CAL POLY POMONA

ANNUAL SECURITY REPORT

2021

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

Clery Crime Statistics 2018-2020
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MESSAGE FROM THE PRESIDENT

Focused on our mission to cultivate student success and scholarly excellence through experiential learning, discovery and innovation, Cal Poly Pomona serves as the model for an inclusive polytechnic university. Our core values of academic achievement, diversity, inclusion and community engagement define all that we do, and 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 an 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. 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. 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.

Soraya M. Coley, Ph.D.
President
CAL POLY POMONA AND COVID-19 (CORONAVIRUS)

Some University policies and procedures, programs, and services as disclosed in this report may be modified due to the COVID-19 (coronavirus) pandemic and campus response. The University has developed a phased roadmap for our return to campus that is aligned with public health guidelines. Each phase includes our approach to teaching, learning, working, campus life and campus operations.

In all our planning efforts, we are guided by our commitment to protect health and well-being, and provide an educational experience that lives up to our standards and legacy as an inclusive polytechnic university. We will continue to follow the guidelines and recommendations from the CSU Chancellor's Office, state and local public health agencies, and protocols for higher education institutions and office-based work sites.

**Before coming to campus**, visit **Safer Return: https://www.cpp.edu/safety/safer-return/index.shtml** for campus status, requirements, health and safety guidance, and resources.

**Contact Information**
- General questions: healthalert@cpp.edu
- Report COVID-19 case: healthscreener@cpp.edu
- Environmental Health & Safety Department: ehs@cpp.edu
- Questions about visitor protocol: guestscreener@cpp.edu
- LA County Public Health

**PREPARING THE ASR**

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 report 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 report 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 report 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 system-wide Clery Compliance Officer. The Clery Director or their 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 primary law enforcement response.

The campus Clery Director or their designee is responsible for preparing the ASR working in collaboration with UPD, campus partners, and other law enforcement agencies. The Clery Director or their 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 report 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. The Clery Director or their 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 report.

The Clery Director or their 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 encourages reporting by those agencies serving public property and non-campus locations wherein UPD does not patrol/provide 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 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.


- 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:

• Always count Arson regardless of the nature of any other offenses committed during the same incident.
• When multiple offenses are committed during the same distinct operations as the Arson offense, report the most serious offense along with the Arson.
• 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.
• 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.
• 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 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.
<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON-CAMPUS TOTAL</th>
<th>CAMPUS RESIDENTIAL</th>
<th>NON-CAMPUS</th>
<th>PUBLIC PROPERTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder and Non-Negligent Manslaughter</td>
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<td>0</td>
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<td>0</td>
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<tr>
<td></td>
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<td>0</td>
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<td>0</td>
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<tr>
<td>Manslaughter by Negligence</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<tr>
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</table>

Note: In June 2018, (1) Murder occurred at Lanterman property, and subsequently (1) officer involved shooting occurred at the University’s Lyle Center for Regenerative Studies. Per Clery Act crime category and geography definitions, these incidents do not meet the reporting criteria and therefore, are not included in the Clery crime statistics table above. However, we provide this information to ensure the community is informed and in the interest of campus safety.
<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON-CAMPUS TOTAL</th>
<th>CAMPUS RESIDENTIAL</th>
<th>NON-CAMPUS</th>
<th>PUBLIC PROPERTY</th>
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<td>Stalking</td>
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</table>
HATE CRIMES

[2018] – There were no reported hate crimes.
[2019] – There were no reported hate crimes.
[2020] – There were no reported hate crimes.

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

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

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

REPORTING CRIMINAL ACTIONS & EMERGENCIES

The University has policies and procedures regarding the reporting of criminal actions 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 to UPD or appropriate police agencies if the incident occurred in an off-campus location.

The University encourages accurate and prompt reporting of all crimes to UPD and the appropriate police agencies, when the victim of a crime elects not to, or is unable to, make such a report.

Crimes should be reported to UPD for purposes of assessing the crime for potential timely warning notice distribution and for disclosure in the annual crime statistics. 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 Police, Fire, Medical, and other emergencies immediately to UPD.

| University Police Department (UPD) | Bldg. 109, Cypress & Oak Ln. East side of Parking Structure 1 | Dial 9-1-1 from campus landline or Code Blue emergency phones; 24 hours From cell phone, call (909) 869-3070 |

Cell Phone Use: Emergency 9-1-1 calls made on campus from a cell phone are routed to the California Highway Patrol. Campus community members are encouraged to program the UPD business line (909) 869-3070 into their cell phones 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 University Title IX Coordinator.
Option for Reporting Sexual Violence

<table>
<thead>
<tr>
<th>Title IX Coordinator</th>
<th>Dawnita Franklin</th>
<th>(909) 869-2708 Mon-Fri, 8:00 a.m.-5:00 p.m.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Student Services Building (121-2701) – 2nd Fl., West side</td>
<td><a href="mailto:dfranklin@cpp.edu">dfranklin@cpp.edu</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td>After hours contacts in recorded message</td>
</tr>
</tbody>
</table>

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. A Title IX report will be taken whether or not the reporting party elects to file a police report.

A police report will be taken and investigators will investigate a report when warranted.

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 University Human Resources, 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, Los Angeles County Fire Department or the Deputy State Fire Marshal assigned to the University.

If an incident of sexual assault or abuse, 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.

Hate Motivated Crimes and Incidents
Students or employees experiencing or receiving a report of hate violence or bias-motivated incidents are urged to report it to UPD immediately. For additional support, referrals, and resources you may contact the following campus offices.

- Office of Student Life and Cultural Centers: (909) 869-2841
- Human Resource Services: (909) 869-3729

Off Campus Hate Crime Resources
California Attorney General’s Office - Victim's Services Unit: (877) 433-9069, TYY (800) 735-2929
Web: https://www.oag.ca.gov/victimservices
Hate Crimes Brochure - What You Need to Know to Protect Yourself and Others
L.A. County Commission on Human Relations: (213) 738-2788
Web: http://www.lahumanrelations.org/about/index.htm

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.
Clery Act Exempt Employees

Professional and pastoral counselors are not required to report crimes under the Clery Act. However, when deemed appropriate, professional counselors are encouraged to inform their clients of procedures to report crimes by filing a police report and of options to file a report on a voluntary, confidential basis.

Every attempt is made to encourage reporting where the information is otherwise privileged.

VOLUNTARY CONFIDENTIAL REPORTING

The University has procedures by which a person can make a voluntary, confidential report of a crime or incident. To make an anonymous report of a crime or incident to UPD you may contact the Anonymous Tip Line at (909) 869-3399. When leaving a voice 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 if applicable. 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.

Professional and pastoral counselors are not required to report crimes under the Clery Act. However, when deemed appropriate, professional counselors may inform their clients of procedures to report crimes by filing a police report or reporting to the Office of Equity and Compliance (Title IX) on a voluntary, confidential basis.

Every attempt is made to encourage reporting where the information is otherwise privileged.

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

The University 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 University against a student who is the alleged perpetrator of such a crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such a victim shall be treated as the alleged victim.

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

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

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

The primary intent of this policy is to provide members of the community with information to aid in preventing them from becoming victims of crimes posing a serious or ongoing threat to the campus communities. Additionally, it is intended to provide faculty, staff, and students with timely information about Clery reportable crimes occurring within the defined Clery geography of their campuses, and to comply with the Timely Warning requirements of the Jeanne Clery Act. The systemwide Timely Warning Policy shall serve as the authoritative statement of policy on Timely Warning for each campus. Lastly, the intent of this policy is to provide uniformity in the manner in which CSU campuses evaluate and communicate the occurrence of these crimes.

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

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

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

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

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

ADDITIONAL CONSIDERATIONS

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

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

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

CONTENTS OF A TIMELY WARNING

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

• A statement that reads, "This Timely Warning Crime Bulletin is being issued in compliance with the Jeanne Clery Act and the purpose is to provide preventative information to the campus community to aid members from becoming the victim of a similar crime."
• Identify the Clery crime that occurred (i.e., rape, burglary, motor vehicle theft, arson, etc.)
• The date, time, and location the crime occurred
• The date the Timely Warning is issued
• Description of the suspect when deemed appropriate, and only if there is sufficient detail. Only include a description of the suspect when the descriptors provided by the reporting party could reasonably lead to conclusive identification of the perpetrator(s).
• At least three preventative tips or points of information specifically related to the circumstances of the crime which occurred that could help others from becoming the victim of a similar crime
• The phone number of UPD and a statement encouraging community members to report all information about crimes to UPD
• If appropriate, the phone number of support services
The Timely Warning shall not include, under any circumstances, the name of the victim, or information so specific (i.e., specific address or dorm room number or floor) that would, or likely could, identify the victim of the crimes of sexual violence, rape, dating violence, domestic violence, or stalking. Timely Warnings should use gender-inclusive and culturally appropriate language and avoid victim blaming and bias language.

**METHODS OF DISTRIBUTION**

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

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

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

**SECURITY OF AND ACCESS TO 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 the 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-President 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](http://www.cpp.edu/~police/alarm-and-access-control.shtml)

**SPECIAL CONSIDERATIONS FOR ON-CAMPUS STUDENT HOUSING FACILITIES**

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 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 Suites utilizes a card access system on all front lobby doors with key entry at entry to suites and interior bedrooms. Phase 2 Suites employ card access at the front lobby doors and entry to suites, with key access at interior bedroom doors. Foundation Housing Services, Inc. (Village) apartments employ a key entry system in all complex common areas, apartment front doors, and interior bedrooms.

Per their University Housing License Agreement, residents shall permit no visitors or guests to enter University Housing facilities except as permitted per the policies and 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.

Access to Campus Facilities for Events

All special events on campus must have prior authorization. Various campus departments are responsible for special events approval and scheduling. Many special events require UPD approval and may require police, security, and/or parking staffing based on an event assessment (e.g., alcohol service, number of attendees, safety and security concerns, parking, and traffic impacts). The table below provides contact information and resources regarding campus access for special events.

Campus Events Status in Response to COVID-19
Consistent with California Department of Public Health recommendations and LA County Public Health guidance, the campus may have modified guidelines and procedures for campus events.

Campus Special Events Contact Information

<table>
<thead>
<tr>
<th>Department</th>
<th>Event Venue</th>
<th>Contact Information</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>License of Facilities</td>
<td>Campus-wide</td>
<td>(909) 979-4446 or</td>
<td><a href="http://www.cpp.edu/~licensigofspace/index.shtml">http://www.cpp.edu/~licensigofspace/index.shtml</a></td>
</tr>
<tr>
<td></td>
<td></td>
<td><a href="mailto:lof@cpp.edu">lof@cpp.edu</a> for</td>
<td></td>
</tr>
<tr>
<td>Office of Student Life and Cultural Centers</td>
<td>Outdoor &amp; Indoor Spaces, Vendors</td>
<td>(909) 869-2841</td>
<td><a href="https://www.cpp.edu/~oslcc/index.shtml">https://www.cpp.edu/~oslcc/index.shtml</a></td>
</tr>
<tr>
<td>Associate Students, Inc. (ASI)</td>
<td>Bronco Student Center</td>
<td>(909) 869-2847</td>
<td><a href="https://asi.cpp.edu/bronco-student-center/reserve-a-room/">https://asi.cpp.edu/bronco-student-center/reserve-a-room/</a></td>
</tr>
<tr>
<td>Associate Students, Inc. (ASI)</td>
<td>Bronco Recreation &amp; Intramural Complex (BRIC)</td>
<td>On-line request form</td>
<td><a href="https://asi.cpp.edu/campusrec/facilities/reservations/reservations-and-rentals/">https://asi.cpp.edu/campusrec/facilities/reservations/reservations-and-rentals/</a></td>
</tr>
<tr>
<td>College of Agriculture</td>
<td>AGRIsScapes</td>
<td>(909) 869-6722</td>
<td><a href="https://www.cpp.edu/~agriscrapes/visitor-center.html">https://www.cpp.edu/~agriscrapes/visitor-center.html</a></td>
</tr>
</tbody>
</table>

http://www.cpp.edu/~licensigofspace/index.shtml
https://www.cpp.edu/~oslcc/index.shtml
https://asi.cpp.edu/bronco-student-center/reserve-a-room/
https://asi.cpp.edu/campusrec/facilities/reservations/reservations-and-rentals/
https://www.cpp.edu/~agriscrapes/visitor-center.html
http://www.kelloggwest.org/events.aspx
http://www.kellogghousepomona.com/
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 for immediate attention or to Facilities Management at (909) 869-3030.

LAW ENFORCEMENT AUTHORITY
The University Police Department (UPD) has statewide law enforcement authority to enforce federal and state laws under Penal Code § 830.2, and primary concurrent jurisdiction within a mile of campus under the California Education code § 89560. UPD police officers have full arrest authority.

Police officers meet all California Peace Officer’s Standards and Training Commission (POST) requirements mandated for all sworn California law enforcement officers. Police officers are trained in the use of weapons and carry them on campus. In addition to law enforcement authority, UPD Officers may enforce University policies, and if policies are violated, make referrals to the appropriate campus entities so that the University may take appropriate action.

UPD Officers conduct foot, vehicular, and/or bike patrols on campus intermittently 24 hours a day. UPD is responsible for reporting and investigating all criminal offenses committed on campus, with the exception of Homicide, Missing Juveniles and Officer Involved Shooting per the Kristin Smart Campus Safety Act. Should one of these incidents occur, UPD will liaison with the outside agency to provide mutual assistance as requested and ensure that department procedures are followed, and that appropriate emphasis and concern is given to the case.

An Administrative Agreement between the Cal Poly Pomona UPD, City of Pomona Police Department, and Los Angeles Sheriff’s Department designates responsibility for providing law enforcement services for the Law Enforcement Jurisdiction and Criminal Investigations at the University in compliance with the Kristin Smart Campus Safety Act and Higher Education Opportunity Act (HEOA).

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 regularly with area law enforcement representatives to share information regarding criminal activity, law enforcement intelligence, cases and trends. UPD also collaborates and communicates with the California State
University, and other campus law enforcement, public safety and security offices to enhance investigations and crime prevention activities.

Although the University does not have a specific crime reporting policy, the University strongly encourages the accurate and prompt reporting of all crimes to UPD, the Office of Equity and Compliance (Title IX Office) (for sexual violence only), or the appropriate law enforcement agency that has jurisdiction where the crime occurred, including when the victim elects to or is unable to make a report. New students and employees receive information regarding reporting of crimes. Employees with reporting obligations as Responsible Employees complete an on-line training module annually. Campus Security Authorities receive training regarding their reporting obligation under the Clery Act.

SECURITY PROCEDURES AND PRACTICES

Cal Poly Pomona offers security awareness programs designed to: 1) inform the campus community about safety and security 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 overarching goal 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.

UPD, 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, Environmental Health and Safety, and other departments provide ongoing orientations, workshops, presentations and trainings in a range of settings.

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 or UPD at (909) 869-3068 or police@cpp.edu to request a training.

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.

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.

Community Emergency Response Teams (CERT)
The Community Emergency Response Team (CERT) Program provides education about disaster preparedness for
hazards that may impact an individual's residential or work area and training in basic disaster response skills, such as fire safety, light search and rescue, team organization, and disaster medical operations. CERT members can help themselves and assist others in an event when professional responders are not immediately available. Cal Poly Pomona's CERT team is comprised of campus and community members. For more information, contact UPD at (909) 869-3070. Note: As of the date of this report's publication, the CERT program is currently suspended due to the coronavirus pandemic.

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.) (formerly PolyCares) 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

Sexual Violence Prevention & Education

Survivor Advocacy Services and OEC professional staff provide extensive education awareness programming to address the issues of sexual assault, dating violence, and stalking. Staff provide classroom presentations, campus programs, sponsor campus Sexual Assault and Domestic Violence Awareness months, and conduct other outreach activities. These programs are offered at least quarterly and are available upon request.

See the Sexual Violence section of this report for specific information regarding prevention programs and training to increase education awareness and reduce the incidence of sexual violence on campus.

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.

In 2019-20, UPD implemented the Rape Aggression and Defense (R.A.D.) Program, a nationally recognized self-defense program, and certified four instructors (2 females, 2 males; 2 sworn police officers, 2 professional staff members). R.A.D. training is available 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

<table>
<thead>
<tr>
<th>Program Title</th>
<th>Responsible Dept</th>
<th>Program Type (CP, SA, SAA)</th>
<th>Description</th>
<th>Frequency</th>
<th>Target Audience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health &amp; Safety for Students</td>
<td>Orientation Health &amp; Safety Panel</td>
<td>CP, SA</td>
<td>Crime prevention, safety, sexual violence, student code of conduct, policies, campus mental health resources</td>
<td>Annually</td>
<td>New Students, Parents</td>
</tr>
<tr>
<td>Workplace Violence/ Active Shooter Training</td>
<td>UPD, Campus Wide</td>
<td>CP, SA</td>
<td>Types of workplace violence and armed intruder/active shooter preparedness, prevention and response; Active Shooter</td>
<td>Annually, By Request</td>
<td>Residence Life staff, Students, Staff, Faculty, Administrators</td>
</tr>
<tr>
<td>Alcohol Education and Awareness</td>
<td>UPD; Housing</td>
<td>CP, SA, SAA</td>
<td>Alcohol laws, university policies, safe and legal alcohol use, beer goggle activities</td>
<td>Annually, By Request</td>
<td>New Students – Housing RAs lead programs</td>
</tr>
<tr>
<td>Drug Law Education and Awareness; Drug Recognition</td>
<td>UPD; Housing</td>
<td>CP, SA, SAA</td>
<td>Education regarding current drug laws, including marijuana laws, housing policies, and drug recognition component may be offered as part of RA training</td>
<td>Annually, By Request</td>
<td>Students, Student employees (RAs)</td>
</tr>
<tr>
<td>Program Title</td>
<td>Responsible Dept</td>
<td>Program Type (CP, SA, SAA)</td>
<td>Description</td>
<td>Frequency</td>
<td>Target Audience</td>
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<tr>
<td>Campus Safety Training</td>
<td>UPD, Campus Wide</td>
<td>CP, SA</td>
<td>Campus safety, evacuation, emergency preparedness, critical incident individual response concepts</td>
<td>Annually, By Request</td>
<td>Staff, Administrators, Student groups</td>
</tr>
<tr>
<td>Self-Defense Workshops and R.A.D. Training</td>
<td>UPD, ASI, Campus Wide</td>
<td>CP, SA, SAA</td>
<td>Self-defense and sexual assault prevention concepts and techniques; Rape Aggression Defense Program</td>
<td></td>
<td>Students, Staff, Faculty</td>
</tr>
<tr>
<td>Safety and Security Topics</td>
<td>UPD, Campus Wide</td>
<td>CP, SA, SAA</td>
<td>Presentations and trainings tailored to meet specific need or objectives (e.g., safety concerns, incident response or follow up, classroom presentations)</td>
<td>By Request</td>
<td>Students, Staff, Faculty</td>
</tr>
<tr>
<td>Office Safety Protocols and Procedures</td>
<td>UPD, Campus Wide</td>
<td>CP, SA</td>
<td>Office safety site surveys and review of current safety protocols</td>
<td>By Request</td>
<td>Faculty, Staff, Administrators</td>
</tr>
<tr>
<td>Emergency Preparedness, Response and Evacuation</td>
<td>UPD, Emergency Management Campus wide</td>
<td>SA</td>
<td>Presentations, workshops, training on emergency preparedness and response concepts and practical applications. Annual Training Academy for designated Evacuation Coordinators</td>
<td>Annual; By Request</td>
<td>Evacuation Coordinators, Students, Staff, Faculty</td>
</tr>
</tbody>
</table>

**Student Health Services/Wellness Services and Campus Partners**

<table>
<thead>
<tr>
<th>Program Title</th>
<th>Responsible Dept</th>
<th>Program Type (CP, SA, SAA)</th>
<th>Description</th>
<th>Frequency</th>
<th>Target Audience</th>
</tr>
</thead>
<tbody>
<tr>
<td>All About Alcohol</td>
<td>Wellness Services</td>
<td>CP, SA, SAA</td>
<td>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</td>
<td>Quarterly, By Request</td>
<td>Students</td>
</tr>
<tr>
<td>Alcohol Safety</td>
<td>University Housing Services; Greek Life</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol Education</td>
<td>Wellness Services, Engineering; UHS; University Village; Orientation; Greek Life</td>
<td>CP, SA, SAA</td>
<td>Standard drink, BAC, Alcohol poisoning, interactive activities (e.g., beer goggles)</td>
<td>Quarterly</td>
<td>Students, Student employees, Staff</td>
</tr>
</tbody>
</table>
**University Housing Services (UHS) and Foundation Housing (the Village)**

Some examples of programs that have been provided are listed below. Some programs may be modified or replaced by other programs due to the coronavirus pandemic.

<table>
<thead>
<tr>
<th>Program Title</th>
<th>Responsible Dept</th>
<th>Program Type (CP, SA, SAA)</th>
<th>Description</th>
<th>Frequency</th>
<th>Target Audience</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety at the Village</td>
<td>Foundation Housing – ResEd</td>
<td>CP</td>
<td>Open program about how to be safe while living at the Village</td>
<td>Annually; By need</td>
<td>Students</td>
</tr>
<tr>
<td>Alcohol Awareness</td>
<td>UHS/Foundation Housing – ResEd</td>
<td>CP, SAA</td>
<td>General alcohol education program presented in part with Health Services.</td>
<td>By need</td>
<td>Students</td>
</tr>
<tr>
<td>Watch your BAC! (Blood Alcohol Content)</td>
<td>UHS/Foundation Housing – ResEd</td>
<td>SAA</td>
<td>Attendees learn important facts about alcohol and its effects.</td>
<td>By need</td>
<td>Students</td>
</tr>
<tr>
<td>Event</td>
<td>Organization</td>
<td>Department</td>
<td>Description</td>
<td>Frequency</td>
<td>Participants</td>
</tr>
<tr>
<td>----------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Drug Law Education and Awareness; Drug Recognition</td>
<td>UPD; Housing</td>
<td>CP, SA, SAA</td>
<td>Education regarding current drug laws, including marijuana laws, housing policies, and drug recognition component may be offered as part of RA training.</td>
<td>Annually, By Request</td>
<td>Students, Student employees (RAs)</td>
</tr>
<tr>
<td>Break the Chain on Stigma</td>
<td>UHS</td>
<td>CP, SA</td>
<td>Residents discussed the prison system and stigma and were able to share their own beliefs and thoughts about the justice system.</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>Donuts with Cops</td>
<td>UHS, UPD</td>
<td>CP, SA</td>
<td>Student residents meet and have a conversation with our UPD officers and learn more about campus safety and what to do in an emergency situation when on campus or in public settings.</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>Drinking Responsibly</td>
<td>UHS</td>
<td>SAA</td>
<td>Residents learned about alcohol consumption safety</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>How Much is Too Much?</td>
<td>UHS</td>
<td>CP, SAA</td>
<td>Residents learn about alcohol safety, including pouring more accurate standards drinks, signs of alcohol poisoning and other methods to drink safely and responsibly.</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>Mocktail Halloween Party</td>
<td>UHS</td>
<td>CP, SAA</td>
<td>The purpose of this program is to inform residents about the dangers of being drugged at a party and to provide information on how to protect themselves. By participating in this program, residents will learn about making healthy decisions regarding alcohol, marijuana, and other drugs.</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>Wine and Dine</td>
<td>UHS</td>
<td>CP, SAA</td>
<td>This program will address the dangers of driving drunk and how it impairs a person's motor functions and mental abilities.</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>Activity</td>
<td>Organizer</td>
<td>Type</td>
<td>Description</td>
<td>Frequency</td>
<td>Audience</td>
</tr>
<tr>
<td>-------------------------------------------</td>
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<td>------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Acai Bowls and Alcohol Policy</td>
<td>UHS, CP, SAA</td>
<td></td>
<td>Residents will learn about the alcohol policy on campus as well as ways to responsibly consume alcohol (if they choose) off-campus or later in life.</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>Thirsty Thursday</td>
<td>UHS</td>
<td>SAA</td>
<td>Residents will be able to learn about safe alcohol consumption and how to deal with someone who is overly intoxicated.</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>Pick Your Poison</td>
<td>UHS</td>
<td>SAA</td>
<td>This program is an informational presentation/activity on ways to drink responsibly. The activity will be the “Pour Me a Drink” from the health and wellness services website along with posters from their “less is more” toolkit.</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>Be(er) Responsible</td>
<td>UHS</td>
<td>CP, SAA</td>
<td>This program will center on educating residents on alcohol safety and the impact alcohol has on awareness, reflexes, and cognition. The Wellness Center will bring “drunk goggles,” and residents will have the opportunity to play various board games such as Jenga, Connect 4, Corn Hole, etc. in order to see how their cognition is hindered by alcohol. The Wellness Center will also have different resources to give to residents regarding alcohol safety and consumption.</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>I’m just here for the Boos</td>
<td>UHS</td>
<td>CP, SAA</td>
<td>A table was set up in the lobby with flyers and pamphlets of alcohol and drug safety. A representative from the Wellness Center was present to answer any resident questions.</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>Increase Your Tolerance!</td>
<td>UHS</td>
<td>SAA</td>
<td>Prepared students for International Day of Tolerance, drinks were provided in red cups for a lighthearted feel and to prove a point. Underage drinking and unhealthy drinking practices will be highlighted.</td>
<td>Once</td>
<td>Students</td>
</tr>
<tr>
<td>Pajamas, Policies, Popcorn</td>
<td>UHS</td>
<td>SAA</td>
<td>Residents learned about the Policies in our community, namely drinking, controlled substances, and noise Policies.</td>
<td>Once</td>
<td>Students</td>
</tr>
</tbody>
</table>
Safety, Prevention and Support Resources – On Campus

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

Integrated Care Network
The Cal Poly Pomona Integrated Care Network is part of the Student Health and Wellbeing cluster within the Division of Student Affairs. By offering a range of specialized support services, the Integrated Care Network strives to promote, maintain, and improve the health and wellbeing of Cal Poly Pomona’s students through integration and partnerships, prevention, early intervention, and access to resources.

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.) (formerly PolyCares) 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, 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 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 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.

CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS

The University 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 does recognize a limited number of student Greek Life organizations who control property. Crime statistics for residences leased by the student organization (there are a limited number of Greek Life organizations that hold leases) are included in the crime statistics non-campus location 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 also collaborates with the Office of Student Life and Cultural Centers, 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.
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.

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**

Health Services Building 46  
(909) 869-4000  
[https://www.cpp.edu/health/](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](https://www.cpp.edu/caps/index.shtml)

Employee Assistance Program (EAP) (CPPLifeMatters by Empathia)  
Hotline (800) 367-7474  
[http://www.cpp.edu/~employee-assist](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:

1. 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;

2. Accidents and car crashes due to effects on vision, judgment, coordination and other physical skills;

3. Social and psychological problems that may interfere with school, job performance, and/or relationships; and
4. 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, 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

- University Alcohol and Other Drugs Policy
- Cal Poly Pomona Drug and Alcohol Abuse Prevention Program http://www.cpp.edu/alcohol-drugs
- eCheckupToGo https://interwork.sdsu.edu/echeckup/usa/alc/coll/index.php?id=CPP&hfs=false

SEXUAL VIOLENCE

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

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

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

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

PREVENTION, EDUCATION, AND AWARENESS

Cal Poly Pomona promotes a safe living, learning, and working environment through systemwide policies and through a variety of campus educational programs offered to students, faculty, and staff. Cal Poly Pomona prohibits dating violence, domestic violence, sexual assault, and stalking, and offers programs to prevent, educate, and promote awareness of these topics, in accordance with CSU Executive Order 1095, 34 C.F.R. § 668.46, and California jurisdictional definitions.

Cal Poly Pomona adjudicates dating violence, domestic violence, sexual assault, and stalking following the policy and procedures described in CSU Executive Orders 1095, 1096, 1097, and 1098. Cal Poly Pomona also requires that affirmative consent is present between members of the campus community engaging in sexual activity as defined by the CSU Executive Orders and California jurisdictional definitions. For the applicable jurisdictional definitions, please see Appendix A: California Criminal Definition. For the applicable CSU Executive Order definitions, please see https://www.csus.edu/title-ix/executive-orders-complaint-forms-faq.html

Cal Poly Pomona provides primary prevention and awareness trainings for all incoming students and new employees through both systemwide online trainings and campus-specific trainings. The systemwide trainings are offered consistent with the applicable CSU Executive Orders and are assessed by the CSU Chancellor’s Office for compliance with 34 C.F.R. §668.46.
Cal Poly Pomona engages in comprehensive, intentional, and integrated programming, initiatives, strategies and educational campaigns intended to prevent, educate, and promote awareness of dating violence, domestic violence, sexual assault, sexual harassment, and stalking that:

- Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, best practices, assessed for learning outcomes, value and effectiveness; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

Cal Poly Pomona’s campus-specific programs to prevent dating violence, domestic violence, sexual assault, and stalking include:

1. A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking as defined under the Executive Orders and 34 C.F.R. § 668.46.
2. The definitions of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction, California;
3. The definition of “consent,” in reference to sexual activity, in the applicable jurisdiction, California;
4. A description of safe and positive options for bystander intervention;
5. Information on risk reduction;
6. Information about reporting, adjudication, and disciplinary procedures as required by 34 C.F.R. §668.46 and described in “Procedures for Reporting a Crime of Sexual Violence/Sexual Misconduct” of this Annual Security Report.

**Jurisdictional Definitions**
Please see Appendix A: California Definition for the criminal definitions of dating violence, domestic violence, sexual assault, stalking, and consent in California.

**Annual and Ongoing Prevention and Awareness Campaigns**
Cal Poly Pomona conducts an annual prevention and awareness campaign consisting of presentations that include distribution of educational materials to new students, training for returning students, training for all employees and participating in and presenting information and materials during new employee orientation.

In addition to the annual campaign, the University conducts ongoing education and awareness programs for students and employees, which includes information regarding disciplinary procedures. The Survivor Advocate and Title IX Coordinator conduct the majority of education and awareness programs for students and employees. Other campus entities also conduct programs related to sexual assault and other related topics, including Student Health Services Wellness Center, Counseling and Psychological Services (CAPS), UPD, University Housing Services and Foundations Housing Services, Inc./Village, and peer educators.

Training and education and awareness programs are presented to varied audiences in a range of settings, such as new and transfer student orientations, academic courses, and other target campus entities (e.g., Athletics, Greeks, Student Leaders, student residents, UPD). Survivor Advocacy Services (SAS) and the Women’s Resource Center provide programming for Sexual Assault and Domestic Violence Awareness Months and collaborate with the Office of Student Life and Cultural Centers to provide programs that may address ethnic and/or cultural issues related to sexual violence such as stereotypes, cultural barriers to reporting, etc.

Survivor Advocacy Services provides walk-in crisis services, consultations, appointments, assistance with restraining orders, and hospital and court accompaniments for students and employees. Survivor Advocacy
Services also actively participates in a range of other campus activities to increase education and awareness, including tabling and resource fairs such as BroncoFusion, Orientation, etc.

Annual and ongoing training and education and awareness programs include, but are not limited to, the programs listed in the following table. Training and programs can be developed and/or tailored to suit specific needs.

**Sexual Violence – Prevention, Education and Awareness Programs**

Sexual Assault, Domestic Violence, Dating Violence, and Stalking (VAWA- Violence Against Women Act) educational programs and campaigns aim to promote the awareness of these topics. Most programs offered are evidence-based.

Please refer to the following definitions and program characteristics referenced in the tables below.

- **Program Types**: Primary prevention programs (PP), bystander intervention programs (BI), awareness programs (A), risk reduction programs (RR), and ongoing prevention and awareness campaigns (OPAC)
- **Effective Program Characteristics (Effective Prog Char)**: 1) culturally relevant, 2) inclusive of diverse communities and identities, 3) sustainable, 4) responsive to community needs, 5) informed by research or assessed for value, effectiveness, or outcome; and 6) considers environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels
- **Sexual violence** (Sexual assault, domestic violence, dating violence, stalking) - On-line education and prevention, training presentations and workshops regarding Title IX campus procedures, resources, referrals to on and off campus resources – Sexual Violence (SV)

### Office of Equity and Compliance (OEC)

<table>
<thead>
<tr>
<th>Program Title</th>
<th>Responsible Dept</th>
<th>Program Type</th>
<th>Description</th>
<th>Frequency</th>
<th>Target Audience</th>
<th>Effective Program Char</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health &amp; Safety</td>
<td>OEC, UPD, SAS, Student Health Services, CAPS, SCI</td>
<td>PP, A, RR, OPAC</td>
<td>Sexual violence training</td>
<td>Annually</td>
<td>All Incoming Students and Parents</td>
<td>1-6</td>
</tr>
<tr>
<td>Eliminate Campus Sexual Misconduct Online Training</td>
<td>OEC</td>
<td>PP, A, RR, OPAC</td>
<td>Sexual violence (Sexual assault, domestic violence, dating violence, stalking) on-line education and prevention, training re: Title IX campus procedures, referral to on and off campus resources – hereafter Sexual Violence</td>
<td>Annually</td>
<td>All Faculty, Staff &amp; Administrators</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/Sexual Violence and related topics Online Trainings</td>
<td>OEC</td>
<td>PP, BI, RR, OPAC</td>
<td>Sexual Violence</td>
<td>Annual</td>
<td>All undergraduate and graduate students</td>
<td>1-6</td>
</tr>
<tr>
<td>Program Title</td>
<td>Responsible Dept</td>
<td>Program Type</td>
<td>Description</td>
<td>Frequency</td>
<td>Target Audience</td>
<td>Effective Program Char</td>
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</tr>
<tr>
<td>Title IX/DHR</td>
<td>OEC</td>
<td>PP, BI, RR, OPAC</td>
<td>Sexual Violence &amp; Discrimination, Harassment and Retaliation (DHR) laws, campus policies and procedures</td>
<td>Annual</td>
<td>New Students; New Transfer Orientation</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR</td>
<td>OEC</td>
<td>PP, BI, RR, OPAC</td>
<td>Sexual Violence &amp; Discrimination, Harassment and Retaliation (DHR) laws, campus policies and procedures</td>
<td>Annual</td>
<td>New Students; Freshman Orientation</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR, Reporting Obligations</td>
<td>OEC</td>
<td>PP, BI, RR, OPAC</td>
<td>Sexual Violence and DHR with expanded curriculum for target audience</td>
<td>Weekly/Bi-Weekly</td>
<td>New Employee Orientation</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR</td>
<td>OEC</td>
<td>PP, BI, RR, OPAC</td>
<td>Sexual Violence &amp; Discrimination, Harassment and Retaliation (DHR) laws, campus policies and procedures</td>
<td>By Request</td>
<td>New Students; RISE Program - First Time Freshmen</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR, Reporting Obligations</td>
<td>OEC</td>
<td>PP, BI, RR, OPAC</td>
<td>Sexual Violence and DHR with expanded curriculum for target audience</td>
<td>Annual</td>
<td>Athletics Staff</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR, Reporting Obligations</td>
<td>OEC</td>
<td>PP, BI, RR, OPAC</td>
<td>Sexual Violence and DHR with expanded curriculum for target audience</td>
<td>Annual; By Request</td>
<td>Poly Transfer Program - Student Assistants</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX</td>
<td>OEC</td>
<td>PP, BI, RR, OPAC</td>
<td>Sexual Violence</td>
<td>By Request</td>
<td>Employees; Village Foundation Housing Service</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR</td>
<td>OEC</td>
<td>PP, BI, RR, OPAC</td>
<td>Sexual Violence &amp; Discrimination, Harassment and Retaliation (DHR) laws, campus policies and procedures</td>
<td>By Request</td>
<td>New &amp; Ongoing Students; Undergraduate Students in Professional Development Course in AMM</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX - Supplemental Training</td>
<td>OEC</td>
<td>PP, BI, RR, OPAC</td>
<td>Sexual Violence with expanded curriculum for target audience</td>
<td>Annual</td>
<td>New &amp; Ongoing Students; Student-Athletes</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR - Supplemental Training</td>
<td>OEC</td>
<td>PP, BI, RR, OPAC</td>
<td>Sexual Violence &amp; Discrimination, Harassment and Retaliation (DHR) laws, campus policies and procedures</td>
<td>Annual</td>
<td>New &amp; Ongoing Students; Student Org Leaders</td>
<td>1-6</td>
</tr>
<tr>
<td>Program Title</td>
<td>Responsible Dept</td>
<td>Program Type</td>
<td>Description</td>
<td>Frequency</td>
<td>Target Audience</td>
<td>Effective Program Char</td>
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</tr>
<tr>
<td>Title IX/DHR - Supplemental Training</td>
<td>OEC</td>
<td>PP, BI, RR,</td>
<td>Sexual Violence and DHR with expanded curriculum for target audience</td>
<td>Annual</td>
<td>New &amp; Ongoing Students; ASI Leadership</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR, Reporting Obligations</td>
<td>OEC</td>
<td>PP, BI, RR,</td>
<td>Sexual Violence and DHR with expanded curriculum for target audience</td>
<td>Bi-Annual; By Request</td>
<td>Employees &amp; Students; University Housing - Resident Advisors &amp; inter-Hall Council</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR, Reporting Obligations</td>
<td>OEC</td>
<td>PP, BI, RR,</td>
<td>Sexual Violence and DHR with expanded curriculum for target audience</td>
<td>Annual; By Request</td>
<td>Employees &amp; Students; Village Housing - Resident Advisors &amp; Student Leaders</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR, Reporting Obligations</td>
<td>OEC</td>
<td>PP, BI, RR,</td>
<td>Sexual Violence and DHR with expanded curriculum for target audience</td>
<td>Annual</td>
<td>New/Returning OSLCC Staff and Student Leaders</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR, Reporting Obligations</td>
<td>OEC</td>
<td>PP, BI, RR,</td>
<td>Sexual Violence and DHR with expanded curriculum for target audience</td>
<td>By request</td>
<td>New Faculty - &quot;New Faculty Institute&quot;</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR, Reporting Obligations</td>
<td>OEC</td>
<td>PP, BI, RR,</td>
<td>Sexual Violence and DHR with expanded curriculum for target audience</td>
<td>By request</td>
<td>Foundation Student Employees</td>
<td>1-6</td>
</tr>
<tr>
<td>Diversity &amp; inclusion</td>
<td>OEC</td>
<td>PP, BI, RR,</td>
<td>Presentation for academic course includes concepts of diversity, inclusion,</td>
<td>Annual; By Request</td>
<td>Biology Masters Students (TAs &amp; GAs)</td>
<td>1-6</td>
</tr>
<tr>
<td>Q&amp;A with OEC, New Title IX Regs, Complaint Process</td>
<td>OEC</td>
<td>OPAC</td>
<td>Q &amp; A session with OEC staff regarding regulations, complaint process, Title IX</td>
<td>Annual</td>
<td>CPP Community - All Students, Staff, and Faculty</td>
<td>1-6</td>
</tr>
<tr>
<td>Title IX/DHR, Reporting Obligations, Educational Conversation - Informal Res</td>
<td>OEC</td>
<td>PP, BI, RR,</td>
<td>Sexual Violence &amp; Discrimination, Harassment and Retaliation (DHR) laws, campus policies and procedures</td>
<td>By Request</td>
<td>Individual Faculty, Staff or Students</td>
<td>1-6</td>
</tr>
</tbody>
</table>

Survivor Advocacy Services (SAS)
<table>
<thead>
<tr>
<th>Program Title</th>
<th>Responsible Dept</th>
<th>Program Type (PP, BI, A, RR, PAC)</th>
<th>Description</th>
<th>Frequency</th>
<th>Target Audience</th>
<th>Effective Program Char</th>
</tr>
</thead>
<tbody>
<tr>
<td>Healthy relationships, consent, sexual assault prevention topics</td>
<td>SAS Campus wide</td>
<td>PP, BI, A, RR, PAC</td>
<td>VAWA topics including definitions, consent, reporting options, healthy relationships, and warning signs, etc.</td>
<td>Annual; By Request</td>
<td>Students; Employees</td>
<td>1-6</td>
</tr>
</tbody>
</table>

**Student Health and Wellness Services**

The following are typical programs provided by Wellness Services; however, some activities in calendar year 202 were affected by the coronavirus pandemic.

<table>
<thead>
<tr>
<th>Program Title</th>
<th>Responsible Dept</th>
<th>Type</th>
<th>Description</th>
<th>Frequency</th>
<th>Target Audience</th>
<th>Effective Program Char</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health Hut - Sexual Health and STI's</td>
<td>Bronco Wellness Center</td>
<td>PP, RR</td>
<td>Mobile pop-up station that provides students with a prevention and intervention activities for healthy living</td>
<td>Semester</td>
<td>Students</td>
<td>1-6</td>
</tr>
<tr>
<td>Sex in the Dark</td>
<td>Bronco Wellness Center</td>
<td>PP, RR</td>
<td>Anonymous Q&amp;A – Expert panel provides information on sexual health and related topics</td>
<td>By Request</td>
<td>Students</td>
<td>1-6</td>
</tr>
<tr>
<td>Birth Control Options</td>
<td>University Housing; College of Ag; Women’s Resource Center; Feminist Fight Club</td>
<td>PP, RR</td>
<td>Comprehensive presentation on birth control, including options available in the U.S. and which options are available on campus.</td>
<td>Monthly; By request</td>
<td>Students</td>
<td>1-6</td>
</tr>
<tr>
<td>Let’s Talk About Sex</td>
<td>University Housing; Biology Dept.; African American Student Center; Nutrition</td>
<td>PP, RR</td>
<td>Interactive presentation covers STD prevention and testing, common forms of pregnancy prevention, communication,</td>
<td>Monthly; By request</td>
<td>Students</td>
<td>1-6</td>
</tr>
</tbody>
</table>
DEFINITIONS PER EXECUTIVE ORDERS 1095-1097

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

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

SEX DISCRIMINATION

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

SEXUAL HARASSMENT

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

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

EXECUTIVE ORDER: Sexual Harassment is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:
1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or

2. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; or

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

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

SEXUAL MISCONDUCT

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

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

SEXUAL ASSAULT (ADDENDUM B):

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

FONDLING: the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.
INCEST: is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

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

AFFIRMATIVE CONSENT

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

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

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

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

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

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

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

EXECUTIVE ORDER: Engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his or her safety or the safety of others, or to suffer Substantial Emotional Distress. For purposes of this definition:
• Course of Conduct means two or more acts, including but not limited to, acts in which the stalker directly,
  indirectly, or through Third Parties, by any action, method, device, or means, follows, monitors, observes,
  surveils, threatens, or communicates to or about a person, or interferes with a person’s property;
• Reasonable Person means a reasonable person under similar circumstances and with the same Protected
  Status(es) as the complainant;
• Substantial Emotional Distress means significant mental suffering or anguish that may, but does not
  necessarily require medical or other professional treatment or counseling.
• Protected Status includes Age, Disability (physical or mental), Gender (or sex), Genetic Information,
  Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation,
  and Veteran or Military Status.

PROCEDURES FOR REPORTING A CRIME OF SEXUAL VIOLENCE/SEXUAL
MISCONDUCT

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

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

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

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

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

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

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

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

PRIVILEGED AND CONFIDENTIAL REPORTS

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

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

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

EXCEPTIONS TO CONFIDENTIALITY

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

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

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

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

PRESERVATION OF EVIDENCE

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

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not to make a complaint regarding an incident, nevertheless, should consider speaking with UPD or other law enforcement to preserve evidence in the event that they change their mind and wish to report the assault at a later date.
A victim has the right to have a confidential advocate present when reporting to law enforcement and during examinations. With the victim’s consent, the confidential advocate will assess the victim’s immediate needs and provide support and referral as appropriate. This confidential assistance may include counseling, information concerning rape trauma syndrome; information on the collection of medical evidence and available health services to test for injuries, sexually transmitted diseases, and/or pregnancy. Assistance is also available with access to other resources and services, including assistance in obtaining emergency protection orders and restraining orders.

REPORTING OPTIONS

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

REPORTING TO THE POLICE

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

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

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

REPORTING TO A CSA

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

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

REPORTING TO A TITLE IX COORDINATOR OR RESPONSIBLE EMPLOYEE

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

Cal Poly Pomona’s Title IX Coordinator and DHR Administrator is the Management employee with delegated authority from the President to receive and coordinate responses on behalf of Cal Poly Pomona for all matters related to DHR and sexual misconduct.

Title IX Coordinator/DHR Administrator
Office of Equity and Compliance (OEC)
Student Services #121 West Room 2701
Email: dhfranklin@cpp.edu
Phone: (909) 869 -4646

To report an incident, you can contact the Office of Equity and Compliance at (909) 869-4646 or officeofequity@cpp.edu Your report will be accepted in any language.

Title IX On-line Reporting Form: Report a Title IX Incident

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

As detailed above, most University employees except treating physicians, licensed counselors, and clergy must report to the Title IX Coordinator all relevant details about any Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incidents of which they become aware. The University will need to determine what happened and will need to know the names of the victim(s) and the alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.
To the extent possible, information reported to the Title IX Coordinator or other University employees will be kept private and shared only with individuals responsible for handling the University’s response to the incident. Any Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures. The University will protect the privacy of individuals involved in a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident as otherwise required by law or University policy. A Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim’s identity and privacy and the privacy of other involved individuals. Except as detailed in the section on Privileged and Confidential Communications above, no University employee, including the Title IX Coordinator, should disclose the victim’s identity to the police without the victim’s consent or unless the victim has also reported the incident to the police.

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

The Title IX Coordinator will provide the written explanation of Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking (Attachment C in Executive Order 1095) which includes written information to victims about supportive measures. This includes information on preservation of evidence, how and to whom to report the alleged offense, the options available regarding and involving law enforcement and campus authorities (including notification of law enforcement authorities, being assisted by campus authorities in notifying law enforcement if the victim chooses, and declining to notify the authorities), and notification of the rights of victims to seek orders of protection and request “no-contact” orders, and restraining orders. The Title IX Coordinator will inform the victim of the initiation of an investigation prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s response to the incident. The Title IX Coordinator will remain mindful of the victim’s well-being, and will take ongoing steps to protect the victim from retaliation or harm, and work with the victim to create a safety plan. Retaliation against the victim, whether by students, employees or third parties, will not be tolerated. The University and Title IX Coordinator will also:

- Provide Supportive Measures requested by the victim and the other party to a complaint, if they are reasonably available, regardless of whether the victim chooses to report to campus or local police;
- Assist victims in accessing available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
• Make connections to individuals on campus who can provide support and solutions with respect to a variety of logistics, including transportation assistance, visa/immigration assistance, and financial aid assistance;

• Provide security and support, which could include issuing a mutual no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules or adjustments for assignments, tests, or work duties, including supervisory reporting relationships and leaves of absence; and

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

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

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

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

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

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

NON-REPORTING

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

CIVIL LAWSUIT

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

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

Restraining Order Procedures and Court Contact Information

The following describes some basic first steps, including contact information for the applicable courts, in order 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.

A victim 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 downloaded at https://www.courts.ca.gov/forms.htm?filter=DV.

The Cal Poly Pomona Office of Equity and Compliance/Title IX office 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 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 also 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 which has 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/

**DISCIPLINARY PROCEDURES**

COMPLAINTS MADE BY STUDENTS

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

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

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

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

COMPLAINTS MADE BY STUDENT-EMPLOYEES

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

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

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

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

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

STANDARD OF EVIDENCE

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

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

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

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

COMPLAINT PROCEDURES

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

EXECUTIVE ORDER 1096 OR 1097 SINGLE INVESTIGATOR PROCESS

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

ADDENDUM A: STATE MANDATED HEARING ADDENDUM

In January 2019, a California Court of Appeal ruled that students accused of Sexual Misconduct who face severe discipline (expulsion or suspension) at any California university have the right to a hearing to cross-examine (question), directly or indirectly, their accusers and other witnesses if witness credibility is “central” to
the case. To implement the new requirements, the CSU created an addendum to Executive Orders 1096 and 1097. This addendum is known as Addendum A: State Mandated Hearing Addendum (“Addendum A”), and it describes the investigation and resolution process for cases that meet the above requirements. Cases that proceed under Addendum A do involve a hearing (where the case is not resolved through Informal Resolution).

ADDENDUM B: FEDERAL MANDATED HEARING ADDENDUM

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

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

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

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

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

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

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

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

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

MANDATORY DISMISSAL/REFERRAL

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

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

DISCRETIONARY DISMISSAL

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

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

WRITTEN NOTICE

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

APPEAL OF A FORMAL COMPLAINT DISMISSAL/REFERRAL

Either Party may appeal from a dismissal of a Formal Complaint or any part of the Complaint to the Chancellor’s Office (CO) Systemwide Title IX Unit. The appeal must be filed within 10 Working Days from the date of the Notice of Dismissal. The appeal will be in writing and will be based only on one or more of the following grounds: a procedural irregularity occurred that affected the dismissal of the Formal Complaint; new evidence that was not reasonably available at the time the dismissal decision was made that could affect the
decision to dismiss the Formal Compliant; or the Title IX Coordinator (or designee) who dismissed the Formal Complaint had a conflict of interest or bias for or against the Complainant or Respondent in this case or complainants or respondents in general.

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

Systemwide Title IX Unit
Systemwide Human Resources
Office of the Chancellor
TIX-Dismissal-Appeals@calstate.edu

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

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

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

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

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

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

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

If new allegations are raised during the investigation that were not included in the Notice of Allegations, a revised Notice of Allegations will be issued Simultaneously to the Parties.
If the Notice of Allegations also serves as notice of a Respondent's expected attendance at an interview, it will include details of the date, time, location, participants, and purpose of that interview. The Notice of Allegations must be provided to a Respondent at least 5 Working Days prior to the interview.

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

INVESTIGATIVE PROCEDURES

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

ADVISORS

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

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

HEARING ADVISORS – ADDENDUM B Hearings ONLY

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

GATHERING OF EVIDENCE

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

REVIEW OF EVIDENCE

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

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2 For an Addendum B matter, this information will also be sent to the Parties’ respective Support Advisors, if any.
Investigation Report will also identify the material facts – disputed and undisputed, with explanations as to why any material fact is disputed.

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

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

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

**FINAL INVESTIGATION REPORT**

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

**WRITTEN RESPONSE TO FINAL INVESTIGATION REPORT – ADDENDUM B ONLY**

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

**TIMEFRAME FOR COMPLETION OF INVESTIGATION**

**EXECUTIVE ORDER 1096 OR 1097 SINGLE INVESTIGATOR**

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

**ADDENDUM A OR ADDENDUM B**

Absent a determination of good cause made by the Investigator or Title IX Coordinator (of which the Parties will receive written notice): (i) an Addendum A or Addendum B investigation should be concluded within **100 Working Days** from the date that the Notice of Allegations is provided to the Parties; and (ii) the Final Investigation Report should be completed and provided to the Parties within **10 Working Days** after the Review of Evidence.
has concluded. Extensions may be granted, and notice to the Parties given, as set forth in Article V. E. of EO 1096 and EO 1097. Within 10 Working Days after the Parties have been provided the Final Investigation Report, the Parties will be informed of the timelines that will apply to the pre-hearing and hearing processes described below. Under Addendum B, the Parties will be required to provide the name and contact information for their Hearing Advisor within 5 Working Days after notice of the hearing timeline.

HEARING PROCEDURES

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

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

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

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

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

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

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

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

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

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

**QUESTIONING BY A HEARING OFFICER DURING AN ADDENDUM A HEARING ONLY**

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

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

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

ii. seek information about the Respondent’s sexual history with anyone other than the Complainant, unless such information is used to prove motive or pattern of conduct;

iii. seek information that is unreasonably duplicative of evidence in the Hearing Officer’s possession; or

iv. the Hearing Officer determines are not relevant to material disputed issues, are argumentative or harassing or unduly intrude on a witness’s privacy.

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

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

**QUESTIONING BY HEARING ADVISORS DURING AN ADDENDUM B HEARING ONLY**

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

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

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

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

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

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

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

**IN RELATION TO HEARINGS UNDER ADDENDUM A AND ADDENDUM B**

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

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

**DETERMINATION REGARDING RESPONSIBILITY**

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

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

If no violation is found, the president (or designee) will be notified along with the Parties. The notification will include the outcome of the hearing, a copy of the Hearing Officer’s Report (redacted as appropriate or as otherwise required by law) and notice of the Complainant’s and Respondent’s right to appeal to the Chancellor’s Office.
If a violation is found, within **5 Working Days** of receiving such finding the Parties may submit to the Hearing Coordinator an impact statement or other statement regarding discipline that is no more than 2000 words in length. The document is an opportunity for the Parties to suggest disciplinary outcomes and to provide information that they believe is important for the Hearing Officer to consider. The Student Conduct Administrator and/or appropriate University Administrator responsible for discipline and Title IX Coordinator may also submit a written statement regarding aggravating and mitigating factors that provides a recommendation regarding the disciplinary outcome, including information regarding prior disciplinary outcomes for similar conduct and whether the Respondent was previously found to have violated University policy.

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

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

PRESIDENT’S SANCTION DECISION/NOTIFICATION

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

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

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

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

NOTICE OF INVESTIGATION OUTCOME – SINGLE INVESTIGATOR PROCESS ONLY

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

Within **10 Working Days** of issuance of the Final Investigation Report, the Title IX Coordinator will notify the Complainant and Respondent in writing of the outcome of the investigation. The notice will advise the Complainant and Respondent of their right to file an appeal under the Executive Order.
Where a Complaint is made against another Student and the Executive Order is found to have been violated, the Title IX Coordinator will also notify the Campus Student Conduct Administrator of the investigation outcome and provide a copy of the investigation report.

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

**INFORMAL RESOLUTION**

**INFORMAL RESOLUTION UNDER EO 1096/1097 SINGLE INVESTIGATOR PROCESS**

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

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

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

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

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

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

If resolution is not reached, the Campus shall promptly notify the Complainant and, where applicable, the Respondent in writing that the Informal Resolution process is terminated, and the termination effective date. The Title IX Coordinator shall also determine whether the matter is appropriate for investigation, and so notify the parties in writing. The Complainant shall be provided written notification of the right to file a complaint.

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

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

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

INFORMAL RESOLUTION UNDER ADDENDUM B

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

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

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

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

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

WRITTEN PRELIMINARY ASSESSMENT – ADDENDUM B ONLY

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

EMPLOYEE DISCIPLINE

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

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

**STUDENT SANCTIONS**

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

1. **LOSS OF FINANCIAL AID**

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

2. **EDUCATIONAL AND REMEDIAL SANCTIONS**

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

3. **DENIAL OF ACCESS TO CAMPUS OR PERSONS**

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

4. **DISCIPLINARY PROBATION**

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

5. **SUSPENSION**

Temporary separation of the student from active student status or student status.
• A student who is suspended for less than one academic year shall be placed on inactive student (or equivalent) status (subject to individual campus policies) and remains eligible to re-enroll at the University (subject to individual campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.

• A student who is suspended for one academic year or more shall be separated from student status but remains eligible to reapply to the University (subject to individual campus application policies) once the suspension has been served. Conditions for readmission may be specified.

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

6. **EXPULSION**

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

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

**OTHER CONSIDERATIONS RELATED TO SANCTIONS:**

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

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

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

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

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

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

APPEALS

CSU EXECUTIVE ORDER 1096 OR 1097

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

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

ADDENDUM A

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

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

APPEAL GROUNDS

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

ADDENDUM B

Any Complainant or Respondent who is not satisfied with a Campus hearing outcome may file an appeal with the Chancellor’s Office (CO) no later than 10 Working Days after the date of the Decision Letter.
The appeal must be in writing and may be based only on one or more of the grounds for appeal listed below:

**APPEAL GROUNDS**

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

**ISSUES AND EVIDENCE ON APPEAL: EXECUTIVE ORDER 1096 AND 1097**

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

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

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

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

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

The CO will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide prompt written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the Campus Title IX Coordinator. The notice will include the right of the non-appealing Party and the Campus to provide a response to the appeal within **10 Working Days** of the date of the notice.
In relation to an appeal under Addendum B, the appeal and appeal response shall be limited to 3,500 words, excluding exhibits.

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

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

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

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

REGISTERED SEX OFFENDERS

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

EMERGENCY NOTIFICATION POLICY

The primary intent of this policy is to provide uniformity in the manner in which emergency notifications required under the Clery Act are processed. The systemwide Emergency Notification Policy shall serve as the authoritative statement of policy on Emergency Notifications for each campus. This policy outlines the procedures campuses will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees occurring on the campus.
Any member of the campus community with information believed to constitute a significant emergency or
dangerous situation that poses an imminent or immediate threat shall report the information to UPD and/or by
calling "911." Examples include, but are not limited to, the following types of incidents:

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

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

If both of the above factors are not met, no emergency notification is required. If it is determined that both of
the above factors are met, then an emergency notification as described below shall be issued. The Chief of
Police (or management designee) will confer with the Clery Director, if available, to prepare the content of the
notification and determine which members of the campus community are threatened and need to be notified. The
content of the message will be developed based on a careful but swift analysis of the most critical facts.

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

**CONTENTS OF THE EMERGENCY NOTIFICATION**

The emergency notification shall contain the following information:

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

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

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

Distribution methods, including distribution to the larger community, vary from campus to campus and depending on the nature of the emergency, may include:

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

TESTING AND EVACUATION SYSTEM

Testing of the Emergency Notification System and evacuation will be done at least once annually. The tests may be announced or unannounced. Tests must be scheduled, contain drills, exercises and appropriate follow-through activities, and be designed for assessment and evaluations of emergency plans and capabilities. However, at least one test will be publicized in conjunction with the campus’s emergency response and evacuation procedures. Each test will be documented to include a description of the exercise, the date of the test, the start and end times of the test, and whether the test was announced or unannounced. A copy of the documentation will be provided to the Clery Director.

The California State University Emergency Management Policy describes these tests and defines responsibility for their completion.

The campus Emergency Manager is responsible for implementing procedures to annually schedule 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 Housing staff and other campus partners to schedule evacuation drills to meet legal requirements, as well as other training for targeted audiences. The table below highlights evacuation drills and training conducted in calendar year 2020.
<table>
<thead>
<tr>
<th>Type of Program</th>
<th>Date</th>
<th>Dept. Provider</th>
<th>Audience</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Evacuation Drill; Education and Awareness Program</td>
<td>10/15/20</td>
<td>Emergency Management &amp; campus partners</td>
<td>Campus Proper Bldgs., CLA Bldg. &amp; Other</td>
<td>Announced/Evacuation Drill; Great California Shakeout (The Shakeout) – Cancelled due to pandemic / Earthquake Drill Only</td>
</tr>
<tr>
<td>Evacuation Coordinator Basic Training</td>
<td>1/15/20, 10/28/20</td>
<td>Emergency Management</td>
<td>Evacuation Coordinators</td>
<td>New Evacuation Coordinator Training</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Evacuation Coordinator Refresher Training via Zoom</td>
</tr>
<tr>
<td>Library Department Evacuation Training</td>
<td>1/8/20</td>
<td>Emergency Management</td>
<td>Library Staff</td>
<td>Evacuation Training (Library Building Specific)</td>
</tr>
<tr>
<td>University Village RA Training</td>
<td>8/18/20</td>
<td>Emergency Management</td>
<td>University Village Resident Advisors</td>
<td>All Hazards Training: Evacuation Training with Covid-19 Social Distancing Measures, EM overview</td>
</tr>
<tr>
<td>Evacuation Drill</td>
<td>1/28/20, 1/29/20, 1/30/20, 1/31/20, 8/25/20</td>
<td>Emergency Management &amp; University Housing Services (UHS)</td>
<td>UHS – Halls, UHS – Suites, UHS – Towers, UHS – Suites</td>
<td>Unannounced/Evacuation Drill for student residents and Residence Life employees</td>
</tr>
<tr>
<td>EOC Section Training</td>
<td>1/19/20, 1/16/20, 1/27/20</td>
<td>Emergency Management</td>
<td>Operations Plans &amp; Intel Logistics</td>
<td>EOC specific section training, section and individual roles and responsibilities</td>
</tr>
<tr>
<td>Joint Information Center Communications Training</td>
<td>8/7/20</td>
<td>Emergency Management</td>
<td>Department Communication Staff Training</td>
<td>Responsibilities during an incident</td>
</tr>
<tr>
<td>Evacuation Drill</td>
<td>9/1/20</td>
<td>Emergency Management &amp; University Village</td>
<td>University Village (UV) Housing – Foundation, UV Recreation Center/Comm Center</td>
<td>Unannounced/Evacuation Drill for student residents and Residence Life employees Announced/Evacuation Drill as part of the Shakeout-Cancelled</td>
</tr>
</tbody>
</table>
Emergency Notification 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 the second full week of each quarter (calendar year), with the exception of the fall, when it is held during 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 vehicle 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 the Strategic Communications at (909) 869-3342 for assistance.

MISSING STUDENT NOTIFICATION

Cal Poly Pomona has 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.

A report of a missing person may be made immediately, or 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.

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.

MISSING PERSONS PROCEDURES
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 ACT
The 2021 Fire Safety Report is available at the following link:
APPENDIX A

California Definition for the criminal definitions of dating violence, domestic violence, sexual assault, stalking, and consent in California are listed below.

Rape (CA Penal Code Chapter 1 Section 261)

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving consent.
(2) Where it is accomplished against a person’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:
(A) Was unconscious or asleep.
(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
(6) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat. As used in this paragraph, “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
(7) Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official. As used in this paragraph, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
(b) As used in this section, “duress” means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would not have submitted. The total circumstances, including the age of the victim, and his or her relationship to the defendant, are factors to consider in appraising the existence of duress.
(c) As used in this section, “menace” means any threat, declaration, or act which shows an intention to inflict an injury upon another.

Sodomy (CA Penal Code Chapter 1 Section 286)
Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

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

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

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

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

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

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

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

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

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

(3) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of oral copulation upon a victim who is a minor 14 years of age or older, when the act is accomplished against the victim’s will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.
(e) Any person who participates in an act of oral copulation while confined in any state prison, as defined in Section 4504 or in any local detention facility as defined in Section 6031.4, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year.

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

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

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

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

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

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

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

As used in this subdivision, “public official” means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.
(l) As used in subdivisions (c) and (d), “threatening to retaliate” means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.

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

(a) (1) (A) Any person who commits an act of sexual penetration when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.
(B) Any person who commits an act of sexual penetration upon a child who is under 14 years of age, when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.
(C) Any person who commits an act of sexual penetration upon a minor who is 14 years of age or older, when the act is accomplished against the victim’s will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 6, 8, or 10 years.
(D) This paragraph does not preclude prosecution under Section 269, Section 288.7, or any other provision of law.
(2) Any person who commits an act of sexual penetration when the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.
(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years.
Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.
(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.
(d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, “unconscious of the nature of the act” means incapable of resisting because the victim meets one of the following conditions:
(1) Was unconscious or asleep.
(2) Was not aware, knowing, perceiving, or cognizant that the act occurred.
(3) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.
(4) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.
(e) Any person who commits an act of sexual penetration when the victim is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

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

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

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

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

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

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

(k) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. “Intimate part” means the sexual organ, anus, groin, or buttocks of any person, and the breast of a female.
2. “Sexual battery” does not include the crimes defined in Section 261 or 289.
3. “Seriously disabled” means a person with severe physical or sensory disabilities.
4. “Medically incapacitated” means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.
5. “Institutionalized” means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
6. “Minor” means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct that also is proscribed by this section.
(i) In the case of a felony conviction for a violation of this section, the fact that the defendant was an employer and the victim was an employee of the defendant shall be a factor in aggravation in sentencing.

(ii) 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

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

CA Penal Code, Chapter 2, Section 653m

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

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

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

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

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