

## Attachment C: Confidential Sexual Assault Victim's Advocates

### Designation and Appointment

Each campus is required to designate at least one confidential Sexual Assault Victim's Advocate (Advocate). The Advocate should be a full-time Employee of the campus or a recognized campus auxiliary, whose primary responsibility is to render advice and assistance to victims of Sexual Misconduct. The Advocate may also be appointed by way of a written agreement with a local community-based sexual violence service provider, such as a rape crisis center, to provide the services described herein. The Advocate shall be confidential, independent, and certified, as described below, and shall be appointed based on experience and a demonstrated ability to effectively provide sexual violence victim services and response.

### Confidentiality

It is essential that the Advocate be an individual who has protection under state law to engage in privileged communications, as described below in the section on Certification.

While it would be appropriate for the Advocate to report to and be supervised by campus student counseling services or health services, campus placement of the Advocate in a different division, department or office would be acceptable as long as the provisions of this section are followed.

Because of their confidential nature, Advocates are not required to report Sexual Misconduct incidents to the University (e.g., to the Title IX Coordinator) or to police without the written consent of the victim, unless an exception applies as described in the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation.

### Roles and Responsibilities

The Advocate will provide the emergency and ongoing support services and assistance outlined below in order to ensure the well-being and safety of victims. These services shall be available 24 hours a day.

- Advocate services need to be flexible, varied, and provided by well-trained, certified sexual assault counselors to address the variability of victim needs.
- The Advocate may accompany victims, at their request and with their permission, and be with them as a support person:
  - Throughout all stages of the campus' investigation and discipline proceedings, including acting as an Advisor at any related meeting or hearing.
  - When giving reports to or meeting with University Police, local law enforcement, the Title IX Coordinator, and any other campus administrator related to a Sexual Misconduct complaint.
  - When going to medical/counseling appointments and treatments (including medical-forensic evidentiary examinations by a Sexual Assault Forensic Examiner).

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- When going to legal appointments and hearings in court or with legal representatives, including assistance with obtaining a restraining or other protective order.
  - When going to meetings and appointments with campus personnel, including the Title IX Coordinator, regarding Supportive Measures (e.g., academic, employment, and housing).
- The Advocate may assist victims, with their permission:
  - In seeking reasonable and available Supportive Measures from the campus, even where the victim has elected not to file a Complaint. Such reasonable and available Supportive Measures may include but not be limited to: academic support, adjustments/changes to course schedules, changes to campus-based housing and work schedules, and no-contact directives.
  - With other related reasonable and available on and off campus services that ensure their well-being and safety.
- Regardless of whether victims wish to remain confidential, the Advocate shall carry out the following:
  - Ensure victims, with their consent, receive information about 24 hour-a-day sexual violence assistance services:
    - Information on how to report to law enforcement and to the campus Title IX Coordinator
    - Emergency medical care, including follow-up medical care, as requested
    - Medical forensic or evidentiary examinations
  - Ensure victims, with their consent, receive the following sexual assault assistance services:
    - Crisis intervention counseling and ongoing counseling
    - Information on victim rights and options, including referrals to additional support services
    - Information on legal services, and the availability of restraining orders and/or no-contact directives
  - Guide those who request assistance through the reporting, counseling, administrative, medical and health, academic accommodation, or legal processes of the campus, university police, and/or local law enforcement.
  - Attend as an Advisor, at their request, any campus adjudication proceeding related to the Sexual Misconduct. Assist with arranging transportation services, as appropriate. Maintain privacy and confidentiality.
- Regardless of whether victims wish to remain confidential, the Advocate shall not notify the campus or any other authority, including law enforcement, of the identity of the victim or any witness or of the alleged circumstances surrounding the reported Sexual Misconduct unless otherwise required by applicable state or federal laws.

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- Advocates may also serve on campus-based Sexual Misconduct task force committees/teams to provide general advice and consulting, and to participate in prevention and awareness activities and programs. However, it would not be appropriate for the Advocate to discuss or communicate about confidential or private information related to specific victims.
- The Advocate may play an active role in assisting, coordinating, and collaborating with the Title IX Coordinator in developing and providing campus-wide awareness and outreach activities, possibly including prevention activities.
  - The Title IX Coordinator remains primarily responsible for all campus-based prevention and awareness activities.
  - All awareness outreach activities will comply and be consistent with University policies.
  - Before initiating any awareness and outreach activities, the Advocate will partner and collaborate with the Title IX Coordinator to ensure the activities comply with CSU policy and are consistent with campus-based practices.

## Supervision

To assure the independence and support needed for the Advocate to represent the interests of the victim independent of the campus, the Advocate must report to and be supervised by an individual outside the office(s) handling the investigation and adjudication of Sexual Misconduct complaints. Thus, the Advocate may not be under the direct control or supervision of the University's Title IX office, student conduct office, or police department.

If the Advocate is appointed by way of written agreement with a local community-based sexual violence service provider, such as a rape crisis center, supervision shall be provided by the outside service provider in accordance with the terms and conditions set forth in the written agreement.

## Certification

If employed by the campus, the Advocate shall be a person whose primary responsibilities are rendering advice and assistance to Sexual Misconduct victims. The Advocate must have received a certificate evidencing completion of a training program in the counseling of Sexual Assault victims issued by a counseling center that meets the criteria for the award of a grant established pursuant to California Penal Code §13837 and who meets one of the following requirements:

1. Is a psychotherapist as defined in California Evidence Code § 1010; has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in rape crisis counseling; or
2. Has 40 hours of training as described below and is supervised by an individual who qualifies as a psychotherapist or counselor under paragraph (1). The training, supervised by a person qualified under paragraph (1), shall include but not be limited to the following areas:
  - Law

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- Medicine
- Societal attitudes
- Crisis intervention and counseling techniques
- Role playing
- Referral services
- Sexuality

Alternatively, the Advocate may be a person who is employed by any organization providing the programs specified in California Penal Code § 13835.2 for the purpose of counseling and assisting Sexual Assault victims, and who meets one of the following requirements:

1. Is a psychotherapist as defined in California Evidence Code § 1010; has a master's degree in counseling or a related field; or has one year of counseling experience, at least six months of which is in rape crisis counseling; or
2. Has the minimum training for sexual assault counseling required by the guidelines established by the employing agency pursuant to California Penal Code § 13835.10(c), and is supervised by an individual who qualifies as a psychotherapist or counselor under paragraph (1). The training, supervised by a person qualified under paragraph (1), shall include but not be limited to the following areas:
  - Law
  - Medicine
  - Societal attitudes
  - Crisis intervention and counseling techniques
  - Role playing
  - Referral services
  - Sexuality

### Location and Availability of Services

The Advocate shall provide effective and accessible victim-advocacy services, in a safe, private, and confidential environment.

The Advocate should be physically housed on campus in a gender-neutral location which allows for privacy and confidentiality when meeting with victims. The Advocate should not be housed in a women's center, as victims may be of any gender identity. A gender equity or similar inclusive center would be appropriate but is not mandatory if a campus has no such office.

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Advocates will provide services to all Student and Employee victims. If a Student or Employee victim leaves the campus, the Advocate may assist with referrals to off-campus resources and services to ensure sustained support.

Advocacy services should be available 24 hours a day and should be provided via a 24/7 telephone and web-based hotline. However, one employee Advocate cannot provide 24/7 coverage. Therefore, where campus staffing, resources or funding are insufficient, a memorandum of understanding (MOU) with a local rape crisis or treatment center should be considered for after-business hours advocacy services. The MOU should provide that the local rape crisis or treatment center will coordinate and communicate with the campus-based Advocate, in accordance with these guidelines.

Online advocacy services should also be available 24 hours a day. A prominently displayed, clear and plainly written website should be created and utilized so victims can anonymously and privately obtain all relevant information, any time of day or night.

### Annual Report

The Advocate shall submit to the campus president and Title IX Coordinator an annual report summarizing how the resources supplied to the Advocate were used, including the number of Sexual Misconduct victims assisted. No personally identifying information will be included in the report. These annual campus reports will also be submitted to the Systemwide Title IX Compliance Officer.