

2023

ANNUAL SECURITY REPORT

JEANNE CLERY DISCLOSURE OF CAMPUS
SECURITY POLICIES & CAMPUS CRIME
STATISTICS ACT (20 U.S.C. § 1092(F))
Clery Crime Statistics 2020-2022

San Marcos Campus
CSUSM at Temecula
MSJC Temecula Valley Campus

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Message from
THE PRESIDENT

Dear Cal State San Marcos community,

Thank you for taking time to read this year's Annual Security Report. The Jeanne Clery Disclosure of Campus Security Policies and Campus Crime Statistics Act, commonly referred to as the Clery Act, is a federal mandate requiring all institutions of higher education that participate in federal student financial aid programs to disclose information about certain campus policies, procedures, and crimes reported to have occurred on the campus and certain off-campus locations. This report is designed to provide you with important information about safety and security at CSUSM. In addition to outlining many of the policies and resources that our university offers, this report also contains crime statistics for the previous three calendar years of January 1, 2020 - December 31, 2022.

At CSUSM, we strongly believe that campus safety and security is a shared responsibility and an essential part of student success and employee wellness. I am proud of the work that our faculty, staff and students do to keep CSUSM secure and safe. Additionally, our University Police Department strives every day to collaborate with all members of the campus community, with an emphasis on developing partnerships that allow for the sharing of information and ideas. However, we must never become complacent when it comes to our campus environment. It's crucial for us to look out for one another and to speak up by reporting potentially unsafe situations.

I hope you find this report informative. If you have questions or would like further information about the Clery Act, please visit the Clery website <https://www.csusm.edu/clery/index.html>.

Sincerely,
Ellen Neufeldt, Ed.D.
President

PREPARING THE ANNUAL SECURITY REPORT

The Clery Director and Clery Compliance Team (CCT) compile this institutional report to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* (the Clery Act), and it is a disclosure for the three most recent calendar years concerning the number of specific crimes that occurred on or within CSUSM's Clery geography.

The [Clery Compliance Team](#) assists the Clery Director in the collection of information and required crime statistics, assists in developing, writing, reviewing and ensuring the accuracy of the ASR and campus policies required to be included in the ASR, assists in the proper identification of relevant Clery Act geography, assists in programming, developing and providing training and outreach efforts on the campus for compliance and assists in overall compliance with the Clery Act and state student safety laws.

The procedures for preparing the annual disclosure of crime statistics include reporting statistics to the campus community obtained from the following sources: the CSUSM University Police Department, Dean of Students, Office of Residential Life, Title IX office, Athletics, Office of Human Resources, Faculty Affairs, individuals designated as "Campus Security Authorities" (CSA) under the Clery Act, and local law enforcement agencies with concurrent jurisdiction over the campus's Clery Geography. For statistical purposes, crime statistics reported to any of these sources on or within CSUSM's Clery geography are recorded in the calendar year the crime was reported. The statistics are gathered, compiled, and reported to the University community via this Annual Security Report and the Annual Fire Safety Report, which is published by the Clery Director. The Clery Director submits the annual crime statistics published in this report to the Department of Education (ED). The statistical information gathered by the Department of Education is available to the public through the ED website: <https://ope.ed.gov/campussafety/#/>

All policy and procedure references in this report apply to the San Marcos and Temecula campus locations unless separately noted.

All students and employees receive annual notice by campus-wide email of the Annual Security Report, a brief description of its contents, information regarding the availability of the report on the campus website, the electronic address to access the report, and a statement on how to obtain a paper copy, if desired. Similar notices are provided to prospective students and employees on the [Admissions & Student Outreach](#) and [Careers at CSUSM](#) webpages.

For more information, see the [CSU Implementation of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act \(the "Clery Act"\)](#).

CLERY CRIME STATISTICS 2020 TO 2022

CSU San Marcos

333 S. Twin Oaks Valley Road, San Marcos, CA

Murder/NonNegligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	1	1	0	0
2021	3	3	0	0
2022	5	5	0	0

Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	1	1	0	0
2022	2	3	0	0

Incest

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Statutory Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Robbery

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	1
2021	0	0	0	0
2022	1	1	0	0

Aggravated Assault

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	1	4	0	0
2021	0	3	0	0
2022	2	5	0	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	1	0	0
2021	0	1	0	0
2022	0	2	0	0

Arson

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	1	0	0

Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	2	0	0
2021	0	0	0	1
2022	4	4	0	0

Dating Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	4	8	0	0
2021	0	1	0	0
2022	1	5	0	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	3	0	1
2021	1	3	0	0
2022	0	2	0	0

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	7	0	3
2021	0	11	0	3
2022	0	7	0	1

Arrests for Alcohol Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	3	0	0
2021	0	3	0	1
2022	0	3	0	1

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	3	3	0	0
2021	2	2	0	0
2022	1	1	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	18	18	0	0
2021	4	4	0	0
2022	30	37	0	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	1	1	0	0
2021	2	2	0	0
2022	6	8	2	0

Unfounded Crimes

In accordance with 34 C.F.R. § 668.46, CSUSM may only exclude a reported crime from an upcoming ASR or remove a reported crime from its previously reported statistics, after a full investigation by sworn or commissioned law enforcement personnel have made a formal determination that the report was false or baseless and the crime report was therefore “unfounded.” This does not include a District Attorney who is sworn or commissioned. A Campus Security Authority (CSA) who is not a sworn or commissioned law enforcement authority cannot “unfound” a crime report either. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with law enforcement or the prosecution, or the failure to make an arrest does not “unfound” a crime. The findings of a coroner, court, jury (either grand or part), or prosecutor do not “unfound” crime reports of offenses or attempts. Crime reports can be properly determined to be false only if the evidence from full investigation establishes 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 were improperly classified as crimes in the first place. A case cannot be designated “unfounded” if no investigation was conducted by sworn law enforcement personnel or the investigation was not completed, nor can it be designated “unfounded” merely because the investigation failed to prove the crime occurred; this would be an inconclusive or unsubstantiated investigation.

If a crime is “unfounded”, it will not be included in the Clery Act statistics for the associated crime category and is removed from any previously reported statistics for that crime category. The “unfounded” crime is included in the total count of “unfounded” crimes for the year in which the crime was originally reported.

Year	
2020	0
2021	0
2022	3

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 nonnegligent manslaughter, sexual assault including rape, fondling, incest and statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property.

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

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

2020- There were no reported hate crimes.

2021- There were no reported hate crimes

2022- There were no reported hate crimes

To the extent that any of the statistics in this report differ from statistics previously reported, these statistics reflect the most accurate and complete information currently available to the University.

CSUSM Temecula Campus
43890 Margarita Road, Temecula, CA

Note: there are no residential facilities at, nor any noncampus properties associated with, this location.

Murder/NonNegligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Incest

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Statutory Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Robbery

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Aggravated Assault

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Arson

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Dating Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Arrests for Alcohol Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	N/A	0	N/A	0
2021	N/A	0	N/A	0
2022	N/A	0	N/A	0

Unfounded Crimes

In accordance with 34 C.F.R. § 668.46, CSUSM may only exclude a reported crime from an upcoming ASR or remove a reported crime from its previously reported statistics, after a full investigation by sworn or commissioned law enforcement personnel have made a formal determination that the report was false or baseless and the crime report was therefore “unfounded.” This does not include a District Attorney who is sworn or commissioned. A Campus Security Authority (CSA) who is not a sworn or commissioned law enforcement authority cannot “unfound” a crime report either. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with law enforcement or the prosecution, or the failure to make an arrest does not “unfound” a crime. The findings of a coroner, court, jury (either grand or part), or prosecutor do not “unfound” crime reports of offenses or attempts. Crime reports can be properly determined to be false only if the evidence from full investigation establishes 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 were improperly classified as crimes in the first place. A case cannot be designated “unfounded” if no investigation was conducted by sworn law enforcement personnel or the investigation was not completed, nor can it be designated “unfounded” merely because the investigation failed to prove the crime occurred; this would be an inconclusive or unsubstantiated investigation.

If a crime is “unfounded”, it will not be included in the Clery Act statistics for the associated crime category and is removed from any previously reported statistics for that crime category. The “unfounded” crime is included in the total count of “unfounded” crimes for the year in which the crime was originally reported.

Year	Unfounded Crimes
2020	0
2021	0
2022	0

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 nonnegligent manslaughter, sexual assault including rape, fondling, incest and statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property.

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

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

2020- There were no reported hate crimes.

2021- There were no reported hate crimes

2022- There were no reported hate crimes

To the extent that any of the statistics in this report differ from statistics previously reported, these statistics reflect the most accurate and complete information currently available to the University.

Mt. San Jacinto College- Temecula Valley Campus (MSJC TVC)
41888 Motor Car Parkway, Temecula, CA

Note: This location became a separate campus effective 8/1/2022.

Note: There are no residential facilities, nor any noncampus properties associated with, this location.

Murder/NonNegligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Incest

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Statutory Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Robbery

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Aggravated Assault

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Arson

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Dating Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Arrests for Alcohol Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2022	N/A	0	N/A	0

Unfounded Crimes

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the refusal of the victim to cooperate with law enforcement or the prosecution, or the failure to make an arrest does not “unfound” a crime. The findings of a coroner, court, jury (either grand or part), or prosecutor do not “unfound” crime reports of offenses or attempts. Crime reports can be properly determined to be false only if the evidence from full investigation establishes 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 were improperly classified as crimes in the first place. A case cannot be designated “unfounded” if no investigation was conducted by sworn law enforcement personnel or the investigation was not completed, nor can it be designated “unfounded” merely because the investigation failed to prove the crime occurred; this would be an inconclusive or unsubstantiated investigation.

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Year	Unfounded Crimes
2022	0

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 nonnegligent manslaughter, sexual assault including rape, fondling, incest and statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, destruction/damage/vandalism of property.

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

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

2020- There were no reported hate crimes.

2021- There were no reported hate crimes

2022- There were no reported hate crimes

To the extent that any of the statistics in this report differ from statistics previously reported, these statistics reflect the most accurate and complete information currently available to the University.

Procedures for Students and Others to Report Criminal Actions or Other Emergencies on Campus

Community members, students, faculty, staff, and guests are encouraged to accurately and promptly report all crimes, emergencies, and public safety-related incidents to the University Police Department (UPD). Crimes should be reported to UPD for purposes of assessing the crime for distributing a potential timely warning and for disclosing in the annual crime statistics. For crimes occurring at off-campus locations, the law enforcement agency with jurisdiction in that area should be contacted.

EMERGENCY REPORTING

San Marcos

- Dial 911 for any emergency or 760-750-4567 for emergency or non-emergency calls
- UPD located at 425 La Moree Rd. next to the Sprinter Station
- Use any of the more than 100 emergency telephones located in university buildings, or Blue Light Emergency Telephones located around campus, to report an emergency directly to the UPD.
- Use the emergency intercom system found in most building elevators to report an emergency directly to the UPD.

- *Always be ready to provide your name, telephone number & location.*
- *Describe the incident clearly and as accurately possible.*
- *Do not hang-up; allow the dispatcher to end the call.*

Temecula locations

The Temecula Police Department has primary jurisdiction for the safety and security of the CSUSM Temecula campus located at 43890 Margarita Road and for the Mt. San Jacinto College Temecula Valley Campus (MSJC TVC) located at 41888 Motor Car Parkway. The Temecula Police Department is located at 30755-A Auld Rd., Murrieta, California and can be reached 24 hours per day at 911 or 951-696-3000. The Riverside County Sheriff manages the regional 911 call center. In addition, private security is provided to monitor the CSUSM Temecula campus at night. MSJC TVC has security onsite daily. The security office is located on the first floor, room 102, near the reception desk and can be reached at 951-639-5188.

- Dial 911 or 951-696-3000 for any emergency or 800-950-2444 for non-emergency calls
- Temecula Police located at 30755-A Auld Rd., Murrieta, CA

Campus Security Authorities (CSAs)

The University encourages all members of the campus community to contact the UPD when they have been the victim of or have witnessed criminal actions. However, in some instances members of the campus community may feel more comfortable reporting criminal activity to a CSA.

The Federal Department of Education defines a CSA as ([34 CFR 668.46](#)):

- A campus police department or a campus security department of an institution
- Any individual who has responsibility for campus security but who does not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance to the institution or providing safety escorts)
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses (UPD or Title IX)
- Any official of the University who has a significant responsibility for student and campus activities, including but not limited to student housing, student discipline, and campus judicial proceedings.

Individuals who do not meet the criteria for being CSAs include faculty members who do not have any responsibility for student and campus activities beyond the classroom, clerical staff, and cafeteria staff.

Exemption for Pastoral and Professional Counselors: Under the Clery Act, there are two types of individuals, pastoral counselors and professional counselors, who may have significant responsibility for student and campus activities but are not CSAs. This exemption protects the counselor-patient relationship by ensuring that pastoral and professional counselors can provide appropriate counseling services without an obligation to report all crimes they may learn about while providing these services. In addition, crimes reported to a pastoral or professional counselor are exempt from timely warning notifications. This exemption is not absolute and there are certain situations in which counselors have a legal obligation to report a crime. Individuals who counsel students and/or employees but do not meet the Clery Act definition below of a pastoral or professional counselor are not exempt from being a CSA if they otherwise have significant responsibility for student and campus activities. CSUSM encourages pastoral and professional counselors to notify those they are counseling of anonymous reporting options.

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

Voluntary and Confidential Reporting

The University Police Department will accept voluntary, confidential reports of crime for purposes of inclusion in the university's annual disclosure of crime statistics. Requests for confidentiality will be honored to the extent permitted by law and data collected will only be used to get a more accurate number of crimes on campus and be used to promote crime awareness and enhance campus safety. See Reporting to law enforcement and making a criminal report pg. 53.

The university supports the practice of its professional counselors informing their clients as appropriate about any and all voluntary crime reporting options available to them.

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

Confidential reports of crime may also be made to San Diego Crime Stoppers who provides a safe way to anonymously report crime. Anyone with information on a crime is asked to call the Crime Stoppers anonymous tip line at (888) 580-8477 or visit the Crime Stoppers website at www.sdcrimestoppers.org for more information on how to send anonymous web and mobile app tips. Please note, there could be a delay in reports submitted to Crime Stoppers being forwarded to the CSUSM University Police Department. CSUSM encourages reporting to UPD for assessment of the crime for distribution of a timely warning, disclosure in the annual crime statistics and providing immediate campus resources.

Crime of Violence Disclosures

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

California Education Code section 67380(a)(6)(A)

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

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

Timely Warning Policy

(For students attending classes at MSJC TVC- see Appendix D for Timely Warning Policy)

This policy describes the procedures that will be used to provide members of the community with information to aid in preventing them from becoming victims of crimes posing a serious or ongoing threat to the Campus communities. It is intended to provide faculty, staff, and students with timely information about Clery reportable crimes occurring within the defined Clery Geography of their Campuses, and to comply with the Timely Warning requirements of the Jeanne Clery Act.

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

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

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

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

- The timing of the report: shortly after the occurrence of the crime vs. days or weeks after the occurrence of the crime, i.e., a "cold report"
- Physical injury to the victim
- Use of weapons
- Forced entry used and/or tools used in commission of the crime
- A suspect arrested or incapacitated by injury
- A suspect that is identified or otherwise can be located by law enforcement
- A suspect that is out of the area

- A victim who fears for their safety from the suspect
- A clear modus operandi and/or pre-planning indicated
- Multiple suspect(s) involved
- A pattern of similar crimes established
- The possible risk of compromising law enforcement efforts, such as to gather evidence and/or apprehend suspect(s), if a warning was issued

Additional Considerations

The Clery Director (or management designee) shall notify the Campus president, as soon as 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 University Police Department (UPD) about crimes reported to local law enforcement that occur in Clery Geography.

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

Contents of a Timely Warning

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

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

The Timely Warning shall not include, under any circumstances, the name of the victim, or information so specific (i.e., specific address or dorm room number or floor) that would or likely could identify the victim of the crimes of Sexual Violence, Rape, Dating Violence, Domestic

Violence, or Stalking. Timely Warning Bulletins should use gender-inclusive and culturally appropriate language and avoid victim blaming and bias language.

Methods of Distribution

Timely warnings will be distributed as quickly as possible in a manner that will likely reach the entire Campus community. The Office of Communications is responsible for the transmission of the notification. Distribution methods vary and include, but are not limited to, any of the following:

- All employee and student email 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 the methods of distribution for timely warnings and include said list in the Campus's Annual Security Report.

Emergency Notification Policy

(For students attending classes at MSJC TVC- see Appendix D for Emergency Notification Policy)

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

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

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

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

the assistance of key Campus administrators, local or Campus first responders, and/or official government reporting through agencies such as the National Weather Service.

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

Once the notification is prepared, the Chief of Police and/or the Clery Director (or their management designees) will, without delay and taking into account the safety of the community, transmit the emergency notification unless doing so would delay the ability to mitigate and/or contain the emergency, including the ability to provide immediate, life saving measures. If an emergency notification is issued, a timely warning is not required 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 take to ensure their own safety
- A statement as to where or when additional information may be obtained

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

Methods of Distribution

Emergency Notifications will be distributed as quickly as possible in a manner that will likely reach the segment(s) of the on-campus community threatened by the emergency. Segmentation will be considered by the Chief of Police (or management designee) by evaluating which persons are likely to be at risk based on the circumstances at the time and notifying those persons.

Segmentation should not be considered if making this determination would delay issuing the emergency notification. The Chief will determine if notification to the larger community is appropriate. Distribution methods, including distribution to the larger community, vary from Campus to Campus and depending on the nature of the emergency, may include:

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

- Local media
- Social media
- Other means appropriate under the circumstances, which campuses shall disclose in their ASRs as applicable.

Testing and Evacuation System

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

Text, Cellular and Email Alert

If you are a current Cal State San Marcos faculty, staff, or student, you are automatically registered in the Emergency Notification System utilizing your current contact information within the University PeopleSoft System. We strongly encourage everyone to please review and confirm that your contact information within PeopleSoft is up to date. It is important that you include a cell phone number in your MyCSUSM profile (must be listed as a mobile phone). Most people carry cell phones, which gives them the ability to quickly receive emergency alerts anywhere on campus.

During an emergency, alert messages are sent to registered cell phones via text message, cellular calls, registered home phones, and email addresses (note all campus email addresses are automatically registered). Please listen and/or read the alert and follow the recommended action.

If you prefer to not be included in the text, cellular and email portion of the Emergency Notification System, you may opt out your personal contact information. If you choose to opt out, you will not receive first response notifications via your personal email and personal phone numbers (cellular phone, text, home phone). Campus email addresses will continue to receive emergency notifications.

Opting In/Out of the Emergency Notification System

- [Opt Out - Forms/ Electronic Submissions](#)
- [Opt In](#) (*if you are not a current CSUSM Student, Employee or individual with a @csusm.edu email account to receive emergency notifications*)

If you are a family member or business that currently receives alerts, or you would like to sign up, please do the following:

- Individuals: Text **csusmfamily** to **226787**
- Businesses: Text **csusmvendors** to **226787**

Message and data rates may apply. Text messages are sent on an as-needed basis. This service is provided per the [Terms of Use](#) and [Privacy Policy](#). Text STOP to 226787 to cancel or HELP for tech support.”

The information can be found at: <https://www.csusm.edu/em/>

Security of and Access to Campus Facilities, and Security Considerations for the Maintenance of Campus Facilities

(For students attending classes at MSJC TVC- see Appendix D for the applicable policy)

Academic and Administrative Buildings

Most CSUSM buildings and facilities are open to the public during the day and evening hours when classes are in session. During those times that the University is officially closed, buildings are locked and only faculty, staff and students with proper authorization are permitted access. Many campus buildings are equipped with an “access control system” (card key access) where door contacts are electronically connected to the University Police Department (UPD). In addition, many offices, labs, and computer rooms have alarm systems. Facilities Development and Management (FDM) manages the campus key and card access systems and is responsible for authorizing and distributing campus keys and access cards. All keys or access cards issued by the campus remain the property of CSUSM and the State of California. Prior to separation from university employment, or any other activity for which key or card access is granted, all such items must be returned in compliance with [campus procedures](#). In addition, CSUSM uses video cameras in accordance with the CSU [Systemwide Video Security Cameras Policy](#), for the purpose of enhancing security, safety and aiding law enforcement.

Security Considerations in the Maintenance of Campus Facilities

CSUSM is always working to improve the security of campus through environmental design. Careful consideration is given to lighting, landscape and building maintenance in the furtherance of campus safety. Representatives from UPD, FDM, Safety Health & Sustainability and Integrated Risk Management are frequently involved in the planning committees for new buildings and major renovations to ensure maximum security. The Facility Services electric shop performs lighting preventative maintenance for all external lighting monthly. The building maintenance shop does monthly building rounds to identify interior lighting issues, building egress issues, and other related safety inspections. The lock shop performs preventative maintenance to all main entry doors for proper operation as well as verify that card and key access is working properly. Community Service Officers perform monthly checks to ensure the proper working of alarms, blue e-poles, light fixtures, door locks, etc. All repairs are the responsibility of FDM who responds to reports of potential safety and security hazards, such as broken windows, locks and lighting problems. To report a potential hazard, call FDM during business hours at (760) 750-4601 or submit a customer request online <https://www.csusm.edu/facilities/requestservices/index.html>.

After hours, call UPD at (760) 750-4567.

Residential Buildings

University Village Apartments, the QUAD Apartments, North Commons and Block C, are on campus residential facilities. Housing facilities are gated and secured using a card access system. It is a violation of housing policy to prop open doors or gates at any time. Use of residence facilities is limited to residents and accompanied guests. Residence halls are routinely patrolled by University Police Officers and Community Service Officers. Additionally, security is supplemented by live-in Resident Advisors and Resident Directors.

Door-to-door solicitation is prohibited in CSUSM Housing. Student residents are encouraged to report the presence of such persons to housing staff and/or the University Police Department. Residents are also advised to keep their bedroom and apartment doors locked and windows secured at all times.

Housing policy requires that residents report any unsafe conditions or behaviors that threaten the safety or security of the housing community. Any failure to abide by housing security procedures can be pursued through the housing conduct process. To further enhance security, housing policy provides that students are required to carry their CSUSM student ID (identification credential within the CSUSM app) & UVA/QUAD/North Commons/Block C and key, access card, or key fob at all times and to present their student ID when requested by University personnel, including but not limited to staff members of the University and/or Housing and Residential Education. Access cards are not transferrable, and students cannot lend, sell, or give the card to others. Failure to comply is grounds for referral to the housing and/or [university student conduct process](#). See the [Resident Handbook](#) for housing policies and housing conduct process.

Housing maintenance staff are responsible for all safety and key/lock issues in the UVA/ QUAD/North Commons/Block C. Housing related concerns can be reported to a Housing and Residential Education staff member by calling the front desk during business hours, calling the resident assistant (RA) on duty after business hours or by submitting a work order through the Housing Portal <https://www.csusm.edu/housing/curresidents/index.html>.

University Village Apartments (UVA)
Front Office: 760-750-3711
Resident Advisor on duty: 760-750-6400

The QUAD
Front Office:760-750-3730
Resident Advisor on duty: 760-750-3733

North Commons
Front Office: 760-750-8310
Resident Advisor on duty: 760-891-9825

Block C
Contact QUAD Front Office: 760-750-3730
Contact QUAD Resident Advisor on duty: 760-750-3733

Student Housing Policy on ID and Key Cards:

- A. University Identification: University identification may only be used by the student whose name appears on the identification credential. Any alteration or unauthorized use of University identification is prohibited. Misuse of CSUSM identification credentials is subject to disciplinary action or possible referral to law enforcement. The University reserves the right to confiscate any fraudulent or duplicate CSUSM identification credential.
- B. Other Identification Cards: Possession of an identification card that bears another person's likeness or contains false demographic information is prohibited. This includes all blank, forged, stolen, borrowed, fictitious, counterfeit, or unlawfully issued driver's license or identification cards. Identification cards meeting any of these criteria will be confiscated where students are found in possession of them and will be turned into the

Dean of Students Office and/or the University Police as evidence of misuse and policy violation.

- C. Creating Identification Cards: Making or possessing instruments and/or materials for counterfeiting of University identification credentials, driver's licenses or any of other forms of identification is prohibited.
- D. UVA/QUAD/North Commons/Block C Keys, Access Cards or Key Fobs: Possession of a UVA/QUAD/North Commons/Block C key, access card, or key fob that was not issued directly to the individual student is a policy violation. Any student found in possession of a key, access card or key fob that is not their own will be subject to the housing or University conduct process and the key, access card, or key fob will be confiscated.

Systemwide Law Enforcement Policy, Law Enforcement Authority

Persons employed and compensated as members of a California State University police department, when so appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their powers or authority¹ except (a) at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University, or by trustees or the state on behalf of the California State University, and (b) as provided in Section 830.2 of the Penal Code.

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

- a. When the officer has probable cause to believe the person committed a felony.
- b. When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
- c. When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.
- d. When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- e. In compliance with an arrest warrant.

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

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

California State University San Marcos encourages accurate and prompt reporting of crime. All members of the Campus community are encouraged to promptly contact the UPD and/or other

¹ Including the authority to make arrests

appropriate police agencies when they have been the victim of, or have witnessed criminal actions, including when the victim of crime elects to or is unable to make such a report.

CSUSM UPD and the San Diego County Sheriff's Department have entered into an agreement that outlines operational responsibility of each agency as follows. CSUSM UPD shall be the primary reporting and investigating law enforcement agency for all crimes reported on University properties that are leased, owned, controlled, or operated by the University inside the city limits of San Marcos, with the exception of willful homicides and officer-involved shootings, which will be investigated by the San Diego County Sheriff's Department.

Traffic collisions where the initial "area of impact" occurred on University roadways will be investigated by the UPD. Traffic collisions where the initial "area of impact" occurred on streets maintained by the City of San Marcos will be investigated by the San Diego County Sheriff's Department.

The San Diego County Sheriff's Department will be the lead investigative agency when a criminal investigation requires the use of specialized equipment/tools, resources, and/or expertise that in the opinion of the UPD Chief of Police (or designee) is beyond the capability of the UPD to investigate. However, as a professional courtesy, the Sheriff's Department shall keep the UPD informed of the progress of said investigation. Both agencies will continue to provide assistance or mutual aid as necessary and when requested.

All landline 9-1-1 calls from ancillary locations will be received by the UPD. To the extent technologically possible, cellular 9-1-1 calls coming from 200-240 East Barham Road (Quad Apartments), 288 Campus Way (Extended Learning Building) and 295 June Way (Parking Structure II), 190 E. Barham Drive (North Commons) are programmed to be received by the UPD Public Safety Answering Point (PSAP). Misrouted cellular 9-1-1 calls from 200-240 East Barham Road will be redirected to the UPD as soon as possible, when appropriate.

Security Awareness and Crime Prevention Programs

Members of the CSUSM community must take responsibility for their own personal safety, the safety of others, and their property (when possible), as they do when away from the University. Members of the community are strongly encouraged and reminded by the University Police Department throughout the year to:

- Promptly report all crimes and suspicious persons or activity to the UPD
- Always be aware of your personal safety and surroundings.
- Never leave your property unattended, lock bicycles, lock doors and windows to your car, office, and residence.
- Always double check your doors and windows to ensure they are completely closed and locked before you go to sleep or leave your room or residence.
- Keep all valuables with you or leave them at home.
- Walk on well-traveled pathways and in well-lit and populated areas. Walk with friends or groups when possible.
- Call UPD to request a safety escort if you feel afraid or need to walk in isolated areas or at times when areas are unpopulated or closed.
- Get to know people in and around your place of residence. Do not invite or let unknown people into your residential building, nor go with them to an unfamiliar place. If you know someone by their first name only or met them on the internet, consider them a stranger.
- Keep a list of serial numbers and description of your property and provide it to the UPD in the event your property is stolen.

- Use the internet wisely and never send money or provide personal identifying information, credit card information or bank information to someone you do not know or to a company or person you did not initiate contact with on your own.
- Use good bicycle theft prevention measures, use a combo, or flat key u-lock. Most cable locks can be easily cut. Lock both the front and rear wheels when possible and make sure to put your lock(s) through a closed part of the bike frame. Wheels can be easily taken off. Register your bike with the UPD.

The University Police Department offers crime prevention programs to inform students and employees about the prevention of crimes. In addition to these programs, functional services of UPD include:

Personal Safety Escort Services: During the hours between dusk and dawn, personal safety escorts are provided as an additional measure of safety. Escorts are provided to and from campus buildings, campus parking lots, immediate bus stops, and areas immediately adjacent to campus property. An escort can be arranged by calling (760) 750-4567. A CSO or University Police Officer will escort the requester by automobile, bicycle, or on foot from a campus building to their vehicle, parking lot, or residence hall.

Cougar Watch: is a community-based crime prevention program patterned after the successful Neighborhood Watch program used in many cities. UPD officers present information on crime prevention and safety programs for students and employees at campus events such as "Welcome Week." The UPD also provides crime prevention information, safety brochures, and information on other topics such as campus safety, self-protection for women, sexual harassment on campus, personal safety, campus theft, and emergency preparedness.

Security Surveys: Police officers are available (upon request) to provide information to students, staff, and faculty concerning personal/property safety and office security surveys. To schedule a tailored workshop or presentation please contact the UPD at (760) 750-4567.

Security Awareness Programs

CSUSM provides campuswide and audience specific outreach and programs presented by UPD, Title IX, Dean of Students Office, Student Health & Counseling Services, H.O.P.E. & Wellness Center, and many others. Campus educational programming for both students, faculty and staff is comprehensive and intentional, integrating programming initiatives, strategies and campaigns intended to inform the campus community about safety procedures and ways to prevent crime.

See [Appendices B and C](#) for the full listing of crime prevention programs and campaigns offered at both the San Marcos and CSUSM Temecula campuses in 2022 and ongoing programs offered during the academic year.

ORIENTATION AND NEW STUDENT PROGRAMS

From the [Student Leadership & Involvement Center \(SLIC\)](#), new students may obtain all the guidance and information necessary to begin their college experience at CSUSM. An initial full-day orientation is provided prior to the start of school with continuous new student-oriented programming throughout the year. Orientation and follow-up programming topics include, without limitation, information concerning safety and security on campus, alcohol policies,

health and counseling, sexual violence prevention/education, general crime prevention, safety escorts, and police services.

ALCOHOL EDUCATION AND PREVENTION PROGRAM

All first-time freshman students are required to complete “[Not Anymore: Alcohol and Other Drugs](#),” an online alcohol education and prevention program, in order to continue classes at CSUSM. This training is completed once at or prior to the start of the fall semester.

CSUSM HOUSING

Resident students should go to [CSUSM Housing](#) for answers to all questions concerning residential crime prevention and fire and personal safety. Student Housing has prepared and published a [Resident Handbook](#) containing valuable information regarding student housing policies, rules, regulations, and safety tips. Throughout the academic year, the Student Housing staff provides an array of safety-related programs designed to make the residential life experience safe and crime-free.

STUDENT SUPPORT SERVICES & EDUCATIONAL OPPORTUNITY PROGRAM

This office sponsors several helpful programs to enhance the college experience including, without limitation, the following programs:

- African American Student Welcome Program
- New Student Convocation
- Walk-in clinics for measles, mumps, and rubella (MMR) and Hepatitis-B (Student Health and Counseling Services)
- Celebration of Culture
- College Survival Night
- Student Organization Exposition
- Latino Heritage Festival
- Cultural Faire (sponsored by the Black Faculty & Staff Association and the Asian Pacific Islander Desi American Faculty & Staff Association)
- Preview Day for prospective students and families
- Cougar Bazaar
- Career Expo: Graduate & Professional School/Job Fair

ALCOHOL & DRUG AWARENESS WEEK

One week each academic year, CSUSM proudly sponsors an important alcohol awareness program for the benefit of the student population. Programs include

- High-Risk Times for College Students
- Alcohol Information and Education
- Impaired Driving Prevention and Driving Behaviors
- Alcohol and Sexual Decision-Making
- You and Your Friends Safety and Bystander Intervention
- Peer Education in Prevention
- How Alcohol Affects Us All
- Alcohol Abuse and Academics
- Alcohol and Nutrition
- Alcohol Statistics and Reports

THE CAMPUS SAFETY TRAINING SERIES

The Campus Safety Training Series is a group of four safety-related topics designed to educate the campus community about various safety initiatives. The series includes free training in the areas of active shooter response, tourniquet training, fire extinguisher training, and CPR/AED training. Each course is one hour in duration, and all are intended to provide the most current, hands-on training to the campus community. Courses are offered several times throughout the academic year as well as on demand at times that make it available to students, faculty, and staff.

PREVENTION OF WORKPLACE VIOLENCE

Upon request, UPD personnel will provide classroom training in recognizing and preventing workplace violence. With the understanding that creating a safe workplace environment starts with a Zero Tolerance Policy regarding acts of intimidation, threats of violence, or acts of violence, the next step is to provide the information necessary to recognize potential workplace violence situations in order to prevent or minimize the violence. This class also provides students with a clear understanding of their duties and responsibilities with respect to workplace violence. Interested persons can access workplace violence prevention videos from the UPD's Internet homepage: www.csusm.edu/police.

OFFICE SECURITY SURVEYS AND PERSONAL SAFETY PRESENTATIONS

Upon request, UPD personnel will provide office security surveys and employee safety presentations. Providing a quality education to students is the University's primary goal and maintaining a safe workplace environment is a critical component in the overall campus educational equation.

WOMEN AND GENDER EQUITY CENTER (WGEC)

The [Women and Gender Equity Center \(WGEC\)](#) is an inclusive space that promotes positive interactions in a diverse environment. The WGEC strives to provide a space that celebrates and affirms students of all gender identities and expressions. The WGEC provides ongoing programming and discussions regarding women's issues, feminism, men and masculinity, Trans issues, gender identity and expression, gender and race, class, sexuality and culture, gender and popular culture, domestic violence and sexual assault awareness and prevention, social justice, diversity and inclusion, and positive body image.

STUDENT HEALTH & COUNSELING SERVICES: H.O.P.E. AND WELLNESS CENTER

The [H.O.P.E. and Wellness Center](#) provides health education to students through outreach and programming offered on an ongoing basis and includes topics such as alcohol and drugs, mental health, sexual violence, and stress management.

SAFETY, HEALTH & SUSTAINABILITY SERVICES

The campus [Safety, Health & Sustainability](#) department provides the following programs on an ongoing basis to help ensure the health and safety of the University community: Biological Safety, Occupational Health and Safety, Chemical Safety, Emergency Response, Food Safety, Ergonomics, Hazardous Material Safety and Handling, Office Safety, Radiation Safety, Universal & Electronic Waste, Defensive Driver and DMV Pull Programs, Event Safety Assessment, Internship and field trip safety assessments and site visits, travel safety, and risk management.

Monitoring and Recording Crime Activity at Noncampus Locations of Student Organizations

CSUSM affirmatively asks all recognized student organizations if they permanently own or control a noncampus location. In response, no officially recognized student organizations have disclosed that they permanently own or control a noncampus location.

The institution sends letters to collect information about crimes reported to the law enforcement agency with jurisdiction over noncampus locations that are controlled intermittently or on an occasional basis, and discloses the information obtained in its crime statistics. For crimes occurring at off-campus locations, the law enforcement agency with jurisdiction in that area should be contacted.

Possession, Use, Sale and Enforcement of Federal and State Alcohol and Drug laws

Pursuant to the Federal Drug-Free Workplace Act of 1988 and the Federal Drug-Free Schools and Communities Act (DFSCA) of 1989, California State University San Marcos is a drug-free workplace and learning community. Any unlawful manufacture, sale or attempted sale, distribution, dispensing, possession, or use of controlled substances by employees, students or members of the campus community is prohibited on University property or at University functions or activities.

STUDENT RESPONSIBILITIES

Use of alcohol and other drugs by students is stipulated in the [Drug-Free Campus Policy](#) and the [Alcohol Use on Campus Policy](#). All students are required to abide by University policies regarding use, possession, consumption, distribution or presence of alcohol and other drugs in residence halls and University property. Students are also to adhere to Federal, state, and local regulations regarding alcohol and other drugs. Violation of campus policy on drugs and alcohol may result in disciplinary sanctions.

FACULTY/STAFF RESPONSIBILITIES

All employees must adhere to the [Drug-Free Campus Policy](#) and the [Alcohol Use on Campus Policy](#). Violation of these policies may result in disciplinary sanctions which may include termination.

LOCAL, STATE, AND FEDERAL LAWS

There are numerous Federal, State, and local statutes and ordinances relating to the manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol. These statutes impose legal sanctions for both felony and misdemeanor convictions related to violations of applicable laws and ordinances. Detailed information regarding these statutes, which may change over time, is available from the University Police Department. Scheduled drugs considered to be controlled substances are listed in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and are further defined by regulations 21 CFR 1308.11 through 1308.15. Copies of the Act and regulations are available for review at <https://leginfo.legislature.ca.gov/>.

ACCORDING TO FEDERAL AND/OR STATE LAWS

1. The manufacture, sale or distribution of most scheduled drugs is a felony (marijuana has special rules discussed below), which could result in serving time in prison;

simple possession of controlled substances can be punished by civil fines of up to \$10,000 per violation and a jail sentence.

2. Distribution or possession with the intent to distribute a controlled substance on university property requires a sentence up to twice the prescribed sentence for the original offense and twice the prescribed parole time.
3. The possession for sale or sale of marijuana is a misdemeanor or felony, depending on the amount sold and the age of the purchaser. The cultivation of over six plants is a misdemeanor, which could result in six months in jail and a fine of \$500. Only persons over 21 can grow up to six marijuana plants.
4. Possession of one ounce or more of marijuana is a misdemeanor, which could include payment of a fine or serving time in jail; possession of less than one ounce under the age of 18 years for personal use is a misdemeanor, which could include a fine up to \$250.
5. It is a misdemeanor to sell, furnish, give, or cause to be sold, furnished or given away, any alcoholic beverage to a person under 21 or any obviously intoxicated person, and no one under 21 may purchase alcoholic beverages.
6. It is unlawful for any person under 21 to possess alcoholic beverages on any street or highway or in any place open to public view.

CSUSM prohibits the use, possession or sale of marijuana on campus property, including residential facilities. All CSU campuses are held to two federal laws: the Drug-Free Schools and Community Act and the Drug-Free Workplace Act, which require the university to prohibit all illegal drugs to receive federal funding (financial aid, work study and federal grants). Marijuana is still illegal under federal law. Thus, the use and possession of marijuana in any form or amount violates the CSUSM Drug-Free Campus Policy and the CSU Student Conduct Code. The California Compassionate Use Act and Proposition 64 do not apply at the California State University or CSUSM.

HEALTH IMPACTS

Alcohol misuse is described as alcohol consumption that puts individuals at increased risk for adverse health and social consequences. It is defined as excess daily consumption (more than four drinks per day for men or more than three drinks per day for women) or excess total consumption (more than 14 drinks per week for men or more than seven drinks per week for women), or both (National Institute on Alcohol Abuse and Alcoholism [here](#)). Excessive alcohol use, including underage drinking and binge drinking (for women, four or more drinks during a single occasion; for men, five or more drinks during a single occasion), can lead to increased risk of health problems such as injuries, violence, liver diseases and cancer. The Centers for Disease Control and Prevention (CDC) Alcohol Team [here](#) defines alcohol misuse as a pattern of drinking that results in harm to one's health, interpersonal relationships or ability to work. Excessive drinking includes heavy drinking, binge drinking or both. Alcohol dependence, also known as alcohol addiction and alcoholism, is a chronic disease and is associated with experiencing withdrawal symptoms, loss of control or alcohol tolerance.

Alcohol and substance misuse and substance use addiction result in a wide spectrum of extremely serious health and behavioral problems, having both short-term and long-term effects on the body and mind.

Alcohol misuse is a risk factor for several adverse health outcomes, including:

- Unintentional injuries (e.g., motor vehicle accidents, falls)

- Violence (e.g., homicide, suicide)
- Liver disease
- Diseases of the central nervous system (e.g., stroke, dementia)
- Heart disease, including coronary artery disease, atrial fibrillation (i.e., abnormal heart rhythm), high blood pressure and congestive heart failure
- Various cancers (e.g., breast, colorectal and liver)
- Risky sexual behaviors and adverse pregnancy outcomes.

Many substances, both illegal and legal, have the potential for misuse. Common examples include cocaine, ecstasy, heroin, inhalants, marijuana, methamphetamine, PCP/Phencyclidine and prescription narcotics. The impacts of substance misuse on health problems include the risk of dependence, addiction, overdose and death, which can occur after first-time use. Long-lasting health effects of substance misuse include: disruption of normal heart rhythm, high blood pressure, leaks of blood vessels in the brain, bleeding and destruction of brain cells and permanent memory loss, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver, pulmonary damage, and psychological problems. Alcohol and substance misuse during pregnancy may result in fetal damage and birth defects causing hyperactivity, neurological abnormalities and developmental difficulties. In addition to the problem of toxicity, contaminant poisoning often occurs with illegal drug use. HIV infection associated with intravenous drug use is a prevalent hazard.

More information about the health risks associated with alcohol and substance misuse is available at the [NIH National Institute of Drug Abuse](https://www.nida.nih.gov/) website, the [NIH National Institute on Alcohol Abuse and Alcoholism](https://www.niaaa.nih.gov/) website, and Student Health & Counseling Services at <https://www.csusm.edu/shcs/emergency/links.html>.

Alcohol and Other Drug Support Programs and Assistance

A variety of services have been designed to help prevent or treat substance abuse. Employees and students are encouraged to seek assistance for substance abuse or dependency problems voluntarily (self-referral). These services include workshops regarding substance abuse; individual case evaluation, counseling, referral to outside counseling and treatment providers, treatment follow-up, and assistance in dealing with health care providers.

For employees, information regarding services related to substance abuse problems or concerns is available from Human Resources and Equal Opportunity. Confidential assistance for employees is also available through the Employee Assistance program at 1-800-342-8111 or https://www.csusm.edu/hr/benefits/other_programs/employee_assistance_program.html

For students, on-site and/or referral services are available through Student Health and Counseling Services <https://www.csusm.edu/shcs/emergency/links.html>. Counseling Services staff members are available for consultation with University employees regarding students with possible substance abuse problems.

Information disclosed by an employee who is participating in an Employee Assistance Program or a student participating in counseling services is considered confidential, in accordance with Federal and State laws and University policies.

Help with alcohol and substance misuse can be obtained from the Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline at 1-800-662-HELP (4357) or TTY: 1-

800-487-4889 or use SAMHSA's Behavioral Health Treatment Services Locator <https://findtreatment.samhsa.gov/> to get help.

Discipline and Sanctions

Consistent with procedures established pursuant to Section 41301 of Title V of the California Code of Regulations, any student at Cal State San Marcos may be expelled, suspended, placed on probation, or given a lesser sanction for violating University policies and campus regulations. Students found to be in violation of this program may be required to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

Pursuant to the Drug Free Workplace Act, all employees are required, as a condition of their employment, to: (a) abide by the terms of this policy; and (b) notify the Office of Human Resources and Employment Opportunity of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction. In compliance with the Drug Free Workplace Act, employees found to be in violation of the University Policy on a Drug Free Campus may be: (a) subject to corrective or disciplinary action, up to and including termination or, (b) at the discretion of the University, required to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency. Policies or contracts pertaining to individual employees are available from the Office of Human Resources and Equal Opportunity.

Additional Resources

- Information is available from the CSUSM Office of Human Resources at https://www.csusm.edu/hr/benefits/other_programs/employee_assistance_program.html and Student Health & Counseling Services at <https://www.csusm.edu/shcs/emergency/links.html>.
- Students can refer to the CSUSM Housing and Residential Education Policies Handbook, where alcohol policy violations are detailed starting on page 24 and drug violations are outlined on page 26. Access the document here: <https://www.csusm.edu/housing/documents/residenthandbook.pdf>.
- Additional important references for students include: the CSUSM Student Conduct website (<https://www.csusm.edu/dos/advocacy/conduct/index.html>) and Standards for Student Conduct (https://www.csusm.edu/dos/studres/standards_student_conduct.html). Students can consult the FAQ page regarding a smoke- and tobacco-free campus environment at <https://www.csusm.edu/smokefree/>.
- Help with alcohol and substance misuse can be obtained from the Substance Abuse and Mental Health Services Administration (SAMHSA) National Helpline at 1-800-662-HELP (4357) or TTY: 1-800-487-4889, or use SAMHSA's Behavioral Health Treatment Services Locator [here](#) to get help.

Sexual Violence Prevention

The California State University (CSU) promotes a safe living, learning, and working environment through systemwide policies and through a variety of campus educational programs provided to students, faculty, and staff. The CSU prohibits dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, and provides programs to prevent, educate, and promote awareness of these topics, in accordance with the CSU Policy Prohibiting

Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (“Nondiscrimination Policy”). These prohibited behaviors are also crimes as defined by 34 C.F.R. §668.46, and California criminal definitions.

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

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

Campus programs must include primary prevention and awareness training: (1) for all new Students²; and new Employees; (2) refresher programs at least annually for all Students; (3) twice a year for all Students who serve as advisors in residence halls; (4) annually for all Student members of fraternities and sororities; (5) annually for all Student athletes and coaches; and (6) annually for all Employees consistent with their role in responding to and reporting incidents. Ongoing prevention and awareness campaigns for all Students and Employees will also be conducted. The CSU system will provide online training for all Employees and each campus will provide online training for all Students. All training must be consistent with the applicable CSU policy and state and federal regulations.

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

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

Training for Employees

Training will be mandatory for all employees within six months of their initial hiring, and on an annual basis thereafter. Such training will include, but not be limited to: what constitutes discrimination, harassment, retaliation, sexual misconduct/sexual assault, dating and domestic violence, sexual exploitation and stalking under applicable law; the rights and responsibilities of each Employee relating to discrimination, harassment, retaliation, sexual misconduct/sexual assault, dating and domestic violence, sexual exploitation and stalking including the duty to report and exceptions; the protection against retaliation for Employees who report discrimination, harassment, retaliation, sexual misconduct, dating and domestic violence, sexual exploitation and stalking; the procedures provided under the CSU Nondiscrimination Policy for filing, investigating

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

and resolving a complaint; and the option and method for filing complaints with external government agencies such as the Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC).

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

Prevention and Awareness Programming

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

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

Information About Campus Reporting, Adjudication, and Discipline Procedures

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

Campuses apply the relevant CSU policy and procedures when responding to all reports of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking. Campuses shall establish processes to provide a print and/or digital copy of the "Rights and Options for Victims" as outlined in the CSU Nondiscrimination Policy to any community member

who reports experiencing such harm, regardless of whether the incident occurred on or off campus.

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

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

- A description of campus and systemwide policies and disciplinary procedures available for addressing alleged violations and the consequences of violating these policies, including the fact that such proceedings shall:
 - Provide a prompt, fair, and impartial investigation and resolution; and,
 - Be conducted by officials who receive annual training on issues related to sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking and how to conduct an investigation and hearing process that protects the safety of victims/survivors and promotes accountability.
- The fact that the Complainant and the Respondent will be afforded the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice.
- The fact that both the Complainant and the Respondent shall be simultaneously informed in writing of:
 - The outcome of any disciplinary proceedings that arises from an allegation of a sex discrimination, sexual harassment, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
 - The CSU's procedures for the Complainant or Respondent to appeal the results of the disciplinary proceeding.
 - Any change to the disciplinary results that occurs prior to the time such results become final.
 - When disciplinary results become final.
- Possible sanctions or remedies the campus may impose following the final determination of a campus disciplinary procedure regarding sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- How the campus will protect the confidentiality of Complainants, including how publicly available recordkeeping (e.g., campus Clery reports) will be accomplished without the inclusion of identifying information about the Complainant to the extent permissible by law.
- That all students and employees must receive written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims/survivors, both on campus and in the community.³
- That all students and employees who report being a victim/survivor of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking must receive written notification of available assistance in, and how to request changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim/survivor chooses to report the incident to campus police or local law enforcement.

³ California State University San Marcos complies with this requirement by providing this information to the campus community in writing each year through CSU Learn assignment.

- Procedures victims/survivors are recommended to follow if sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking has occurred, as well as the fact that the following written information must be provided to victims:
 - The importance of preserving evidence following an incident of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking, which may also be used to obtain a temporary restraining or other protective order.
 - The name and contact information of the campus Employee(s) to whom the alleged incident should be reported.
 - Reporting to law enforcement and campus authorities, including the option to: (a) notify law enforcement authorities, including on-campus and local police; (b) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and, (c) decline to notify such authorities.
 - Where applicable, the rights of victims/survivors and the campus' responsibilities regarding orders of protection, no contact directives, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

Risk Reduction

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

Sexual Misconduct/Sexual Assault

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

- Communication is key to healthy relationships and healthy sexual interactions. Obtain Affirmative Consent from your partner for all sexual activity.
 - Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity.
 - Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.
 - Affirmative Consent can be withdrawn or revoked at any time.
 - Affirmative Consent to sexual activity in the past does not mean consent in future – there must be voluntary consent for all sexual activity.
 - Lack of protest, resistance, or mere silence does not equal Affirmative Consent.
 - Sexual activity between a minor (a person younger than 18 years old) and a person who is at least 18 and two years older than the minor always constitutes Sexual Misconduct, even if there is Affirmative Consent to all sexual activity.
- Do not engage in sexual activity with someone who is incapacitated.

- A person who is incapacitated by alcohol or drugs cannot give Affirmative Consent.
- A person who is unconscious or asleep cannot give Affirmative Consent.
- A person's own intoxication or incapacitation does not diminish their responsibility to obtain Affirmative Consent from any person with whom they engage in sexual activity.
- Signs that someone does not respect the importance of consent:
 - They pressure or guilt you into doing things you may not want to do.
 - They suggest you "owe" them something (including sexual acts) because you're dating or because they have done or claim to have done something for you.
 - They react negatively with sadness, anger, or resentment if you don't consent to something or don't do so immediately

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

Dating/Domestic Violence

Common signs of abusive behavior in a relationship

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

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

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

[Source: National Domestic Violence Hotline]

- Abusive behaviors can be difficult to recognize in a relationship, even if you are the one engaging in them. In addition to some of the common signs of abusive behavior outlined above, ask yourself if your partner:
 - Seems nervous around you,
 - Seems afraid of you,
 - Flinches, cringes, or retreats when you are emotional,
 - Seems scared, or unable to contradict you or speak up around you, and/or
 - Restricts their own interactions with friends, family, coworkers, or others in order to avoid upsetting you

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

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

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

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[Source: National Domestic Violence Hotline]

Stalking

Respecting boundaries

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

Recognizing stalking behaviors

A person who engages in stalking may:

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

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

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

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

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

Bystander Intervention

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

This training encourages employees and students to:

- Notice the Event
- Interpret the Event as a Problem
- Assume Personal Responsibility
- Learn How to Help
- And Step Up by utilizing the “4 Ds” – Direct, Distract, Delegate, and Delay
 - Direct – Directly addressing the situation.
 - Distract – Making a simple (or elaborate) distraction to diffuse the situation.
 - Delegate – Finding someone else to address the concern.

- Delay – Checking in with the person after to see if you can do anything to support them.

CSU Policy Definitions

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

Written Notification

The title IX Coordinator will provide Complainants alleging Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence or Stalking, with the information in Attachment D to the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation - Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating and Domestic Violence, And Stalking. This same information is provided in writing to all students and employees within the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation, and as part of annually assigned training.

This written notice (annually to all students and employees, and specifically to complaints as outlined above) includes the information below, including:

- Supportive measures
- Rights and options available throughout the reporting process and/or the duration of any formal or informal complaint resolution process, including campus and criminal reporting options, available advocates, preserving evidence, medical Care and treatment, and protective orders.
- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available

You have the right to be offered and receive reasonably available support services and supportive measures, available both on and off campus. You do not have to file a formal complaint or a criminal complaint in order to receive support services and/or supportive measures. Supportive services and supportive measures include, but are not limited to, counseling, victim/survivor advocates, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, 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, University Police Department and victim/survivor advocate on your campus can provide some of these services directly and/or provide you with information about and a referral to these and additional resources on and off campus for support. campus and local area.

Supportive Measures

Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether a Formal Complaint is filed. Supportive Measures are designed to restore or preserve equal access to CSU education programs or activities, or the workplace without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational or work environment. Supportive Measures may include counseling, extensions of deadlines or other course or work-

related adjustments, modifications of work or class schedules, campus escorts, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator/DHR Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures.

The following is a list of on-campus and off-campus resources that offer a variety of services in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas. Campus advocates can help provide information about and referral to any of these resources if requested. These resources are available to victims/survivors whether or not they choose to make a criminal or administrative report.

Confidential Resources On-Campus

<i>Resource Name</i>	<i>Type of Services</i>	<i>Contact Information</i>
Avery Bather advocates@csusm.edu Gricelda Alva Brito galva@csusm.edu	Provides students with trauma-informed confidential support, advocacy, prevention, and education related to gender-based violence.	(760) 750-4915 www.csusm.edu/shcs/advocate 24/7 Crisis Line (888) 385-4657 (760) 750-4912
Student Health and Counseling Services (SHCS) shcs@csusm.edu	Medical services, mental health counseling, wellness programs, and sexual violence and advocacy and education for students.	(760) 750-4916 www.csusm.edu/shcs
Employee Assistance Program (EAP)	Professional counseling service for employees and their family members.	(800) 367-7474 https://www.csusm.edu/hr/benefits/other_programs/employee_assistance_program.html
Office of University Ombuds ombuds@csusm.edu	Assists current CSUSM faculty, staff and enrolled students with resolving University- related conflicts, disputes or complaints on an informal basis.	(760) 750-8366 www.csusm.edu/ombuds

Non-Confidential Resources On-Campus

<i>Resource Name</i>	<i>Type of Services</i>	<i>Contact Information</i>
Dr. Bridget Blanshan Title IX Coordinator	Assists students, faculty and staff against discrimination based on any protected status, and all forms of sex or gender discrimination, including sexual harassment, dating and domestic violence, other forms of sexual misconduct, stalking and retaliation.	Bridget Blanshan (760) 750-6020 bblanshan@csusm.edu www.csusm.edu/title9

Dean of Students	Assists students who have been referred to the Dean of Students office for behavior that may have been a violation of the Standards for Student Conduct.	Office of the Dean of Students (760) 750-4935 dos@csusm.edu www.csusm.edu/dos
Financial Aid and Scholarships	Financial aid assistance for students including the application process, explanation of types of student aid programs available, disbursement of funds, and advisory services for aid.	Financial Aid and Scholarships (760) 750-4850 finaid@csusm.edu www.csusm.edu/finaid
International Students Services	Serves as primary contact for all international students and assists with a variety of services including visa matters, academic problems, adjustment issues and family emergencies.	Global Programs and Services intappl@csusm.edu www.csusm.edu/global
Undocumented and AB 540 Student Support Services	Supports undocumented students, and community members by advocating for and cultivating a safe and welcoming campus environment. This includes free immigration legal services, mental health support, and academic and career advising.	Dreamer Resource Office (760) 750-4863 dreamers@csusm.edu www.csusm.edu/dreamer
Student Life Centers for Identity, Inclusion and Empowerment	Identity-based centers that assist students in developing self-awareness, exploring intersections of identity, and engaging in educational, social, and community programming.	Black Student Center (760) 750-3675 BSC@csusm.edu www.csusm.edu/bsc Cross Cultural Center (76) 750-4958 flai@csusm.edu www.csusm.edu/cc Women and Gender Equity Center (760) 750-4988 wgec@csusm.edu www.csusm.edu/wgec Latin@/x Center (760) 750-3670 latinocenter@csusm.edu www.csusm.edu/latinocenter LGBTQA Pride Center (760) 750-3077 pridecsusm@csusm.edu www.csusm.edu/pride

Law Enforcement Resources

<i>Resource Name</i>	<i>Type of Services</i>	<i>Contact Information</i>
University Police Department	Serves students, faculty, staff, and community members by maintaining a safe academic environment.	(760) 750-4567 dispatch@csusm.edu www.csusm.edu/police
San Diego County Sheriff's Dept – San Marcos Station	General law enforcement for the community.	(760) 510-5200 https://www.sdsheriff.gov/Home/Components/FacilityDirectory/FacilityDirectory/40/61

Community, National, Global Resources

<i>Resource Name</i>	<i>Type of Services</i>	<i>Contact Information</i>
Center for Community Solutions	Non-profit organization to assist and empower survivors recovering from trauma related to domestic violence, sexual assault, and stalking in San Diego. This includes free 24/7 crisis hotline, domestic violence shelters, legal services, counseling, safety planning, and prevention education.	Crisis Hotline: 888-385-4657 Center for Community Solutions (North County) 210 S. Juniper St., Suite 101 Escondido, CA 92025 (760) 747-6282 www.ccssd.org
Women's Resource Center	Develops intervention and prevention programs for victims of sexual assault or domestic violence. Services include advocacy, crisis intervention, counseling, safety planning, shelter, victim's rights, children's services, and legal services.	24-Hour Hotline: (760) 757-3500 1963 Apple St. Oceanside, CA 92054-4426 (760) 547-8800 www.wrcsd.org
Legal Aid Society	Provides free legal assistance to people in San Diego County.	North County Office 100 E. San Marcos Blvd, Ste 308 San Marcos, CA 92069 1-877-534-2524 www.lassd.org

U.S. Department of Education, Office of Civil Rights	Serves students and institutions by enforcing Federal civil rights laws that prohibits discrimination in programs or activities that receive federal financial assistance from the Department of Education.	1-800-421-3481 ocr@ed.gov https://www2.ed.gov/about/offices/list/ocr/index.html
RAINN (Rape, Abuse, and Incest National Network)	National network supporting victims/survivors of sexual assault and abuse. 24/7 free and confidential hotline and chat services.	1-800-656-4673 https://www.rainn.org/
U.S. Department of State – Office of Overseas Citizens Services	Assist victims/survivors who are overseas with local and/or US-based resources for victims of crime, including local legal representation.	From the US or Canada: 1-(888)-407-4747 From overseas: +1-(202)-501-4444 https://travel.state.gov/content/passports/en/emergencies.html

Regardless of whether a victim/survivor decides to maintain confidentiality, these individuals will still assist victims/survivors in receiving other necessary protection and support, such as victim advocacy, medical, mental health services, and/or legal services. However, these individuals may have limited ability to assist a victim/survivor with university academic support or accommodations, or changes to university-based living or working schedules, as such accommodations likely require the involvement of other University officials.

To request an accommodation, contact the Title IX Coordinator.

Dr. Bridget Blanshan
 Title IX Coordinator
 Craven Hall 3200
bblanshan@csusm.edu
 760-750-6020

Reporting Options

Reporting to University Administration

Complaints of discrimination, harassment, sexual misconduct and sexual assault, dating and domestic violence, sexual exploitation, and stalking may be addressed through the University administrative process⁴. A complainant or reporting party can report an incident to the University by contacting the Title IX Coordinator on their campus. A complainant has the right to have a support person present with them while making a complaint.

The University will protect the privacy of everyone involved in a report to the greatest degree possible under applicable law and University policy. Personally identifiable information about the

⁴ See page 55

involved parties will be shared only on a need-to-know basis, e.g., to those who are investigating/adjudicating the report or those involved in providing support services. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any supportive measures and remedies provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures and remedies.

The CSU does not publish the name of victims/survivors or other identifiable information regarding victims/survivors in the Daily Crime Log or in the crime statistics that are disclosed in the *Annual Security and Fire Safety Report*. Furthermore, if a Timely Warning is issued on the basis of a report of sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the name of and other personally identifiable information about the victim/survivor will be withheld.

The importance of preserving evidence

Victims/survivors are encouraged to preserve all physical evidence, including but not limited to: clothing worn during the assault, bed sheets, and/or photos of any injuries. This evidence may be helpful in proving that a crime occurred, in the event the victim/survivor chooses to report now or in the future. It may also be helpful in obtaining a court-ordered protective or restraining order. If a victim/survivor does not have any evidence preserved, they still have an option to report the crime and request a medical evidentiary examination.

Victims/survivors of sexual misconduct, sexual assault, sexual exploitation, stalking, dating violence and domestic violence are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that may be useful to University investigators or police should the victim/survivor decide to report now or in the future.

Reporting to law enforcement and making a criminal report

Some forms of misconduct prohibited under the Nondiscrimination Policy may also be prohibited by law. You have a right to be informed of law enforcement options and information regarding the availability of a criminal or civil prosecution for victims of crime.

It is a victim's/survivor's choice to report a crime. You have the right to report or decline to report an incident to law enforcement. You have the right to not be forced, coerced, or pressured into reporting to law enforcement.

A victim/survivor may report an incident to law enforcement at any time. In the event of an emergency where immediate assistance is required, a victim/survivor should dial 9-1-1 to be connected with the nearest police department. If there is no emergency, victims/survivors can file a police report at any time in the jurisdiction where the assault occurred. A confidential victim advocate can assist the victim/survivor in filing the report if requested.

Victims/survivors of crimes such as sexual assault, sexual exploitation, stalking, dating violence, domestic violence, abuse, threats of abuse and/or serious harassment all have a right to petition the court in the appropriate jurisdiction for a protective order (also referred to as a restraining order).

Your Campus Advocate, University Police Department and Title IX Coordinator are all able to provide you with more information about pursuing criminal prosecution, civil prosecution and/or protective orders.

A victim/survivor of specific offenses [enumerated in California Government Code section 7923.615(b)(1)] has the right to request to be listed as a confidential victim in a law enforcement agency's report. Being listed as a confidential victim in a law enforcement agency's report prevents the law enforcement agency from disclosing the confidential victim's name and address as a matter of public record. However, the confidential victim's information can be released to the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law. Please see California Penal Code section 293 for more information.

Protective Orders

Civil reporting options & protective orders

A victim/survivor may choose to file a civil lawsuit against the alleged offender, whether or not criminal charges have been filed. A civil lawsuit provides an opportunity to recover actual money damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress. An Advocate can assist a victim/survivor with identifying the necessary steps and processes for filing a lawsuit if requested.

Court-Ordered Restraining Orders

A victim/survivor may choose to obtain a 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 help protect a victim/survivor who has experienced or is reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

Emergency Protective Order (EPO)

An Emergency Protective Order (EPO) is a type of restraining order that only law enforcement can ask for by calling a judge. Typically, this is done by an officer responding to the scene of a domestic violence incident. Judges are available to issue EPOs 24 hours a day. The EPO takes effect immediately and can last up to seven calendar days. The judge can order the alleged abuser to leave the domicile and stay away from the victim and their children for up to a week. This provides the victim with time to go to court to request a temporary restraining order.

Temporary Domestic Violence Restraining Order (TRO)

A TRO is a type of protective order. In order to obtain one, the victim/survivor must fill out paperwork explaining the facts and why a protective order is needed. If a judge agrees that protection is needed, the judge will issue a temporary restraining order. Temporary restraining orders usually last until the court hearing date, typically 20 to 25 days after the petition is filed.

Criminal Protective Order (CPO)

When there is a claim that a domestic violence incident occurred, a criminal charge (or charges) may be filed by a prosecutor (such as the City Attorney or District Attorney) against the person who allegedly committed the criminal act. The prosecutor commonly asks a judge to issue a Criminal Protective Order while the criminal case proceeds. A CPO typically requires the defendant (the person who allegedly committed the criminal act) to stay away from and not to hurt, threaten, or communicate with the victim/accuser. If the defendant is convicted of or pleads guilty to the criminal charge(s), the CPO may last for up to ten years after the case is over.

Civil Harassment Restraining Order

This type of court order is available to individuals who have been harassed by any of the following: a neighbor, roommate (as long as no dating/romantic relationship existed or exists), friend, family member more than two degrees removed (e.g., an aunt/uncle, niece/nephew, cousin, or more distant relative), stranger, or another person not closely related to the victim of the harassment.

An individual who has been civilly harassed by a current or former spouse/partner, or someone with whom a dating/romantic relationship existed, or a close relative (parent, child, brother, sister, grandmother, grandfather, in-law) may qualify for a domestic violence restraining order but would not qualify for a civil harassment restraining order.

The CSU, Restraining Orders and Protective Orders

The CSU complies with California law in recognizing restraining orders and protective orders. If you obtain a restraining order a copy should be provided to your campus Police Department. In order to comply with the restraining order, Title IX Coordinators, DHR Administrators, Advocates and/or the University Police Department on your campus may assist with setting up escorts, establishing special parking arrangements, changing classroom or employment locations, or additional measures as needed. Victim/Survivor Advocates on your campus can offer assistance with obtaining a restraining order.

Disciplinary Procedures

Disciplinary procedures for sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking will provide a prompt, fair, and impartial process and resolution, outlined in the following excerpts from the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \("the Policy"\)](#). As required by law, the excerpts in this Annual Security Report capture the steps, decisionmakers, and anticipated timelines for both formal and informal resolution processes, as applicable. For details beyond the steps, decisionmakers, and anticipated timelines, please see the policy.

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

Dr. Bridget Blanshan
Title IX Coordinator
Craven Hall 3200
bblanshan@csusm.edu
760-750-6020

Additional information on how to file a report can be found here:

<https://www.csusm.edu/title9/report/index.html>

Complaints against a Chancellor's Office employee, or a campus Title IX Coordinator/ Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator") will be made to the Chancellor's Office at eo-wbappeals@calstate.edu.⁵

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

After receiving a report, the Title IX Coordinator will assess the report and provide outreach to the possible Complainant named in the report. This outreach will include the following:

- a. A statement that the campus has received a report of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, or Retaliation.
- b. A description of the role of the Title IX Coordinator/DHR Administrator.
- c. Information regarding counseling and other support resources.
- d. A statement regarding the importance of preserving evidence.
- e. A statement that the Complainant may, but is not required to, report to law enforcement any allegations that could constitute criminal behavior.
- f. A request for the Complainant to meet with the Title IX Coordinator/DHR Administrator, or other designated employee, to discuss the Complainant's options and next steps.
- g. A statement that the Complainant can be accompanied by an Advisor of their choice during any meeting relating to the report and any subsequent Complaint process.
- h. Information regarding potential Supportive Measures, where applicable.
- i. A brief summary of the investigation procedures.
- j. An explanation of how the campus responds to reports of Nondiscrimination Policy violations and a description of potential disciplinary consequences.
- k. A statement that retaliation for making a Complaint or participating in a Complaint process is prohibited by the Nondiscrimination Policy.

Along with the information provided in the outreach communication, the Title IX Coordinator will provide Complainants alleging Sexual Misconduct, Sexual Exploitation Dating Violence, Domestic Violence or Stalking, with the information in Attachment D - Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating And Domestic Violence, And Stalking. The Title IX Coordinator will describe and offer Supportive Measures to Complainants during the initial assessment (even if the Complaint is ultimately not investigated).

⁵ Complaints against a President should be made to the Chancellor's Office, but only if it is alleged that the president directly engaged in conduct that violates the Policy. Any other Complaints against a president (for example, that the president had no substantial involvement other than to rely on or approve a recommendation made by another administrator) will be made to and addressed by the campus.

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

All persons involved in implementing these procedures (e.g., the campus Title IX Coordinator and any Deputy Title IX Coordinator(s), Investigators, Human Resource Directors and Hearing Officers presiding over hearings) shall have relevant annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking. Such annual training shall include the CSU complaint processes, as well as the handling, investigation, and analysis of complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking. The annual training shall also address applicable confidentiality issues, especially with respect to the Title IX Coordinator's duty to weigh any victim's request for confidentiality against the duty to provide a safe and nondiscriminatory environment for all members of the campus community. For matters involving Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking, the training shall also include how to conduct an investigation and hearing process that protects the safety of the person(s) involved and promotes accountability.

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

Applicable Procedures

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

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

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

- occurred on campus; or
- involved or impacted a campus program or activity (including campus employment); or
- affected a student's or Employee's ability to participate in a program, activity, or employment; AND

- The alleged misconduct was committed against a person who at the time of the alleged misconduct was a student, or the alleged misconduct was committed by or against an Employee.

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

The Track System

There are three possible sets of procedures ("tracks") for formal resolution of Complaints against a Student ⁶(Track 1, Track 2, Track 3) as required by federal and state law. There are two sets of procedures ("Tracks") for formal resolution of Complaints against an Employee or a Third-Party (Track 1 or Track 3) as required by federal and state law. The remaining track, track 2: State Mandated Hearing Process, is not applicable to Complaints against Employees or Third-Parties, as it applies only to certain Complaints against Students. Which procedure applies to any given Complaint will depend on a variety of factors described below. Questions about which procedures apply to any specific case should be directed to the campus Title IX Coordinator and/or the Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator").

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

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

⁶ A Complaint against a Student-Employee where the alleged conduct arose out of the Respondent's status as an Employee and not their status as a student, should be made using the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-Party.

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

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

Standard of Evidence

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

Dismissal/Referral

When the Title IX Coordinator receives a Formal Complaint under Track 1, or where new information or events arise under this Track, the Title IX Coordinator will assess whether the Formal Complaint meets the requirements of the Federal Regulations to move forward under the process under Track 1. A determination that allegations in a Formal Complaint do not meet the requirements of the Federal Regulations will result in a mandatory dismissal of the allegations in the Formal Complaint that do not meet the requirements and, in some cases, a referral of the allegations to another process as the campus may have an obligation to address the matter under other laws and policies. The Title IX Coordinator will determine whether allegations in a Formal Complaint must be dismissed for purposes of the Federal Regulations. If a Formal Complaint is dismissed it may still be referred, if appropriate, to be addressed under the processes in Track 2 or Track 3, [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#), or other applicable policies.

At any time after a Complaint has been accepted for investigation, it is within the discretion of the Title IX Coordinator/DHR Administrator to dismiss a Complaint, or any part of a Complaint, if the Complainant notifies the Title IX Coordinator/DHR Administrator in writing that they would like to withdraw the Complaint or any part of it, or if the specific circumstances prevent the campus from gathering evidence necessary to reach a determination as to the Complaint or part of the Complaint.⁷

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

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

⁷ Formal complaints under track 1 may be discretionarily dismissed for the additional reason that the Respondent is no longer a student or Employee

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

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

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

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

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

Informal resolution

The CSU recognizes some Parties may desire resolution of their matter through an Informal Resolution process ("Informal Resolution"), instead of through the formal resolution process (described below). Accordingly, Parties may mutually agree, with the agreement of the Title IX Coordinator, to resolve a Complaint through an Informal Resolution process, instead of undergoing the formal resolution process⁸. The Informal Resolution process is entirely voluntary and will not occur unless both Parties agree in writing to participate in an Informal Resolution process.

The Title IX Coordinator/DHR Administrator will oversee the Informal Resolution process, conduct an initial and on-going assessment as to whether the Informal Resolution process should continue, and make the final determination on all Informal Resolutions facilitated by the Title IX Coordinator or designee regarding whether the terms agreed to by the Parties are appropriate in light of all of the circumstances of the Complaint. In some circumstances, depending on the nature and/or severity of the allegations, an Informal Resolution may not be appropriate, and the Title IX Coordinator/DHR Administrator will not approve an Informal Resolution. Prior to approving an Informal Resolution, the Title IX Coordinator/DHR Administrator will consult with the appropriate administrator in human resources or faculty affairs⁹

Prior to engaging in an informal resolution process, the campus will obtain the Parties' voluntary, written consent. Parties who choose to participate in the voluntary Informal Resolution process

⁸ Track 1, a Formal Complaint must be filed before the informal resolution process may take place and that under Track 1, informal resolution cannot be used to resolve allegations that an employee sexually harassed a student

⁹ For matters involving students, this consultation will be with the student conduct administrator

will be sent a notice of agreement to engage in Informal Resolution. The notice will include the following:

- An explanation that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the Informal Resolution process and resume the investigation process.
- The Parties' right to consult with an Advisor.
- Any resolution must be in writing and signed by both Parties and the Title IX Coordinator/DHR Administrator.
- Once the Informal Resolution process is finalized, neither Party is permitted to file another Complaint arising from the same allegations.

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

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

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

Investigation and Hearing for Track 1

Supportive Measures

After receiving a report of Sexual Harassment, the Title IX Coordinator will contact the Complainant promptly to discuss the availability of Supportive Measures. The Title IX Coordinator will conduct an intake meeting with any Complainant who responds to outreach communication, or otherwise makes a report of a potential Policy violation to discuss the Complainant's options, explain the process, and provide information about Supportive Measures. During the discussion, the Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint¹⁰, and explain the process for filing a Formal Complaint.

Notice of Allegations

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

¹⁰ Formal Complaint means a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature¹⁵ or a document signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting an investigation of the allegation of Sexual Harassment. At the time that the Formal Complaint is filed, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the CSU.

Working Days and this confirmation should be documented by the Title IX Coordinator or Investigator.

Investigation of a Formal Complaint

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

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

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

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

If a Party requests to meet with the Title IX Coordinator sooner than 3 Working Days after receipt of written notice of an investigative interview or meeting, they should verbally confirm at the start of the interview or meeting that they are aware that they were provided notice of at least 3 Working Days and this confirmation should be documented by the Title IX Coordinator or Investigator.

Review of Evidence

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

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

- 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.

- Request that the investigator gather additional evidence.

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

Final Investigation Report

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

Timeframe

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

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

Track 1 Hearing

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

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

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

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

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

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

Determination and notification Regarding Responsibility Under Track 1

After the hearing, the hearing officer will make written findings of fact and conclusions about whether the Respondent violated the Policy with respect to the definition of Sexual Harassment¹¹. The hearing coordinator will Simultaneously send the hearing officer's report promptly to the Parties, the Title IX Coordinator, and the appropriate campus administrator, usually within 15 Working Days of the close of the hearing.

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

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

¹¹ See definition of Sexual Harassment in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#)

for similar conduct and whether the Respondent was previously found to have violated university policy.

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

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

The president (or designee) will simultaneously send the decision letter electronically to the Respondent and Complainant at the campus-assigned or other primary email address linked to their campus accounts.¹² The decision letter will include:

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

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).

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

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

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

¹² Communication with Parties who are neither Students nor Employees will be sent to an email address that they designate.

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

In matters where a hearing is not required (Track 3 cases)¹³, a final investigation report will be provided to the Parties along with a notice of investigation outcome. The final investigation report will include a summary of the allegations, the investigation process, the Preponderance of the Evidence standard, a detailed description of the evidence considered, analysis of the evidence including relevant credibility evaluations, and appropriate findings. Relevant exhibits and documents will be attached to the written report. The final investigation report will be attached to a notice of investigation outcome and include the following: a summary of the allegations and the investigative process, that the Preponderance of the Evidence standard was employed, a summary of the findings of fact, a determination as to whether the Nondiscrimination Policy was violated, and if so, any Remedies to be afforded to the Complainant, and notice of Parties' right to appeal under these procedures. The notice may be delivered to the Parties electronically. If the notice includes a determination that the Policy was violated, the Title IX Coordinator/DHR Administrator will notify the campus student conduct administrator (where the Respondent is a student)/appropriate campus administrator (where the Respondent is an employee) of the investigation outcome and provide a copy of the final investigation report.

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

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

Track 2 Hearing process:

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

¹³ Under Track 2, the process will proceed to a hearing, as outlined below, and the final investigation report will include all of the information included in the preliminary investigation report as well as additional relevant evidence received during the review of evidence. Any relevant evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator, will be attached to the final investigation report, or made available for review by the Parties. Evidence offered by the Parties or any other witnesses that the Investigator concluded is not relevant will be noted but not included in the final investigation report and should be available at the time of the hearing such that it can be provided to the hearing officer if requested.

Prior to a hearing:

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

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

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

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

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

At the hearing:

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

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

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

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

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

After the hearing:

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

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

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

Within 5 Working Days after receiving and considering the statements described above, the hearing officer will submit the hearing officer's report to the president (or designee), including recommended sanctions (as defined in Executive Order 1098 Student Conduct Procedures¹⁴) if a Respondent has been determined to have violated university Policy.

Within 10 Working Days of receipt of the hearing officer's report, the president (or designee) will review the Investigation Report and the hearing officer's report and issue a decision concerning the appropriate sanction. The president may impose the recommended sanctions, adopt a different sanction or sanctions, or reject sanctions altogether. If the president adopts a sanction other than what is recommended by the hearing officer, the president must set forth the reasons in the Decision Letter. The president will simultaneously send the decision letter electronically to the Respondent and Complainant. The decision letter will include: the outcome of the hearing, including any sanction imposed, and the name of the Respondent(s) , a copy of the hearing officer's Report, and notice of the Complainant's and Respondent's right to appeal. The decision will also be sent to the student conduct administrator and the hearing officer. Unless the campus and Parties are notified that an appeal has been filed, the president's (or designee's) sanction decision becomes final 11 Working Days after the date of the decision letter.

¹⁴ See Sanctions, below

Sanctions

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

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

The following sanctions may be imposed for violation of the Student Conduct Code:¹⁵

- **Restitution.** Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.
- **Loss of Financial Aid.** Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, canceled or denied.⁸
- **Educational and Remedial Sanctions.** Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities and sororities), and/or University events, or other remedies intended to discourage similar misconduct or as deemed appropriate based upon the nature of the violation.
- **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,⁹ or (ii) to have contact (physical or otherwise) with the Complainant, witnesses or other specified persons.
- **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.
- **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

¹⁵ Found in Article V, Executive Order 1098 Student Conduct Procedures

exception; this requirement shall not be waived in connection with a resolution agreement.

- **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.

Appeals

A written appeal may be submitted to the Chancellor's Office no later than 10 Working Days after the date of the decision letter (Tracks 1& 2) or notice of investigation outcome (Track 3). All arguments and/or evidence supporting the appeal must be submitted by the deadline to file the appeal. Evidence/arguments submitted after the appeal submission deadline will not be considered by the Chancellor's Office. A written appeal may not exceed 3,500 words, excluding exhibits. Appeals will be submitted to:

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

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

The Chancellor's Office will not conduct a new investigation; however, the Chancellor's Office may make reasonable inquiries to determine if the new evidence could have affected the investigation or hearing determination. A copy of the final Chancellor's Office appeal response will be forwarded to the Complainant, the Respondent, and the Title IX Coordinator/DHR Administrator.

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

to continue with the appeal. If the outcome is reversed by the campus, the non-prevailing Party will be given an opportunity to appeal.

If the Chancellor's Office determines that no reasonable fact finder (Investigator or hearing officer) could have made the findings as determined by the Investigator or hearing officer, the Chancellor's Office may vacate and reverse the investigation or hearing outcome, but only with respect to whether the Policy was violated (and not with respect to factual findings). If the Chancellor's Office vacates and reverses the investigation or hearing outcome, it will notify the Parties simultaneously in writing, as well as the Title IX Coordinator/DHR Administrator. Following a reversal of an investigation or hearing outcome by the Chancellor's Office, the Chancellor's Office decision is final and is not subject to further appeal.

The Chancellor's Office will respond to the appealing Party no later than 30 Working Days after receipt of the written appeal unless the timeline has been extended¹⁶

Registered Sex Offenders

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

Missing Student Notification Procedures for On-campus Student Housing Facilities

CSUSM's [On-Campus Housing Missing Student Policy](#) is administered through CSUSM Housing. The purpose of this policy is to establish procedures for the reporting of missing on-campus student residents as required by the *Higher Education Opportunity Act of 2008*. For purposes of this policy, a student may be considered a "missing person" if their absence is contrary to their usual pattern of behavior and/or unusual circumstances may have caused the absence. Individuals having reason to believe that a student has been missing should immediately notify the UPD at (760) 750-4567.

Missing person reports should be made directly to the UPD. However, these reports may also be made to the CSUSM Housing Office by calling:

University Village Apartments (UVA)
Front Office: 760-750-3711
Resident Advisor on duty: 760-750-6400

The QUAD
Front Office: 760-750-3730
Resident Advisor on duty: 760-750-3733

¹⁶ The Chancellor's Office has discretion to extend the timelines for the appeal process for good cause or for any reasons deemed to be legitimate by the Chancellor's Office. This includes the time for filing an appeal, the time for a reopened investigation or hearing to be completed, and the time for the Chancellor's Office to respond to the appeal. The Chancellor's Office will notify the Parties and the Title IX Coordinator of any extensions of time granted pertaining to any portion of the appeal process.

North Commons
Front Office: 760-750-8310
Resident Advisor on duty: 760-891-9825

Block C
Contact QUAD Front Office listed above

The Office of the Dean of Students can also be contacted at (760) 750-4935 during regular business hours 8:00-5:00 Monday- Friday.

The university requires all on-campus housing missing student reports to be immediately referred to University Police.

All reports regarding missing students living in on-campus student housing are to be deemed official reports, a report does not have to come from on-campus housing representatives in order to be considered an official report.

Contact Procedures

Every student who lives in on-campus student housing, regardless of age, will register one or more individuals to be a contact strictly for missing persons purposes. CSUSM Housing will collect the contact information of a parent, guardian, or individual as the Missing Persons Contact during the student housing license application process. This confidential contact may be separate from an emergency contact. Students will be offered this option annually regardless whether they chose to register a contact the previous year. Should a student wish to change their Missing Persons Contact information, they should contact CSUSM Housing at 760-750-3730 or housing@csusm.edu. The contact person will be notified not later than 24 hours after the official missing person report has been filed with the UPD.

- Contact information provided by the student will be registered confidentially. This information will be accessible only to authorized campus officials and will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation. This contact information will be stored on a password protected share drive and on a portable storage drive in the event it is needed when computer systems are not accessible (e.g., during a power outage or computer server failure).
- If the student is under 18 years of age and not an emancipated individual, the UPD is required to notify a custodial parent or guardian in addition to any contact person designated by the student no more than 24 hours after the student is determined missing.
- Within 24 hours of the determination that the student is missing, the UPD will initiate the On-Campus Housing Missing Student Procedures in accordance with the student's designation and will notify local law enforcement.
- CSUSM Housing and the Dean of Students Office shall be informed of the progress of any investigation as much as is legally possible so that they may ensure members of the residential communities are provided with support services that may be necessary (e.g., counseling).

Official Notification Procedures

Any individual on campus who has information that a resident may be a missing person must notify the UPD as soon as possible.

- Once a report is filed with the UPD, numerous departments and individuals on campus should be notified that a student has been reported missing. The UPD is responsible for immediate notifications to the Dean of Students Office, CSUSM Housing, and the Clery Director. The Dean of Students Office will coordinate additional communications to campus departments and individuals including the Vice President of Student Affairs, the Office of Communications, the President's Office, and Campus General Counsel. Should circumstances develop into something more serious, additional departments will be notified, including but not limited to Student Health & Counseling Services and others pending a student's on-campus affiliations.
- As appropriate, the Dean of Students will contact the student's professors and advisor.
- No later than 24 hours after determining that a student is missing, the UPD will notify the Missing Persons Contact (for students 18 and over) and the parent/guardian (for students under the age of 18 and not emancipated) that the student is believed to be missing.
- In all missing student situations, local and other relevant law enforcement agencies, as determined by UPD, will be notified by UPD of its determination that the student is missing within 24 hours.

Annual Fire Safety Report

The 2023 Fire Safety Report is available at the following link:

<https://www.csusm.edu/housing/firesafetyreport2023.pdf>

Appendix A: Jurisdictional Definitions¹⁷

Rape (CA Penal Code Chapter 1 Section 261)

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

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

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

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

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

(A) Was unconscious or asleep.

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

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

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

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

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

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a

¹⁷ Note that these are not the definitions used to compile the statistics at the beginning of these document. The federal definitions of Rape, fondling, incest, statutory rape, domestic violence, dating violence, and stalking are used for the statistics, as required by federal law.

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

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

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

"Menace" means any threat, declaration, or act that shows an intention to inflict an injury upon another.

Sodomy (CA Penal Code Chapter 1 Section 286)

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

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

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

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

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

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

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

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

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

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

Oral Copulation (CA Penal Code Chapter 1 Section 287)

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

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

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

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

(2) (A) Any person who commits an act of oral copulation when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily

injury on the victim or another person shall be punished by imprisonment in the state prison for three, six, or eight years.

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

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

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

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years.

Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

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

Section 285

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

Section 289

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

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

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

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

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

(b) Except as provided in subdivision (c), any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

(k) As used in this section:

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

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

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

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

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

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

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

(b) Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not

exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) To intentionally or recklessly cause or attempt to cause bodily injury.

(2) Sexual assault.

(3) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.

(4) To engage in any behavior that has been or could be enjoined pursuant to Section 6320.

(b) Abuse is not limited to the actual infliction of physical injury or assault.

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

(a) A spouse or former spouse.

(b) A cohabitant or former cohabitant, as defined in Section 6209.

(c) A person with whom the respondent is having or has had a dating or engagement relationship.

(d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 commencing with Section 7600) of Division 12).

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

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

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

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

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

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

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

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

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

CA Penal Code 243(e)

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

Stalking: CA Penal Code, Chapter 2, Section 646.9

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

not more than one thousand dollars (\$1,000), or by both that fine and imprisonment, or by imprisonment in the state prison.

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

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

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

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

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

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

Appendix B: Clery- Prevention Programs and Campaigns
 San Marcos Campus January 1, 2022- December 31, 2022

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
Gender Equity in Education	This course provides practical training for identifying, reporting, and preventing campus sexual violence, as well as assisting victims of sexual assault. Interactive case studies and videos provide engaging educational content that explains how to respond to known or suspected sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking. Examples are based on real cases that teach important concepts to build a safe campus community and create a culture that does not tolerate sexual violence. The course teaches employees valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence. This course trains faculty and staff on how to recognize sexual misconduct, report incidents to campus authorities, and prevent sexual misconduct from occurring in the first place. This course also provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings.	All employees- MPPs, Faculty & Staff	All new employees within 6 months of date of hire, then annually.		Office of Human Resources	online- CSU Learn	x	x	x	x	x	x	x	
Not Anymore Training: Sexual Violence Prevention	Provides critical information about sexual violence prevention and the definitions of consent, bystander intervention, sexual assault, rape, domestic violence, and stalking. This program also provides information regarding your rights, safety, and ability to help stop sexual violence at California State University San Marcos.	All incoming students	During first year on campus by set deadline		Title IX Office	Online - Not Anymore	x		x	x	x	x	x	x
Not Anymore: Refresher Training for Continuing Students	Provides ongoing training that continues to empower, inspire and motivate all students to identify and take action when faced with a potential act of sexual assault, dating/domestic violence or stalking. Refresher training courses vary on topic and content each academic year.	All Continuing Students	Annually		Title IX Office	Online - Not Anymore		x	x	x	x	x	x	x
International Orientation: Title IX Training	Virtual training following up on orientation video. Topics included types of sexual harm, consent, Title IX, bystander intervention, and resources.	New international students	Each semester	1/20/2022, 8/24/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather	x	x	x	x	x	x	x	x
USU/REC Title IX Training	Training for all USU/REC student employees on types of violence, mandated reporting responsibilities, resources, and supporting survivors. Virtual training with games and scenarios.	USU/REC student employees	Annual	1/20/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
Bystander Intervention Training	Interactive virtual training that discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, and resources.	Fraternity (Nu Alpha Kappa)	One time event	2/3/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Tabling: Consent-Centered Valentine's Day Cards	Sharing information on healthy vs. unhealthy relationships and resources. Consent-centered valentines available for students to take/give to others.	Campus Community	One time event	2/8/2022	SHCS: Sexual Violence Advocacy & Education	Peer Educators & Interns		x	x	x				
Date Night: Valentine's Day Edition	Virtual event to promote healthy relationships. Attendees could sign up with a partner and were provided with questions to discuss boundaries, consent, etc. to explore with a partner. Resources provided.	Campus Community	One time event	2/10/2022	SHCS: Sexual Violence Advocacy & Education	Peer Educators & Interns		x	x	x				
Sexual Violence Prevention Training	Training on types/roots of sexual harm, consent, bystander intervention, supporting survivors, and resources.	Fraternity (Alpha Sigma Phi)	One time event	2/14/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
#LoveBetter	Virtual workshop on healthy vs unhealthy relationships, prevalence of intimate partner harm, how to support a friend in an abusive relationship, the cycle/roots of intimate partner violence, and resources. Interactive activities including Padlet, videos, and discussion.	Campus Community	One time event	2/15/2022, 3/3/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators, & Interns		x	x	x	x	x	x	
Finding the Perfect Match	Workshop on identifying red/green flags in relationships. Resources provided. Hosted by PRIDE Center in collaboration with SHCS peer educators.	Campus Community	One time event	2/17/2022	PRIDE Center	Peer Educators & Interns		x	x	x				x
Tabling: SV Advocacy & Education	CalFresh/Basic Needs Fair - provided information on sexual violence advocacy and education at CSUSM, resources, and giveaways.	Campus Community	One time event	2/24/2022	ASI	Peer Educators & Interns		x	x	x	x	x		
Stories of Dating Violence	Workshop that explored the complex barriers survivors with marginalized identities may experience in accessing support and resources. A conversation on identity, intersectionality, and survivorship. Workshop included scenarios and small group discussion.	Campus Community	One time event	2/24/2022	SHCS: Sexual Violence Advocacy & Education	Peer Educators & Interns		x	x	x	x	x	x	x
NO MORE Week Campaign	National NO MORE Week of Action to promote how together we can end domestic violence and sexual assault at CSUSM. Included social media posts, A-frame posters, and promotion of events throughout the week.	Campus Community	Annual	3/7/2022 - 3/12/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators, & Interns		x	x	x	x	x	x	

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
SV Advocacy & Education	Overview of sexual violence advocacy & education at CSUSM, resources available to students and staff, and educational opportunities to get involved in prevention on campus.	Extended Learning Building Staff	One time event	3/7/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather & Peer Educators		x	x	x	x	x	x	
Tabling: NO MORE Week	Promoting the national NO MORE Week campaign at CSUSM to share how together we can end domestic violence and sexual assault at CSUSM. Tabling with resources, giveaways, and activities.	Campus Community	One time event	3/8/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators, & Interns		x	x	x	x	x	x	x
Let's Talk About Staying Safe Online	Virtual workshop to discuss staying safe online. Provided information and discussion on apple air tags, smart glasses and digital images being misused. Making decisions about your digital life to maintain safety knowing there will always be some risk. Uncovered ways technology can be covertly harmful and ways you can protect yourself. Offered prompting questions to reflect on your technology use and discussed safety considerations and strategies with others.	Campus Community	One time event	3/9/2022, 4/6/2022	SHCS: Sexual Violence Advocacy & Education	Christa Wencil & Peer Educators		x	x	x		x	x	x
Social Justice Scholars: Trauma-Informed Care	Discussed types of violence, impacts trauma, trauma-informed care/practices, supporting survivors of trauma, and resources.	Social Justice Scholars	One time event	3/14/2022	Cross Cultural Center	Avery Bather		x	x	x	x	x	x	
Safer Spring Break Resource Fair: Sex Tourism and Trafficking	Tabling event with information and resources on sex trafficking and sex tourism, sexual violence, and resources.	Campus Community	One time event	3/15/2022	SHCS: Sexual Violence Advocacy & Education	Peer Educators & Interns		x			x	x	x	x
Getting Lucky? Get Consent	Interactive workshop to learn and practice how to give, ask, and revoke consent during hookups and different types of relationships.	Campus Community	One time event	3/17/2022	SHCS: Sexual Violence Advocacy & Education	Peer Educators & Interns		x	x	x	x		x	
Sexual Violence Prevention Training	Training on types/roots of sexual harm, consent, bystander intervention, supporting survivors, and resources.	Sorority: Delta Zeta	One time event	3/28/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Feminist Festival	Tabling event with activities and information on healthy relationships, sexual violence resources, and consent.	Campus Community	Annual	3/29/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x			x	
Wellness Fair	Tabling providing information and resources on sexual violence advocacy and education as well as giveaways.	Campus Community	One time event	3/30/2022	Campus Recreation	Avery Bather & SHCS staff		x	x	x	x	x	x	

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
SAAM Kick-off	Tabling event with teal frosted donuts to promote the start of Sexual Assault Awareness Month. Provided flyers on upcoming events and resources.	Campus Community	One time event	4/5/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns			x	x	x	x	x	
Unpacking Sex Culture with Sarah Byrden	Workshop with Sarah Byrden (Tedx Speaker) that provided empowering information and resources to have an authentic, consensual sex life. An important conversation on the effects of sex being a confusing and taboo topic.	Campus Community	One time event	4/5/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x			
Tabling: SAAM & Survivor Love Letters	Tabling events to promote Sexual Assault Awareness Month. Activities including writing love letters to survivors of sexual harm. Shared information about upcoming events, resources, giveaways, and ways to get involved.	Campus Community	One time event	4/7/2022, 4/14/2022, 4/21/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x	x	x	
Why people stay in unsafe relationships - It's not as easy as just walking away	A conversation on the obstacles individuals may face when deciding to leave an unhealthy/unsafe relationship. Discussed how to provide better support during an emotionally challenging time in life. Watched and discussed a TED Talk with Leslie Morgan Steiner and did a Kahoot.	Campus Community	One time event	4/7/2022	SHCS: Sexual Violence Advocacy & Education	Peer Educators & Interns		x	x	x	x		x	x
GEC Clothesline Project	The Clothesline Project is a visual display of violence statistics that often go ignored, messages of hope/support for survivors, and stories of sexual harm. Each shirt is made by a survivor of harm or a supporter/ally. The color of each shirt represents a different type of violence. CSUSM students have made shirts over the last several years, and we hung them around campus during April for SAAM. The Clothesline Project was also displayed at Take Back the Night.	Campus Community	One time event	April 2022 (various dates/times)	WGEC & SHCS: Sexual Violence Advocacy & Education	Avery Bather, Christa Wendl, Peer Educators & Interns		x	x	x	x	x	x	
Coffee & Consent Cart	Walked around the Forum Plaza with a cart where students, staff, and faculty could stop by and learn about/discuss consent and get free coffee. They were given a question/prompt and asked to give their thoughts to receive the free coffee. Resources and educational info was provided.	Campus Community	One time event	4/12/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x	x		
Yoga for Healing & Self-Care	Trauma-informed yoga during Sexual Assault Awareness Month. Provided healing meditation and resources for sexual violence advocacy & education.	Campus Community	One time event	4/12/2022	SHCS: Sexual Violence Advocacy & Education	SHCS Counselor Dr. Juan Alvarez and Graduate Assistant Kristin		x						

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
No Doesn't Mean Convince Me	"No" doesn't mean "convince me" is a workshop to explore what consent vs coercion can look and sound like in the context of hookups, relationships, power dynamics, etc. It included how to identify and address coercive behavior, small and large group discussion, and a Kahoot. Discussed how to support friends who experience non-consensual sex and provided resources.	Campus Community	One time event	4/13/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x	x	x	x
Survivors Are Welcome Here	Student survivors of sexual violence shared ways they cope on a campus, what places and people on campus where helpful, what advice they have for faculty in classes and for how to respond if someone shares they are a survivor.	Campus Community	Annual	4/18/2022	SHCS: Sexual Violence Advocacy & Education	Christa Wendl & Peer Educators		x	x	x	x	x		
Surviving Sex Trafficking Film Screening	The documentary Surviving Sex Trafficking examines the ongoing struggles of those survivors as they desperately fight to break free of their past, heal their bodies and minds, reconnect with a world of hope, and reclaim their lost humanity. Through conversations with victims and trips to women's shelters around the world, Surviving Sex Trafficking reveals their stories and how they escaped, how they continue to survive, and how they live day to day with the repressed trauma from the horrific events they experienced. The event included a film viewing and free food and resources.	Campus Community	One time event	4/18/2022	SHCS HOPE & Wellness Center and Sexual Violence Advocacy & Education	HOPE & Wellness Interns		x	x	x	x		x	x
Ericka Hart: White Supremacy By Any Other Name - The Anti-Black Origins of Sexual Violence in the US	Keynote event with Ericka Hart. Modern conversations around sexual violence in the internet age, buttressed by celebrity and glamorized by mainstream pop culture, have largely focused on cisgendered white women often at the expense of erasing those most susceptible to sexual violence—black cis and trans femmes. This event explored the historical implications of sexual violence in the US, what feminism and neoliberalism have to do with the national discourse, and how it impacts all of us at our intersections.	Campus Community	One time event	4/19/2022	SHCS: Sexual Violence Advocacy & Education	Ericka Hart, Lori Walkington (faculty), Avery Bather		x	x	x	x	x	x	

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
Supporting Survivors of Sexual Assault	"I believe you" is one of the most powerful messages we can offer to our loved ones who have experienced sexual harm. This workshop shared ways to support a survivor and create a survivor-inclusive community. Included small and large group discussion and resources.	Campus Community	One time event	4/20/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators, & Interns		x	x	x	x		x	
INTERVENE: Bystander Intervention Training	Film viewing and discussion of the short film "Intervene," which includes brief filmed scenarios demonstrating ways in which student bystanders can successfully intervene in problematic situations. Seven different situations are addressed, including sexual assault, sexual harassment, intimate partner violence (emotional abuse), hazing, alcohol emergency, emotional distress, and bias. Characters in the film represent the diverse identities of college student populations including race, nationality, religion, gender, sexual orientation, and ability.	Fraternity & Sorority Life	One time event	4/20/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	x
O-Team Training	Training for all Orientation team leaders on types of violence, mandated reporting responsibilities, resources, reporting options, and supporting survivors. Virtual training with games and scenarios.	Orientation Team	Annual	4/22/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Take Back the Night: Campus March/Protest	Students created posters with statistics, messages of support, and statements against sexual harm for a sit-in campus protest in the Forum Plaza to bring attention to Sexual Assault Awareness Month and resources.	Campus Community	Annual	4/26/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns, Feminists Unite		x	x	x	x	x	x	

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention
Take Back the Night	Take Back the Night is the earliest worldwide movement to stand against all forms of sexual violence and has been hosted at CSUSM since 2007 as part of Sexual Assault Awareness Month. Take Back the Night 2022 was a safe, supportive space for storytelling and artistic expression. The night concluded with a survivors' circle, in which attendees sat on the grass with tea lights and a portable microphone was passed around for anyone to share their story. Community resources/agencies tabled at the event to share information and resources for survivors of sexual harm. There was a keynote speaker and program with student participation and stories.	Campus Community	Annual	4/26/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x	x	x
Denim Day	Promoted the international Denim Day campaign against victim blaming and encouraged the community to wear denim in support.	Campus Community	Annual	4/27/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x					
Sexual Violence Prevention Training	Training on types/roots of sexual harm, consent, bystander intervention, supporting survivors, and resources.	Nu Alpha Kappa: Fraternity	One time event	4/27/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x
Sexual Violence Advocacy & Education	Training for all Housing student employees (RAs/RPMs) on types of violence, mandated reporting responsibilities, consent, resources, and supporting survivors. Kahoot and scenarios with small/large group discussion.	RAs/RPMs	Annual	8/3/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather & Christa Wencil		x	x	x	x	x	x
New Faculty Institute: Culture of Respect	Training for new faculty on types of violence, mandated reporting responsibilities, consent, reporting, resources, and trauma-informed classrooms/practices. Small and large group discussions.	New Faculty Institute	Annual	8/10/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather	x		x	x	x	x	x
Sexual Violence Peer Educator Training	Training on rape culture, roots of violence, prevention strategies through public health / social justice frameworks, and models of change.	Sexual Violence Peer Educators	Each semester	8/22/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x
Peer Educator & Intern Training: HOPE Team	Training on types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	Peer Educators & Interns (HOPE & Wellness Center)	Each semester	8/24/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather & Christa Wencil		x	x	x	x	x	x

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
Housing Sexual Violence Prevention Program: "Can We Talk?"	Speaker: Lori Bednarchik with CampusSpeak for housing move-in weekend. Program covered the specific and practical skills to effectively communicate with dating partners, how to resolve conflicts in a healthy way, how to talk about sex and intimacy with partners, and how to set relationship expectations and respect their own and their partner's emotional, physical, and digital boundaries.	Campus Housing	Annual	8/28/2022	Housing	Lori Bednarchik (Campus Speak)	x	x	x	x	x	x	x	x
SHCS Meet & Greet	Shared information about Sexual Violence Advocacy & Education office, sexual violence resources and prevention opportunities at CSUSM. Provided giveaways, flyers, stickers, etc.	Campus Community	One time event	9/6/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns	x	x	x	x	x	x	x	
Relationship Series: Parts 1 - 5	A series all about relationships! Led by confidential advocate, Christa Wencil, and Sexual Violence Peer Educators. Explored healthy relationships and conflict, relationship expectations, online dating, communication, sex, rejection resiliency, and navigating break-ups.	Campus Community	One time event	9/14/2022, 9/21/2022, 9/28/2022, 10/5/2022, 10/12/2022	SHCS: Sexual Violence Advocacy & Education	Christa Wencil & Peer Educators		x	x	x				
Bystander Intervention Training	Interactive training that discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, and resources.	Fraternity & Sorority Life	One time event	9/19/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather & Peer Educators		x	x	x	x	x	x	
Sexual Violence Advocacy & Education Overview	Presentation that covered types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	Class	One time event	9/20/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Tabling: Sexual Violence Advocacy & Education	Shared information about Sexual Violence Advocacy & Education office, sexual violence resources and prevention opportunities at CSUSM. Provided giveaways, flyers, stickers, etc.	Campus Community	One time event	9/20/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x	x	x	
Survivors Are Welcome Here	Student survivors of sexual violence shared ways they cope on a campus, what places and people on campus where helpful, what advice they have for faculty in classes and for how to respond if someone shares they are a survivor. In-person event with lunch and resources/self-care activities provided.	Campus Community	Annual	9/22/2022	SHCS: Sexual Violence Advocacy & Education	Christa Wencil		x	x	x	x	x		

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
Sexual Violence & Healthy Relationships	Overview of consent, healthy vs. unhealthy relationships, bystander intervention, and resources.	Human Development Club	One time event	9/27/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather & Peer Educators		x	x	x	x	x	x	
Sexual Violence Prevention Training: Nu Alpha Kappa	Interactive training that discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, and resources.	Fraternity & Sorority Life	One time event	9/28/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
No Doesn't Mean Convince Me	"No" doesn't mean "convince me" is a workshop to explore what consent vs coercion can look and sound like in the context of hookups, relationships, power dynamics, etc. It included how to identify and address coercive behavior, small and large group discussion, and a Kahoot. Discussed how to support friends who experience non-consensual sex and provided resources.	Campus Community	One time event	9/30/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather & Peer Educators		x	x	x	x	x	x	x
DVAM Donuts	Handing out purple frosted donuts to spread awareness about Dating/Domestic Violence Awareness Month (DVAM). Shared information about upcoming events as well as resources for sexual harm.	Campus Community	Annual	10/4/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x	x	x	
Tabling: DVAM	Tabling for Dating/Domestic Violence Awareness Month. Shared information about upcoming events as well as resources for sexual harm.	Campus Community	One time event	10/4/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x	x	x	
Trauma Informed Care	Discussed types of violence, impacts and neurobiology of trauma, trauma-informed care/practices, supporting survivors of trauma, and resources.	Social Justice Scholars	One time event	10/7/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Sexual Violence Prevention Training	Interactive training that discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, and resources.	Men's Soccer Club	One time event	10/10/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Sexual Violence Prevention & Sexual Health	AkdPhi: types & roots of violence, consent, prevention strategies, resources, sexual health and hygiene, and STDs & STIs. Kahoot.	Fraternity & Sorority Life	One time event	10/10/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	x
Sexual Violence Prevention Training	Interactive training that discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, and resources.	Sports Clubs: Women's Volleyball Club	One time event	10/13/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
Supporting Survivors of Relationship Violence	"I believe you" is one of the most powerful messages we can offer to our loved ones who have experienced sexual harm. Small and large group discussion facilitated by peer educators on intimate partner violence impacts and support/resources as well as how to respond to disclosures.	Campus Community	One time event	10/19/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x	x	x	
Tabling: Purple Thursday	Tabling to promote Dating/Domestic Violence Awareness Month (DVAM). Activities on healthy vs unhealthy relationships, resources, giveaways.	Campus Community	One time event	10/20/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x	x	x	
Language & Rape Culture	Facilitated Zoom workshop with California Faculty Association (CSUSM faculty in attendance) on language and rape culture. Discussed the roots of violence and rape culture, consent vs coercion, language, and stages / models for culture change. Also provided information on campus advocacy resources.	CSUSM Faculty (Members of California Faculty Association)	One time event	10/21/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Tabling: Love Your Body Day	Tabling to share sexual violence advocacy resources. Promoted Dating/Domestic Violence Awareness Month (DVAM) with activities on healthy vs unhealthy relationships, resources, and giveaways.	Campus Community	Annual	10/25/2022	WGEC and SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x	x	x	
DV Speak Out & Vigil	As the final and signature event of Dating/ Domestic Violence Awareness Month, this event provided an opportunity to learn about community resources, share stories/poetry and create a space for social change. We concluded the event with a candlelight vigil in honor of those harmed and/or murdered due to dating and domestic violence.	Campus Community	Annual	10/25/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Christa Wendt, Cathy Nguyen, Peer Educators, Interns		x	x	x	x	x	x	x
Healthy vs. Unhealthy Relationships	Discussed signs of healthy vs unhealthy relationships, supporting survivors of intimate partner violence, safety planning, and resources.	QUAD Housing Residents	One time event	10/26/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	x
Sexual Violence Advocacy & Education	Classroom presentation on Sexual Violence Advocacy & Education. Discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	Class	One time event	10/27/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
Consent & Alcohol	Tabling and consent activity, shared resources for sexual harm.	QUAD Housing Residents	One time event	10/27/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	x
Sexual Violence Prevention Training	Training on types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	Sports Clubs: Surf Club	One time event	11/1/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Sexual Violence Advocacy & Education Overview	Brief classroom presentation on Sexual Violence Advocacy & Education. Discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	GEL Class	One time event	11/2/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Sexual Violence Advocacy & Education Overview	Brief classroom presentation on Sexual Violence Advocacy & Education. Discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	GEL Class	One time event	11/2/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Sexual Violence Prevention Training	Brief classroom presentation on Sexual Violence Advocacy & Education. Discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	Sports Clubs: Women's Lacrosse Club	One time event	11/2/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Tabling: Movember Health Fair	Tabling event to share information on healthy vs. hyper masculinity, rape culture, the role that men can play in preventing sexual violence, and resources.	Campus Community	One time event	11/3/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather, Peer Educators & Interns		x	x	x	x	x	x	x
Sexual Violence Prevention Training	Training on types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	Sports Clubs: Dance Club	One time event	11/8/2022	SHCS: Sexual Violence Advocacy & Education	Peer Educators		x	x	x	x	x	x	x
Bystander Intervention Training	Training on types/roots of sexual harm, consent, bystander intervention, bystander effect, ways to intervene, supporting survivors, reporting options, and resources.	GEL Class	One time event	11/10/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather & Peer Educators		x	x	x	x	x	x	x
Healthy vs. Unhealthy Relationships	Training on signs of healthy vs unhealthy relationships, cycle and roots of violence, prevalence, intervention/supporting survivors, reporting options, and resources. Videos, discussion, and activities.	Fraternity & Sorority Life: Alpha Chi Omega	One time event	11/13/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	x

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
Sexual Violence Prevention Training	Training on types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	Fraternity & Sorority Life: Nu Alpha Kappa	One time event	11/15/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	x
Sexual Violence Advocacy & Education Overview	Brief classroom presentation on Sexual Violence Advocacy & Education. Discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	GEL Class	One time event	11/30/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Sexual Violence Advocacy & Education Overview	Brief classroom presentation on Sexual Violence Advocacy & Education. Discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	GEL Class	One time event	11/30/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Sexual Violence Advocacy & Education Overview	Brief classroom presentation on Sexual Violence Advocacy & Education. Discussed types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	GEL Class	One time event	12/1/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	
Digital Abuse & Online Safety	Covered types of technology-enabled abuse, safety & prevention strategies, dating app safety, apple air tags, and resources.	GEL Class	One time event	12/1/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather and Peer Educators		x	x	x	x	x	x	
Not Anymore Title IX Training (In-person)	Alternative to online Not Anymore training. Covered types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	Campus Community	One time event	12/5/2022	Title IX & SHCS	Cathy Nguyen & Avery Bather	x		x	x	x	x	x	x
Not Anymore Title IX Training (In-person)	Alternative to online Not Anymore training. Covered types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	Campus Community	One time event	12/6/2022	Title IX & SHCS	Cathy Nguyen & Avery Bather	x		x	x	x	x	x	x
Not Anymore Title IX Training (Zoom)	Alternative to online Not Anymore training. Covered types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	Campus Community	One time event	12/6/2022	Title IX & SHCS	Cathy Nguyen & Avery Bather	x		x	x	x	x	x	x
Sexual Violence Prevention Training	Training on types/roots of sexual harm, consent, bystander intervention, supporting survivors, reporting options, and resources.	Sports Clubs: Powerlifting Club	One time event	12/9/2022	SHCS: Sexual Violence Advocacy & Education	Avery Bather		x	x	x	x	x	x	x

Appendix C: Clery- Prevention Programs and Campaigns
 Temecula locations January 1, 2022- December 31, 2022

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
Spring 2022 New Student Orientation	*Virtual New Student Orientation for CSUSM Temecula Spring Undergraduate Admits. Students are provided an overview of resources, contacts and information related to Dean of Students, Cougar Care Network, Title IX, reporting concerns, UPD and campus safety (specific to the Temecula branch campuses). Students also provided a copy of CSUSM Temecula New Student Handbook with resources/contacts re: Title IX, CLERY and Dean of Students/CCN. Additionally, new Extended Learning students complete a mandatory online orientation module that further provides details about Title IX, campus safety, Dean of Students, etc.	Incoming Spring'22 Undergraduate Admits	Spring Orientations = annually in January	1/12/2022 and 1/18/2022	CSUSM Temecula Student Services Team & Faculty Leads	CSUSM Temecula Student Services Team, with Faculty Leads	X							
Summer 2022 New Student Orientation (B.S. Nursing Students)	*Virtual New Student Orientation for Summer 2022 Undergraduate Nursing Admits to the CSUSM Temecula (Margarita Rd) Campus. Students are provided an overview of resources, contacts and information related to Dean of Students, Cougar Care Network, Title IX, reporting concerns, UPD and campus safety (specific to the Temecula branch campuses). Students also provided a copy of CSUSM Temecula New Student Handbook with resources/contacts re: Title IX, CLERY and Dean of Students/CCN. Additionally, new Extended Learning students complete a mandatory online orientation module that further provides details about Title IX, campus safety, Dean of Students, etc.	Incoming Summer'22 Undergraduate Nursing Admits	Summer Orientations - annually in May or June	6/16/2022	CSUSM Temecula Student Services Team & School of Nursing Coordinator/ Faculty Leads	CSUSM Temecula Student Services Team & School of Nursing Coordinator/ Faculty Leads	X							

Name of Program	Description	Population Served	Scheduling Information*	2022 Dates Offered**	Coordinating Department	Presenters	Primary Prevention & Awareness Program for new students and new employees	Ongoing Prevention & awareness campaigns for students and employees	Domestic Violence	Dating Violence	Sexual Assault	Stalking	Bystander Intervention	Risk Reduction
Fall 2022 New Student Orientation	*Virtual New Student Orientation for CSUSM Temecula Fall Undergraduate Admits. Students are provided an overview of resources, contacts and information related to Dean of Students, Cougar Care Network, Title IX, reporting concerns, UPD and campus safety (specific to the Temecula branch campuses). Students also provided a copy of CSUSM Temecula New Student Handbook with resources/contacts re: Title IX, CLERY and Dean of Students/CCN. Additionally, new Extended Learning students complete a mandatory online orientation module that further provides details about Title IX, campus safety, Dean of Students, etc	Incoming Fall '22 Undergraduate Admits	Fall Orientations = annually in August	8/23/2022	CSUSM Temecula Student Services Team, with Faculty Leads	CSUSM Temecula Student Services Team, with Faculty Leads	X							
Fall 2022 CSUSM Temecula Weeks of Welcome Resource Fair	CSUSM main campus representatives table and provide information/resources to new & continuing CSUSM Temecula students, including SHCS and Dean of Students/CCN. Providing information about services/resources available to students in regards to health, wellness, and safety.	CSUSM Temecula Matriculated Students	Held during early Fall semester	9/22/2022	CSUSM Temecula Student Services Team, with SHCS, DOS & UPD	SHCS, DOS & UPD (Cathy Nguyen, John Hall, David Angulo, etc)	X	X						X

Appendix D: Mt. San Jacinto College Policy Statements

Reporting Crimes & Emergencies

Students and staff should report crimes and emergencies, i.e., fire/medical, occurring on campus to the Campus Safety Department, or call 911. When using a campus phone dial 911. Incidents may be reported to the Campus Safety Department from your cell phone by calling (951) 639-5188, from 7:00 am through 11:00 pm five days a week. During normal business hours, the Campus Safety Department may be contacted at Room 102 at the Temecula Valley Campus.

In the event of an emergency, students and staff are requested to make a prompt and accurate report to the Campus Safety Department. Students are also encouraged to report crimes and any problems within the campus environment to the Campus Safety Department and the Riverside Sheriff's Office (housed within the Campus Safety Office).

In addition, you may report a crime to the following areas:

The Campus Safety Department partners with the WE-TIP anonymous crime tip line at (800) 78-CRIME or (800) 782-7463. Reports can be made 24 hours a day, seven days a week and are completely anonymous.

In cases of medical emergencies call 911, the Campus Safety Department should also be notified immediately at 951-639-5188.

Important Phone Numbers:

Emergencies	911
Campus Safety Department	951-639-5188
Risk Management	951-487-3190
Facilities/Maintenance	951-487-3103

- Utility outages
- Fire alarm maintenance
- Fire suppression equipment maintenance

Timely Warning Policy

If a situation arises on campus that poses an ongoing or continuing threat to the college community, the college Director of Campus Safety in consultation with the college President and Vice-President of Student Services will determine if a "timely warning" will be issued to inform the campus of the threat. Students and employees are encouraged to update their alert information by going to msjc.edu/Alert/. Timely warnings are given through college email and electronic text systems to students, faculty and staff. Timely warnings provide the college community with information about serious incidents and crime prevention recommendations.

Campus Emergency Notification System

The Mt. San Jacinto Campus Safety Department has the responsibility to respond and assess situations or incidents that may pose an immediate or ongoing threat to the safety and health of the college community. The Director of Campus Safety will assess situations or incidents reported on campus and the surrounding areas to determine whether an immediate or ongoing threat exists.

Upon confirming that there is an immediate threat to the safety of the college community or specific segments of the college community, the Director of Campus Safety, the Chief Technology Officer, the Director of Public Information and Marketing, and the college Superintendent/President or their designees are the authorized

administrators who will collaborate to determine the content of the emergency notification notice and will use part or all of the emergency notification systems listed below, to communicate the threat to the entire college population or segments thereof.

Mt. San Jacinto College has a campus wide emergency notification system. This system will enable the authorized college personnel to quickly notify students, faculty, and staff about any campus emergency with personalized voice, text, and e-mail messages. It is important that all students, staff and faculty provide the college administration with correct contact information so that proper emergency notification can be made. Go to the following web site for directions on how to update your information to ensure you receive emergency notifications. <http://www.msjc.edu/Alert/Documents/MSJCAAlertContactInformation.pdf>.

The Campus Safety Department has mobile and stationary public address systems available for as needed. The college digital marquee signs located in the front of the Meniffee Valley and San Jacinto campuses may also be used to communicate and notify students and staff of immediate or ongoing threats. The campus email system will be utilized to communicate alerts and ongoing updates to faculty and staff. The college's student Web Portal will also be utilized to notify students of threats and emergency updates as well. Currently, the District is in the process of installing an alert public address system that can send emergency messages to each or specific computers within the District.

Emergency Response/Evacuation Maps

In compliance with the Higher Education Act, Mt San Jacinto College Evacuation route maps are located on the walls of all rooms near the doors. In addition to evacuation maps posted online within the MSJC emergency manual are evacuation routes on the [MSJC Campus Safety web page](#).

Access & Security Issues

All buildings will be secured by the Campus Safety Department by 11:00pm on weekdays. The campuses are closed on the weekends except for authorized special events. We recognize that there will be some need for after-hours and weekend access to buildings. After hours, a faculty or staff I.D. is required. Anyone working late should notify the Campus Safety Department at (951) 639-5188.

Access to College facilities is limited to staff, students and escorted guests. Entry is monitored during hours when the college is open, from 7:00 am to 11:00 pm Monday, through Friday. The campus facilities are maintained by Facilities Management and patrolled by the Campus Safety Department and Riverside County Sheriff's deputies assigned to the college. The officers patrolling the campuses recommend the trimming of shrubbery for safety reasons and conduct periodic lighting surveys. Officers report the need for replacement of lights and any other physical hazards they notice. Periodic crime prevention surveys are conducted when a crime trend occurs or upon physical changes of office space and equipment when requested by an administrator. Lighting and security improvements are constantly being evaluated.

Safety of Campus Facilities / Residences

Mt. San Jacinto College does not provide housing or residences for students, faculty, or staff on or off-campus. Regarding on-campus security, Mt. San Jacinto College strives to:

Create and maintain an environment for learning that promotes respect and appreciation of scholarship, freedom, human diversity, and the cultural mosaic of the campus community. Promote excellence in instruction and intellectual accomplishments. Provide broadly accessible higher education for residents of the region, state and/or nation.

The Mt. San Jacinto Campus Safety Department assists in delivery of the College's mission and strives to create a safe environment conducive to academic excellence. We understand that crime is a nationwide problem, and we strive to make our campus community a safe and secure environment. The Campus Safety Department works closely with local police agencies, and the contracted on-campus law enforcement agency (Currently Riverside Sheriff's Office) and employs security measures to reduce and prevent crime.

For additional information, please view the Mt. San Jacinto College [2022 Annual Security Report](#).