor's Office (CO) and will be addressed to:

Systemwide Title IX Unit  
Systemwide Human Resources  
Office of the Chancellor  
[TIX-Dismissal-Appeals@calstate.edu](mailto:TIX-Dismissal-Appeals@calstate.edu)

Appeals against a dismissal under Track 2 or Track 3 will be submitted to the Chancellor's Office and will be addressed to:

Equal Opportunity and Whistleblower Compliance Unit  
Systemwide Human Resources  
Office of the Chancellor  
401 Golden Shore  
Long Beach, California 90802  
[eo-wbappeals@calstate.edu](mailto:eo-wbappeals@calstate.edu)

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<sup>5</sup> Formal complaints under track 1 may be discretionarily dismissed for the additional reason that the Respondent is no longer a student or Employee.

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

### **Informal Resolution**

The CSU recognizes some Parties may desire resolution of their matter through an Informal Resolution process ("Informal Resolution"), instead of through the formal resolution process (described below). Accordingly, Parties may mutually agree, with the agreement of the Title IX Coordinator, to resolve a Complaint through an Informal Resolution process, instead of undergoing the formal resolution process<sup>6</sup>. The Informal Resolution process is entirely voluntary and will not occur unless both Parties agree in writing to participate in an Informal Resolution process.

The Title IX Coordinator/DHR Administrator will oversee the Informal Resolution process, conduct an initial and on-going assessment as to whether the Informal Resolution process should continue, and make the final determination on all Informal Resolutions facilitated by the Title IX Coordinator or designee regarding whether the terms agreed to by the Parties are appropriate in light of all of the circumstances of the Complaint. In some circumstances, depending on the nature and/or severity of the allegations, an Informal Resolution may not be appropriate, and the Title IX Coordinator/DHR Administrator will not approve an Informal Resolution. Prior to approving an Informal Resolution, the Title IX Coordinator/DHR Administrator will consult with the appropriate administrator in human resources or faculty affairs.

Prior to engaging in an informal resolution process, the campus will obtain the Parties' voluntary, written consent. Parties who choose to participate in the voluntary Informal Resolution process will be sent a notice of agreement to engage in Informal Resolution.

The Informal Resolution process may take place at any time before a determination of responsibility is made, but no later than 60 Working Days after both Parties provide voluntary, written consent to participate in the Informal Resolution process.

Any agreed-upon Remedies and disciplinary sanctions agreed to in an Informal Resolution have the same effect as Remedies given and sanctions imposed following an investigation (and/or hearing), consistent with applicable collective bargaining agreements.

The terms of any Informal Resolution must be put in writing and signed by the Parties, and the Title IX Coordinator. The resolution will be final and not appealable by either Party.

### **Investigation and Hearing for Track 1**

#### **SUPPORTIVE MEASURES**

After receiving a report of Sexual Harassment, the Title IX Coordinator will contact the Complainant promptly to discuss the availability of Supportive Measures. The Title IX Coordinator will conduct an intake meeting with any

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<sup>6</sup> Track 1, a Formal Complaint must be filed before the informal resolution process may take place and that under Track 1, informal resolution cannot be used to resolve allegations that an employee sexually harassed a student

Complainant who responds to outreach communication, or otherwise makes a report of a potential Policy violation to discuss the Complainant's options, explain the process, and provide information about Supportive Measures. During the discussion, the Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint<sup>7</sup>, and explain the process for filing a Formal Complaint.

### **NOTICE OF ALLEGATIONS**

When the Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator will Simultaneously provide both Parties a written notice of allegations. If new allegations are raised during the investigation that were not included in the notice of allegations, a revised notice of allegations will be issued Simultaneously to the Parties. If the notice of allegations also serves as notice of a Respondent's expected attendance at an interview, it will include details of the date, time, location, participants, and purpose of that interview. The notice of allegations must be provided to a Respondent at least 5 Working Days prior to the interview. If a Respondent requests to meet sooner than 5 Working Days after receipt of the notice of allegations, they should verbally confirm at the start of the meeting that they are aware that they were provided notice of at least 5 Working Days and this confirmation should be documented by the Title IX Coordinator or Investigator.

### **INVESTIGATION OF A FORMAL COMPLAINT**

The Title IX Coordinator will either promptly investigate the Formal Complaint or assign this task to another Investigator. If assigned to another Investigator, the Title IX Coordinator will monitor, supervise, and oversee all such delegated tasks, including reviewing all investigation draft reports before they are final to ensure that the investigation is sufficient, appropriate, impartial, and in compliance with Track 1.

The investigator will take reasonable steps to gather all relevant evidence from the Parties, other witnesses, or other sources. The investigator will document the steps taken to gather evidence, even when those efforts are not successful.

The Complainant and the Respondent may each elect to be accompanied by an Advisor to any meeting, interview, or proceeding regarding the allegations that are the subject of a Formal Complaint. The advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or, in the case of the Complainant, a Sexual Assault Victim's Advocate.

Parties will be provided written notice of the date, time, location, names of participants, and purpose of all meetings and investigative interviews at which their participation is expected. This written notice should be provided with at least 3 Working Days for the Party to prepare to participate in the meeting or interview. This requirement will not apply where a Party themselves requests to meet with the Title IX Coordinator or Investigator or as addressed in Article VI of Track 1.

If a Party requests to meet with the Title IX Coordinator sooner than 3 Working Days after receipt of written notice of an investigative interview or meeting, they should verbally confirm at the start of the interview or

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<sup>7</sup> Formal Complaint means a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature or a document signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting an investigation of the allegation of Sexual Harassment. At the time that the Formal Complaint is filed, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the CSU.

meeting that they are aware that they were provided notice of at least 3 Working Days and this confirmation should be documented by the Title IX Coordinator or Investigator.

### **REVIEW OF EVIDENCE**

Before issuing a final investigation report, the investigator will send to the Complainant and Respondent, and their respective advisors, if any, all evidence (including evidence upon which the campus does not intend to rely) obtained as part of the investigation that is Directly Related to the allegations raised in the Formal Complaint (preliminary investigation report).

Each Party will be given a minimum of 10 Working Days for the initial review of evidence to respond to the list of disputed facts and evidence and submit additional questions for the other Party and witnesses. This timeframe may be extended at the discretion of the Title IX Coordinator (either on their own or in response to a Party's request). The extension must be made available to both Parties, who must be notified as such. During the review of evidence, each Party may:

- i. Meet again with the investigator to further discuss the allegations.
- ii. Identify additional disputed facts.
- iii. Respond to the evidence in writing.
- iv. Request that the investigator ask additional specific questions to the other Party and other witnesses.
- v. Identify additional relevant witnesses.
- vi. Request that the investigator gather additional evidence.

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

### **FINAL INVESTIGATION REPORT**

After the review of evidence phase is concluded, the Parties will receive a final investigation report that will summarize all Relevant evidence (inculpatory and exculpatory), including additional Relevant evidence received during the review of evidence. Any Relevant documentary or other tangible evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator will be attached to the final investigation report as exhibits. The final investigation report shall be sent to the Parties and their respective advisors, if any, in electronic format (which may include use of a file sharing platform that restricts the Parties and any Advisors from downloading or copying the evidence) or hard copy. The Parties and their advisors will be provided 10 Working Days to review and provide a written response to the final investigation report.

### **TIMEFRAME**

Absent a determination of good cause made by the investigator or Title IX Coordinator (of which the Parties will receive written notice): (i) the investigation should be concluded within 100 Working Days from the date that the notice of allegations is provided to the Parties; and (ii) the final investigation report should be completed and provided to the Parties within 10 Working Days after the review of evidence has concluded. Extensions may be granted for good cause as determined by the Title IX Coordinator. The Parties will receive written notice from the Title IX Coordinator or designee if an extension is necessary and why. The notice will indicate if the extension alters the timeframes for the major stages of the Formal Complaint process.

Within 10 Working Days after the Parties have been provided the final investigation report, the Parties will be informed of the timelines that will apply to the pre-hearing and hearing processes described below. The Parties will be required to provide the name and contact information for their hearing advisor within 5 Working Days after notice of the hearing timeline.

### **TRACK 1 HEARING**

The Parties will be given written notice of the date, time, location, participants, and purpose of the hearing, as well as the identity of the hearing officer. Notification of the hearing will be sent to the designated CSU campus email address, unless the recipient has specifically requested in writing to the hearing coordinator that notice be given to a different email address. Communications from the hearing coordinator will be deemed received on the date sent. The hearing will not be set sooner than 20 Working Days after the date of notice of hearing. Any objections to an appointed hearing officer must be made in writing to the hearing Coordinator within 5 Working Days after notice of the identity of the hearing officer has been communicated to the Parties.

No later than 15 Working Days before the hearing, each Party may provide to the hearing coordinator a proposed witness list that includes the names of, and current contact information for, that Party's proposed witnesses as well as an explanation of the relevance of each proposed witness's testimony and the disputed issue to which the witness's testimony relates. The hearing officer may also identify witnesses from the final investigation report.

No later than 10 Working Days before the hearing, the hearing coordinator will share a final witness list with the Parties, and notify each witness of the date, time, and location of the hearing. Witnesses will be directed to attend the hearing and to promptly direct any questions or concerns about their attendance at the hearing to the hearing coordinator.

No later than 5 Working Days prior to the hearing, the Parties may submit a list of proposed questions to the hearing coordinator. The questions will be provided to the hearing officer. Parties are strongly encouraged to provide questions in advance of the hearing in order to streamline the hearing process and provide the hearing officer an opportunity to resolve relevancy concerns prior to the hearing. The proposed questions will not be shared with the other Party.

The hearing will begin with an overview of the hearing process given by the hearing officer, after which the Parties will be given an opportunity to ask questions about the hearing process. Each Party will be given an opportunity to make an opening statement that may not last longer than 10 minutes. Only the Parties themselves will be permitted to make opening statements. The hearing advisor and any advisor are not permitted to make the opening statement. The advisor may not speak during the hearing. Closing arguments will not be made.

Generally, the hearing officer will start the questioning of witnesses and Parties. The Investigator or the Title IX Coordinator (if not the Investigator) will be the first witness and will describe the Formal Complaint, investigation process, and summarize the evidence. Hearing advisors will be permitted to ask Relevant questions once the hearing officer has concluded their questioning of the other Party and each witness. The hearing officer may ask questions of any Party or witness who participates in the hearing.

### **DETERMINATION REGARDING RESPONSIBILITY UNDER TRACK 1**

After the hearing, the hearing officer will make written findings of fact and conclusions about whether the Respondent violated the Policy with respect to the definition of Sexual Harassment<sup>8</sup>. The hearing coordinator will Simultaneously send the hearing officer's report promptly to the Parties, the Title IX Coordinator, and the appropriate campus administrator, usually within 15 Working Days of the close of the hearing.

If no violation of the Policy is found, the president (or designee) will be notified along with the Parties. The notification will include the outcome of the hearing, a copy of the hearing officer's report (redacted as appropriate or as otherwise required by law) and notice of the Complainant's and Respondent's right to appeal to the Chancellor's Office.

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

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

In cases where the hearing officer has found a violation of the Policy, the president (or designee) will review the final investigation report and the final hearing officer's report and issue a decision ("decision letter") concerning the appropriate sanction or discipline within 10 Working Days of receipt of the final hearing officer's report.

The president (or designee) will simultaneously send the decision letter electronically to the Respondent and Complainant at the campus-assigned or other primary email address linked to their campus accounts.<sup>9</sup> The decision letter will include:

- The outcome of the hearing, including any sanction imposed, and the name of the Respondent(s).
- Information regarding the procedures and permissible bases for the Complainant and Respondent to appeal to the Chancellor's Office.
- If a finding of responsibility is made against the Respondent, a statement as to whether Remedies will be provided to the Complainant that are designed to restore or preserve equal access to the campus's education program or activity. The specifics of any such Remedies may be discussed separately between the Complainant and the Title IX Coordinator and need not be included in the decision letter.

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<sup>8</sup> See definition of Sexual Harassment in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#)

<sup>9</sup> Communication with Parties who are neither Students nor Employees will be sent to an email address that they designate.



- A copy of the final hearing officer's report will be attached to the decision letter, redacted as appropriate or as otherwise required by law.

### **Investigation and Hearing (if applicable) for Tracks 2 and 3**

At the onset of the investigation, the Title IX Coordinator/DHR Administrator will simultaneously provide both Parties a notice of investigation.

In the notice of investigation, the Title IX Coordinator/DHR Administrator will schedule an initial meeting with the Respondent. At this meeting, the Title IX Coordinator/DHR Administrator will explain the allegations against the Respondent, as well as the investigation process, and the Respondent's rights during the process. The Title IX Coordinator/DHR Administrator will also explain that during the investigation, the Respondent and the Complainant will have the opportunity to present evidence, identify witnesses, and review evidence.

During the investigation, the Investigator will take reasonable steps to gather all relevant evidence from the Parties, other witnesses, or other sources. The Investigator will document the steps taken to gather evidence, even when those efforts are not successful. Before finalizing the investigation, the Investigator will share with the Complainant and Respondent a preliminary investigation report, along with all relevant evidence gathered. Each Party will be given a reasonable opportunity to respond to the preliminary investigation report and any attached evidence and ask questions.

In matters where a hearing is not required (Track 3 cases)<sup>10</sup>, a final investigation report will be provided to the Parties along with a notice of investigation outcome. The final investigation report will include a summary of the allegations, the investigation process, the Preponderance of the Evidence standard, a detailed description of the evidence considered, analysis of the evidence including relevant credibility evaluations, and appropriate findings. Relevant exhibits and documents will be attached to the written report. The final investigation report will be attached to a notice of investigation outcome. The notice may be delivered to the Parties electronically. If the notice includes a determination that the Policy was violated, the Title IX Coordinator/DHR Administrator will notify the campus student conduct administrator (where the Respondent is a student)/appropriate campus administrator (where the Respondent is an employee) of the investigation outcome and provide a copy of the final investigation report.

The Title IX Coordinator/DHR Administrator or designee will send the Final Investigation Report to the Parties within 100 Working Days from the date that the Notice of Investigation is provided to the Parties. Extensions may be granted for good cause as determined by the Title IX Coordinator/DHR Administrator. The Parties will receive written notice from the Title IX Coordinator/DHR Administrator or designee if an extension is necessary and why. The notice will indicate if the extension alters the timeframes for the major stages of the Complaint process.

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<sup>10</sup> Under Track 2, the process will proceed to a hearing, as outlined below, and the final investigation report will include all of the information included in the preliminary investigation report as well as additional relevant evidence received during the review of evidence. Any relevant evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator, will be attached to the final investigation report, or made available for review by the Parties. Evidence offered by the Parties or any other witnesses that the Investigator concluded is not relevant will be noted but not included in the final investigation report and should be available at the time of the hearing such that it can be provided to the hearing officer if requested.

Any communications relating to the outcome of an investigation or hearing, including any changes to the outcome or when the outcome becomes final, will be provided in writing simultaneously to the Complainant and the Respondent.

### **TRACK 2 HEARING PROCESS:**

As stated above in the explanation of Track 2, a hearing will be required (unless the case is resolved by way of Informal Resolution). Below are the steps, decision-makers, and anticipated timelines for a Track 2 hearing process that commences after the issuance of the final Investigative report.

#### **Prior to a hearing:**

Parties will be given written notice of the date, time, location, and purpose of the hearing as well as the identity of the hearing officer. The Parties will be sent a notice of the hearing at least 20 Working Days before the hearing. Objections to an appointed hearing officer will be made in writing to the hearing coordinator no later than 5 Working Days after notice of hearing has been sent to the Parties.

No later than 15 Working Days before the hearing, each Party will provide to the hearing coordinator a proposed witness list that includes the names of, and current contact information for, that Party's proposed witnesses as well as an explanation of the relevance of each proposed witness' testimony. The hearing officer may also identify witnesses from the Final Investigation Report.

Where there is more than one Respondent or Complainant in connection with a single occurrence or related multiple occurrences, the hearing officer and the Parties may agree to a single hearing. A Party may request consolidation with other cases, or the Title IX Coordinator, may initiate the consolidation (subject to FERPA and other applicable privacy laws). Request for consolidation will be made no later than 15 Working Days before the hearing. The hearing officer makes consolidation decisions.

Parties must provide the name of, and contact information for, the Party's Advisor and Support Person (if any) to the hearing coordinator 15 Working Days before the hearing.

No later than 10 Working Days before the hearing, the hearing coordinator will share a final witness list with the Parties, and notify each witness of the date, time, and location of the hearing. Witnesses will be instructed to attend the hearing and to promptly direct any questions or concerns about their attendance at the hearing to the hearing coordinator. No later than 5 Working Days before the hearing, the Parties will submit to the hearing coordinator any objections to, or questions about, the witness list.

#### **At the hearing:**

Each Party will be given an opportunity to make an opening statement that will last no longer than 10 minutes. The Parties will not make closing statements. An opening statement is intended to give the Parties the opportunity to share their perspective regarding the facts and discuss the core disputes in the investigation. It should focus on the facts of the matter and not be argumentative.

Parties will have the opportunity to submit written questions to the hearing officer in advance of the hearing. The Parties may also submit written follow-up questions to the hearing officer during the hearing, at appropriate times designated by the hearing officer. The hearing officer will ask the questions proposed by the Parties except for questions that:

1. Seek information about the Complainant's sexual history with anyone other than the Respondent (unless such evidence about the Complainant's sexual behavior is offered to prove that someone other than the Respondent committed the alleged misconduct).

2. Seek information about the Respondent's sexual history with anyone other than the Complainant, unless such information is used to prove motive or pattern of conduct.
3. Seek information that is unreasonably duplicative of evidence in the hearing officer's possession.
4. The hearing officer determines are not relevant to material disputed issues, are argumentative or harassing or unduly intrude on a witness' privacy.

At the hearing, each Party will have an opportunity to ask questions, submit concerns, or note an objection to questions posed. All such questions, concerns, or objections will be submitted in writing to the hearing officer. The hearing officer is not required to respond to an objection, other than to include it in the record.

The hearing officer has the authority and duty to decline or rephrase any question that the hearing officer deems to be repetitive, irrelevant, or harassing. Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing. However, the hearing officer may take guidance from the formal rules of evidence.

**After the hearing:**

After the hearing, the hearing officer will make written findings of facts and conclusions about whether the Respondent violated the Policy. The Title IX Coordinator will review the hearing officer's report to ensure compliance with the Policy. The hearing coordinator will forward the hearing officer's report promptly to the Parties, the Title IX Coordinator, and the student conduct administrator, usually within 15 Working Days of the close of the hearing.

If no violation is found, the hearing coordinator will notify the Parties of their appeal rights. The campus president (or designee) will also be notified.

If a violation is found, the Parties may submit to the hearing coordinator an impact statement or other statement regarding discipline. The statement may not be more than 2000 words in length and will be submitted no later than 5 Working Days after the hearing officer's report is sent to the Parties. The statement is an opportunity for the Parties to suggest disciplinary outcomes and to provide information that they believe is important for the hearing officer to consider. The student conduct administrator and the Title IX Coordinator may also submit a written statement regarding aggravating and mitigating factors no later than 5 Working Days after the hearing officer's report is sent to the Parties.

Within 5 Working Days after receiving and considering the statements described above, the hearing officer will submit the hearing officer's report to the president (or designee), including recommended sanctions (as defined in Executive Order 1098 Student Conduct Procedures<sup>11</sup>) if a Respondent has been determined to have violated university Policy.

Within 10 Working Days of receipt of the hearing officer's report, the president (or designee) will review the Investigation Report and the hearing officer's report and issue a decision concerning the appropriate sanction. The president may impose the recommended sanctions, adopt a different sanction or sanctions, or reject sanctions altogether. If the president adopts a sanction other than what is recommended by the hearing officer, the president must set forth the reasons in the Decision Letter. The president will simultaneously send the decision letter electronically to the Respondent and Complainant. The decision will also be sent to the student conduct administrator and the hearing officer. Unless the campus and Parties are notified that an appeal has been filed,

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<sup>11</sup> See Sanctions, below

the president's (or designee's) sanction decision becomes final 11 Working Days after the date of the decision letter.

## Sanctions

Discipline for Employees includes, but is not limited to, suspension, demotion, and termination of employment.

Employees disciplined by the university may be entitled to additional processes as required by law and/or collective bargaining agreements, including in some cases the right to a hearing before an independent arbitrator or a state agency where the employee may contest the discipline.

The following sanctions may be imposed for violation of the Student Conduct Code:<sup>12</sup>

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, canceled or denied.<sup>a</sup>
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 and sororities), and/or University events, or other remedies intended to discourage similar 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,<sup>2</sup> 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 polices) 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

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<sup>12</sup> Found in Article V, Executive Order 1098 Student Conduct Procedures

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.

## **Appeals**

A written appeal may be submitted to the Chancellor's Office no later than 10 Working Days after the date of the decision letter (Track 2) or notice of investigation outcome (Track 3). All arguments and/or evidence supporting the appeal must be submitted by the deadline to file the appeal. Evidence/arguments submitted after the appeal submission deadline will not be considered by the Chancellor's Office. A written appeal may not exceed 3,500 words, excluding exhibits. Appeals will be submitted to:

Equal Opportunity and Whistleblower Compliance Unit  
Systemwide Human Resources  
Office of the Chancellor  
401 Golden Shore  
Long Beach, California 90802  
[eo-wbappeals@calstate.edu](mailto:eo-wbappeals@calstate.edu)

The Chancellor's Office will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the campus Title IX Coordinator/DHR Administrator. The notice will include the right of the non-appealing Party and the campus to provide a response to the appeal within 10 Working Days of the date of the notice. The appeal response will be limited to 3,500 words, excluding exhibits. Any response to the appeal received by the Chancellor's Office will be provided to the appealing Party for informational purposes only.

The Chancellor's Office will not conduct a new investigation; however, the Chancellor's Office may make reasonable inquiries to determine if the new evidence could have affected the investigation or hearing determination. On appeal, the Chancellor's Office does not reweigh the evidence, re-decide conflicts in the evidence, or revisit determinations made by the Investigator or hearing officer about the credibility or reliability of witnesses and the Parties. The Chancellor's Office appeal response will include a summary of the issues raised on appeal, a summary of the evidence considered, the Preponderance of the Evidence standard, and the determination(s) reached regarding the issue(s) identified within the written appeal. A copy of the final Chancellor's Office appeal response will be forwarded to the Complainant, the Respondent, and the Title IX Coordinator/DHR Administrator.

If the Chancellor's Office review determines that an issue raised on appeal would have affected the investigation outcome or hearing outcome, the investigation or hearing will be remanded back to the campus and the investigation or hearing reopened at the campus level. The Chancellor's Office will return the matter to the campus and will specify in writing the timeline by which a reopened investigation or hearing must be completed. The Chancellor's Office will notify the Parties of the reopening of the investigation or hearing and the timeline for completion of the reopened investigation or hearing. The campus will complete the reopened investigation or hearing and provide the Chancellor's Office with an amended final investigation report/final decision. The campus will also provide the Parties with amended notices of investigation outcome/final decision, and such notices will provide the non-prevailing Party the opportunity to appeal. Upon receipt of the amended final investigation report/final decision, if the outcome remains unchanged, the Chancellor's Office will contact the original appealing Party to determine whether that Party wishes to continue with the appeal. If the outcome is reversed by the campus, the non-prevailing Party will be given an opportunity to appeal.

If the Chancellor's Office determines that no reasonable fact finder (Investigator or hearing officer) could have made the findings as determined by the Investigator or hearing officer, the Chancellor's Office may vacate and reverse the investigation or hearing outcome, but only with respect to whether the Policy was violated (and not with respect to factual findings). If the Chancellor's Office vacates and reverses the investigation or hearing outcome, it will notify the Parties simultaneously in writing, as well as the Title IX Coordinator/DHR Administrator. Following a reversal of an investigation or hearing outcome by the Chancellor's Office, the Chancellor's Office decision is final and is not subject to further appeal. In the event that the final outcome has been reversed by the Chancellor's Office and a sanction will be imposed by the campus, both Parties have a right to appeal the sanction only. If a sanction is found to be objectively unreasonable, or arbitrary based on substantiated conduct, the matter will be sent back to the campus for reconsideration of the sanction.

The Chancellor's Office will respond to the appealing Party no later than 30 Working Days after receipt of the written appeal unless the timeline has been extended<sup>13</sup>

## REGISTERED SEX OFFENDERS

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

## MISSING STUDENT NOTIFICATION PROCEDURES FOR ON-CAMPUS STUDENT HOUSING FACILITIES

Cal Poly Pomona has Housing policies and procedures for missing student notification. If a member of the University community has reason to believe that a student who resides in on-campus housing is missing, he or she should immediately notify UPD at (909) 869-3070. Police officers are on duty 24 hours a day, 365 days a year. In addition, a report should be made directly to one of the following individuals, who will immediately refer the report to, and coordinate, with UPD: Residence Life Director, Residence Life Coordinator, or Housing professional staff. The university requires that all on-campus housing missing student reports be immediately referred to UPD.

A report of a missing student may be made at any time; there is no required wait time or length of time since last contact. UPD, in conjunction with University Housing Services or Foundation Housing Services, Inc./Village staff, will activate established missing student procedures.

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<sup>13</sup> The Chancellor's Office has discretion to extend the timelines for the appeal process for good cause or for any reasons deemed to be legitimate by the Chancellor's Office. This includes the time for filing an appeal, the time for a reopened investigation or hearing to be completed, and the time for the Chancellor's Office to respond to the appeal. The Chancellor's Office will notify the Parties and the Title IX Coordinator of any extensions of time granted pertaining to any portion of the appeal process.

Students residing in on-campus housing have the option to identify a confidential contact (separate from emergency contact) person to be notified within 24 hours when the student has been determined to be missing.

- All official missing student reports to on-campus Housing officials will be referred immediately to UPD.
- A resident's contact information will be retained and confidential and accessible only to authorized campus officials who retain the information and may not be disclosed except to law enforcement personnel in furtherance of an official missing person investigation.
- Even if a resident elects not to register a contact person, UPD and local law enforcement will be notified that the student is missing.
- If the resident is under 18 years of age and not emancipated, a parent/guardian will be notified within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student.

### **Procedures for On-Campus Housing Facilities**

The University will follow specific procedures when a student who resides in an on-campus student housing facility is determined to be missing. Although the HEOA requires that procedures be implemented for students who have been missing for 24 hours, the following procedures are activated immediately or as soon as circumstances warrant.

- If the report is made to a member of Housing Staff, UPD is contacted immediately.
- When deemed appropriate, UPD will contact local law enforcement to take the report and initiate a joint investigation.
- Housing staff will provide the student's registered contact information to UPD.
- Contacts are made for purposes of notification, and often as a part of the investigation (e.g., to ensure the student has not returned home, or traveled unexpectedly).
- Housing staff will assist UPD with the investigation as requested.
- UPD will follow established policies and involve local law enforcement per Administrative Agreements. Per agreement, local law enforcement will be notified within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing. This notification will be made regardless of whether the student has registered a contact person, is over the age of 18, or is an emancipated minor.

Although this requirement only applies to on-campus student housing, all reports regarding missing students living in on-campus student housing would be deemed official reports; a report does not have to only come from on-campus housing representatives in order to be considered an official report.

## **FIRE SAFETY REPORT**

The 2022 Fire Safety Report is available at the following link:

[https://www.cpp.edu/housing/documents/fire\\_safety\\_report.pdf](https://www.cpp.edu/housing/documents/fire_safety_report.pdf)

## APPENDIX A: JURISDICTIONAL DEFINITIONS

### **Rape (CA Penal Code Chapter 1 Section 261)**

(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

(1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent. This paragraph does not preclude the prosecution of a spouse committing the act from being prosecuted under any other paragraph of this subdivision or any other law.

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

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

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

(A) Was unconscious or asleep.

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

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

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

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

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

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



(b) For purposes of this section, the following definitions apply:

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

(c) Menace” means any threat, declaration, or act that shows an intention to inflict an injury upon another.

**Sodomy (CA Penal Code Chapter 1 Section 286)**

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

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

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

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

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

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

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

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

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim’s will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other

person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

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

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

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

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

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

#### **Oral Copulation (CA Penal Code Chapter 1 Section 287)**

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

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

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

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

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

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

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

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

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

**Bigamy, Incest, and the Crime against Nature (CA Penal Code Chapter 1 Section 285 and Section 289)**

Section 285

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

Section 289

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

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

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

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

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

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

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

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

Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

(k) As used in this section:

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

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

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

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

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

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

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

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

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

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



(e)(1) Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery, punishable by a fine not exceeding two thousand dollars (\$2,000), or by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. However, if the defendant was an employer and the victim was an employee of the defendant, the misdemeanor sexual battery shall be punishable by a fine not exceeding three thousand dollars (\$3,000), by imprisonment in a county jail not exceeding six months, or by both that fine and imprisonment. Notwithstanding any other provision of law, any amount of a fine above two thousand dollars (\$2,000) which is collected from a defendant for a violation of this subdivision shall be transmitted to the State Treasury and, upon appropriation by the Legislature, distributed to the Civil Rights Department for the purpose of enforcement of the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2 of the Government Code), including, but not limited to, laws that proscribe sexual harassment in places of employment. However, in no event shall an amount over two thousand dollars (\$2,000) be transmitted to the State Treasury until all fines, including any restitution fines that may have been imposed upon the defendant, have been paid in full.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) To intentionally or recklessly cause or attempt to cause bodily injury.
  - (2) Sexual assault.
  - (3) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
  - (4) To engage in any behavior that has been or could be enjoined pursuant to Section 6320.
- (b) Abuse is not limited to the actual infliction of physical injury or assault.

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

- (a) A spouse or former spouse.
- (b) A cohabitant or former cohabitant, as defined in Section 6209.
- (c) A person with whom the respondent is having or has had a dating or engagement relationship.
- (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 (commencing with Section 7600) of Division 12).

(e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.

(f) Any other person related by consanguinity or affinity within the second degree.

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

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

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

(1) The offender's spouse or former spouse.

(2) The offender's cohabitant or former cohabitant.

(3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship.

(4) The mother or father of the offender's child.

**CA Penal Code 243(e)**

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

**Stalking: CA Penal Code, Chapter 2, Section 646.9**

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

**Stalking: CA Penal Code, Chapter 2, Section 653m**

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

(b) Every person who, with intent to annoy or harass, makes repeated telephone calls or makes repeated contact by means of an electronic communication device, or makes any combination of calls or contact, to another person is, whether or not conversation ensues from making the telephone call or contact by means of an electronic

communication device, guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith or during the ordinary course and scope of business.

**Consent to Sexual Activity (CA Penal Code, Chapter 1, Section 261.6 and Section 261.7)**

1. Consent is positive cooperation in act or attitude pursuant to an exercise of free will. The Person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved.
2. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution under section 261, 286, 287, or 289, or former section 262 or 288a
3. This section shall not affect the admissibility of evidence or the burden of proof on the issue of consent.

In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.