

To: All Osher Lifelong Learning Institute (OLLI) CSUSM Students

From: Dr. Bridget Blanshan 
Associate Vice President for Student Engagement and Equity
Title IX Coordinator

Subject: Addressing Gender Equity and Sexual Violence

This notification is being sent to all Osher Lifelong Learning Institute (OLLI) CSUSM Students to ensure that you are aware of CSUSM policy and procedure relating to Title IX, including Sexual Violence and Sexual Harassment. In addition, CSUSM wants to provide you with the necessary response tools in the event that you or someone that you know experiences Sexual Violence or Sexual Harassment.

The California State University (CSU) is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. We embrace and encourage our community differences in Age, Disability, Race or Ethnicity, Gender, Gender Identity or Expression, Nationality, Religion, Sexual Orientation, Genetic Information, Veteran or Military Status, and other characteristics that make our community unique¹. All Students have the right to participate fully in CSU programs and activities free from Discrimination, Harassment, and Retaliation. The CSU prohibits Harassment of any kind, including Sexual Harassment, as well as Sexual Misconduct, Dating and Domestic Violence, and Stalking. Such behavior violates University policy and may also violate state or federal law.

The CSU prohibits:

1. Discrimination, including Harassment, because of any Protected Status: i.e., Age, Disability, Gender, Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status;
2. Retaliation for exercising rights under this policy, opposing Discrimination or Harassment because of a Protected Status, or for participating in any manner in any related investigation or proceeding;
3. Dating and Domestic Violence, and Stalking;
4. Sexual Misconduct of any kind, which includes sexual activity engaged in without Affirmative Consent; and,
5. Employees from entering into a consensual relationship with any Student over whom s/he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. See Article I. F.

CSUSM offers education, prevention, and awareness programming throughout the year and you are encouraged to attend and be involved in the discussion, "It's On Us" to stop sexual assault. Sign the pledge at <http://itsonus.org/>. Be on the lookout for upcoming education and prevention opportunities!

CSUSM's Notice of Non-Discrimination on the Basis of Gender or Sex

The California State University does not discriminate on the basis of gender, which includes sex and 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 gender or sexual orientation in employment, as well as in all education programs and activities operated by the University (both on and off campus). The protection against discrimination on the basis of gender or sexual orientation includes sexual harassment, sexual misconduct, and gender based dating and domestic violence and stalking (for detailed definitions, please see CSU Executive Order 1097 at <http://www.calstate.edu/eo/EO-1097-rev-6-23-15.pdf>).

Title IX of the Education Amendments Act of 1972 protects people from discrimination based on gender or sex in education programs or activities that receive Federal financial assistance. Title IX states that:

¹ Key capitalized terms are defined at Article VI of Executive Order 1097. Terms contained within this policy and procedure are intended to be gender neutral.

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” (20 U.S.C.1681 et seq.)

Reporting Options

The University's primary concern is the safety of its campus community members. The use of alcohol or drugs never makes the victim/survivor at fault for Sexual Violence. Moreover, victim/survivors should not be deterred from reporting incidents of Sexual Violence out of a concern that they might be disciplined for related violations of drug, alcohol or other University policies. Except in extreme circumstances, victim/survivors of Sexual Violence shall not be subject to discipline for related violations of University policy.

In addition, CSU policy prohibits retaliation against a person who reports Sexual Violence or Sexual Harassment, or someone who assists someone with a report or participates in any manner in an investigation or resolution of a complaint.

Confidentiality- Know Your Options

We encourage survivors of Sexual Violence and Sexual Harassment to talk to someone about what happened- so you can get the support that you need. Before talking to a university employee, it is important to understand university policy relating to confidentiality and their obligation, if any, to report the incident to the Title IX Coordinator.

Most CSUSM employees (Faculty and Staff) are required to report all details of a sexual misconduct incident *including the identities of both the victim/survivor and alleged perpetrator* to the Title IX Coordinator or designee.

Other CSUSM employees (sexual violence advocate, physicians, professional mental health counselors, psychotherapists) are required by law to maintain near or complete confidentiality.

University Police Department employees may maintain the victim/survivor's identity as confidential, *if requested by the victim/survivor*.

For more information on confidentiality, please read the following document: [Rights and Options for Victims of Sexual Misconduct, Dating and Domestic Violence, and Stalking](#)

Confidential Reporting: Students can receive advocacy and support through Student Health and Counseling Services, CSUSM's Sexual Violence Advocate and Educator, or off campus advocacy services.

*Student Health and Counseling Services **

*Sexual Violence Advocate & Educator, Christa Wencl, cwencl@csusm.edu **

Address: Bldg. 21, (located adjacent to the parking structure and across from the University Student Union)

Phone: (760) 750-4915

Monday-Friday 8AM to 5PM, closed during campus closure days

Website: <http://www.csusm.edu/shcs/>

*Center for Community Solutions (CCS) – OFF CAMPUS **

Address: 240 S. Hickory St., Suite 110, Escondido, CA 92025

Phone: (888) 385-4657 (24-Hour Hotline)

Monday-Friday 9AM to 5PM, **but advocates are available 24/7 by calling the crisis line.**

Website: www.ccssd.org

*Women's Resource Center – OFF CAMPUS **

Address: 1963 Apple St., Oceanside, CA 92054

Phone: (760) 757-3500 (24-Hour Hotline)

Monday-Friday 9AM to 5PM

Website: www.wrcsd.org

Criminal Reporting: Reporting to University police and/or local police is an option at any time following a Sexual Violence incident. If students choose not to report to the police immediately, they 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.

Students 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 Sexual Violence, including Domestic Violence, Dating Violence and Stalking. CSUSM Sexual Violence Advocate and Educator can offer assistance with obtaining a protective or restraining order.

University Police:

Address: 425 La Moree Road

Email: dispatch@csusm.edu

Phone: (760) 750-4567 or 911 on campus phones

Local Police: San Diego County Sheriff San Marcos

Address: 182 Santar Place, San Marcos, 92069

Phone: (760) 510-5200

Administrative Reporting: Students may report to the campus Title IX Coordinator any incident of Sex Discrimination, Sexual Harassment, or Sexual Misconduct (e.g., Rape, Acquaintance Rape, Dating Violence, Domestic Violence or Stalking).

CSUSM Title IX Coordinator: Dr. Bridget Blanshan, Associate Vice President for Student Engagement and Equity

Address: Craven 3600

Email bblansha@csusm.edu

Phone (760) 750-4056

CSUSM Deputy Title IX Coordinator for Students: Dilcie Perez, Dean of Students

Address: 3500 University Student Union

Email: dperez@csusm.edu

Phone: (760) 750-4935

Monday-Friday 8AM to 5PM, closed during campus closure days

CSUSM Title IX Coordinator (or designee) will also discuss with a student any reasonable interim remedies the University may offer prior to conclusion of an investigation or potential disciplinary action to reduce or eliminate negative impact on a student and provide them with available assistance. Examples include: Adjustment to University course work, course schedules, or supervisory reporting relationship; requiring the accused to move from University housing; or prohibiting the accused from contacting the victim/survivor. These options may be available to a student whether or not they choose to report the Sexual Violence to campus police or law enforcement. The Title IX Coordinator remains available to assist you and provide you with reasonable remedies requested by you throughout the reporting, investigative, and disciplinary processes, and thereafter. These remedies may also be sought confidentially, through our Sexual Violence Advocate and Educator.

Students are entitled to be accompanied to any related meeting or proceeding by an advisor of their choice. However, if they do not wish to participate in an investigation or hearing process, they have the right to decline to do so.

Non-Investigative reporting: A Sexual assault victim/survivor has the option to have a Sexual Assault Forensic Exam (SAFE) without filing a police report. On Campus SHCS does not conduct SAFE exams, but can assist you in a referral to the appropriate off campus location.

What to Do If Someone Reports Sexual Violence or Sexual Harassment To You

- **Listen.** If someone discloses sexual violence to you, they trust you enough to share this incredibly difficult matter with you. Listening with compassion can be incredibly helpful.
- **Believe.** Rather than asking a lot of questions, let the person know you believe them and will support them as best as you can. Avoid asking questions like, “Did you fight back?” or “Why did you go to that party?” Questioning the person’s behavior could make the person feel as though the sexual violence was their fault, even though it wasn’t and even if that’s not your intent.
- **Give Options.** Sexual violence as a crime of power and control, in order to give a sense of control back to the person disclosing this to you, allow them to carefully choose what option is best for them. You can help them explore their options by suggesting available resources (as listed in the reporting options section above). For more information on options, please click here [Right and Options for Victims of Sexual Misconduct, Dating and Domestic Violence and Stalking](#). Also, you may choose to connect them with CSUSM’s Sexual Violence Advocate and Educator, Christa Wencl, cwencl@csusm.edu, *SHCS, Bldg. 21, (760) 750-4915*.

Who to Contact

The University has designated a Title IX Coordinator to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to sexual misconduct, dating and domestic violence, and stalking.

CSUSM Title IX Coordinator: Bridget Blanshan, Associate Vice President for Student Affairs

Address: Craven Hall 3600

Email: bblansha@csusm.edu

Phone (760) 750-4056

Monday - Friday 8am to 5pm, Closed during campus closure days

For incidents involving students, please contact the Dean of Students Office-

CSUSM Deputy Title IX Coordinator for Students: Dilcie Perez, Dean of Students

Address: 3500 University Student Union

Email: dperez@csusm.edu

Phone: (760) 750-4935

Monday - Friday 8am to 5pm, Closed during campus closure days

CSUSM Deputy Title IX Coordinator for Athletics Compliance: Jennifer Milo, Athletic Director

Address: Clarke Field House 106C

Email: jmilo@csusm.edu

Phone: (760) 750-7108

Monday - Friday 8am to 5pm, Closed during campus closure days

As of June 23, 2015, several revised CSU Executive Orders went into effect:

Executive Order 1095 provides direction on implementing Title IX of the Education Amendments of 1972 (20 U.S.C. § 1681 *et seq.*); the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Security and Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)) (VAWA) under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act); Title IV of the 1964 Civil Rights Act (42 U.S.C. § 2000c *et seq.*); the California Equity in Higher Education Act (Cal. Educ. Code § 66250 *et seq.*); the California Donahoe Higher Education Act (Cal. Educ. §§ 66000 *et seq.*); and the Governor's *California Campus Blueprint to Address Sexual Assault*, among other applicable state and federal laws and related regulations.

Revised Executive Order 1095 may be found at <http://www.calstate.edu/eo/EO-1095-rev-6-23-15.pdf>.

Executive Order 1097 is the 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**.

Revised Executive Order 1097 may be found at <http://www.calstate.edu/eo/EO-1097-rev-6-23-15.pdf>.

For more information on CSUSM Policies and Procedures:

CSUSM Title IX Webpage: <http://www.csusm.edu/title9>

[CSUSM Title IX Brochure, Promoting Gender Equity and Preventing Sexual Violence, Information for Students Myths and Facts about Sexual Misconduct](#)

[What to Expect from the Title IX Complaint Process](#)

[Rights and Options for Victims of Sexual Misconduct, Dating and Domestic Violence, and Stalking](#)

Important Definitions:

***Domestic Violence** is 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 himself or herself, or another.² Abuse does not include non-physical, emotional distress or injury.*

***Dating Violence** is 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.³ 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 himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.*

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

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on Gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, 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. Men as well as women 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.

² See Cal. Penal Code § 13700(b) and Cal. Family Code § 6211.

³ See Cal. Penal Code § 13700 (b).

1. **Sexual Assault** is a form of Sexual Misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or sex.⁴
2. **Sexual Battery** is a form of Sexual Misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's Gender or sex as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification, or abuse.⁵
3. **Rape** is a form of Sexual Misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute Rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical Disability renders a person incapable of giving consent. The Respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Affirmative Consent above.)⁶
4. **Acquaintance Rape** is a form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

Stalking means engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his/her or others' safety or to suffer Substantial Emotional Distress.⁷ For purposes of this definition:

1. **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;
2. **Reasonable Person** means a reasonable person under similar circumstances and with the same Protected Status(es) as the Complainant;
3. **Substantial Emotional Distress** means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent.

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 constitutes Sexual

⁴ See Cal. Penal Code § 240.

⁵ See Cal. Penal Code § 242.

⁶ See Cal. Penal Code §§ 261-263.

⁷ See Cal. Penal Code § 646.9.

Misconduct and is a violation of this policy, whether or not the conduct violates any civil or criminal law.

Sexual Misconduct is a form of Sexual Harassment and may create a sexually hostile environment that affects access to or participation in CSU programs and activities. CSU prohibits all such conduct whether or not it also amounts to Sexual Harassment.

Sexual activity includes but is not limited to kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex.

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 s/he is asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if s/he lacks 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.*