



CAL POLY  
HUMBOLDT

# 2022 ANNUAL SECURITY REPORT

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

Clery Crime Statistics 2019-2021

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# CAL POLY HUMBOLDT ANNUAL SECURITY REPORT

## MESSAGE FROM THE PRESIDENT

Cal Poly Humboldt, formerly known as Humboldt State University, provides a quality and affordable college education built on the contributions of diverse students, staff, and faculty who are committed to a just and sustainable world. We have 5,800 students and 490 faculty members, who are among the top teachers and researchers in their fields. Academic offerings encompass nationally known programs and popular areas of studies in natural resources and sciences, arts, humanities, social sciences, and professional studies. Throughout the curriculum, students develop a long-standing commitment to social and environmental responsibility.



On January 26, 2022, our university became Cal Poly Humboldt, California's third polytechnic and the first in Northern California. With California's historic investment in our polytechnic vision and approval of our polytechnic designation from the CSU, Cal Poly Humboldt will add a total 27 new academic programs by 2029, with 12 launching in 2023. With more resources to build high-demand programs and expand hands-on learning opportunities, we can better prepare our students to solve the challenges of our time. We will address workforce shortages in STEM; revitalize the North Coast economy; close equity gaps in higher education and provide solutions to the complex social and environmental issues California faces today. Our students and the education they receive at Cal Poly Humboldt will have a long and lasting impact on our communities, the region, and the world.

Cal Poly Humboldt is committed to providing a safe environment for our students, employees, and visitors. The 2022 Annual Security Report (ASR) is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), a federal mandate that requires all institutions of higher education that participate in federal financial aid programs to maintain and disclose campus crime statistics and security information. The ASR includes reported crimes for January 1, 2019, through December 31, 2021, within these geographical categories: (1) on campus, including campus residence halls (2) on public property directly adjacent to the campus (on sidewalks that are attached to campus), and (3) inside or on noncampus buildings (property that the institution owns or controls). We share this information in a spirit of openness and with a deep commitment to fostering a safer environment for teaching, learning, and living.

We recognize that cultivating a safer campus environment is a continuous journey and is a campus-wide effort. We invite you to read this information and be a participatory member in our University community, working cooperatively to provide a safer educational setting.

Sincerely,

A handwritten signature in black ink that reads "Tom Jackson, Jr." The signature is written in a cursive, flowing style.

Tom Jackson, Jr, Ed.D.  
President, Cal Poly Humboldt

## PREPARING THE ANNUAL SECURITY REPORT

This report is prepared in cooperation with the local law enforcement agencies surrounding our main campus and satellite facilities, and the Clery Compliance Team to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the Clery Act). Nicki Viso was appointed as the Clery Director in February of 2022 and leads the Clery Compliance Team. This team assists the Clery Director with the following tasks:

1. The collection of information and required crime statistics;
2. Developing, writing, reviewing and ensuring the accuracy of the ASR and campus policies required to be included in the ASR;
3. The proper identification of relevant Clery Act geography;
4. Programming, developing, and providing training and outreach efforts on the campus for compliance; and
5. Overall compliance with the Clery Act and state student safety laws.

The Clery Compliance Team consists of representatives from the Cal Poly Humboldt Police Department, Housing & Residence Life, the Dean of Students Office, Athletics, Student Health and Wellbeing Services, Facilities Management, Marketing & Communications, and Information Technology Services.

Campus Security Authorities must promptly report allegations of Clery crimes that occur within a Campus' Clery Geography that are reported to them. A report may be a written or verbal disclosure made by any person to the CSA, including information shared with the CSA by witnesses or other third parties. CSA reports must include the following, if known:

- the crime that was reported and the information provided
- the exact location where the reported crime occurred
- the date and time the reported crime occurred
- any witness and perpetrator information
- victim information, unless the victim requests confidentiality\*\*

\*\*Employees may be required to share this information with other offices if they have responsibilities under other laws and policies including, but not limited to, *Mandatory Reporting of Child Abuse and Neglect*, and *CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation*. In the event the victim does request confidentiality, enough information must be obtained and provided by the CSA about the criminal incident to prevent over-reporting or "double-counting" of the incident.

All incoming crime reports to the Title IX & DHR Prevention office, Athletics, the Dean of Students Office, Housing & Residence Life, and UPD are reviewed every day, Monday through Friday, to determine if they meet the Clery Act's classification requirements by representatives in each of those offices. The Clery Director and representatives from UPD and Housing & Residence Life review these incoming reports. When a crime meets the Clery Act's classification requirements, key information is provided to UPD, which is then listed on the Daily Crime Log. The key information that is included is:

- Date Reported
- Time Reported
- Date Occurred
- Time Occurred
- Clery Classification
- General Location
- Disposition

UPD maintains a working relationship with the Arcata Police Department, Eureka Police Department, the Humboldt County Sheriff's Office, as well as local fire departments and other emergency services in order to better serve and respond to the needs of the campus community. UPD has memorandums of Understanding (MOUs) with these allied agencies. Additionally, there is a regional Chief's meeting every month to maintain an effective working relationship between UPD and our local law enforcement agencies.

Arrests, allegations of crime on and around the main campus, and statistics for satellite properties include those reported to the UPD, to applicable local law enforcement agencies, and to designated campus officials defined as CSAs. Some statistics, especially disciplinary referrals for liquor or drug law violations, are difficult to compare accurately from campus to campus because state criminal laws differ at many universities.

The Annual Security Report is published by October 1st for the previous calendar year, and made available for free to the public as well as current and prospective employees and students via the Clery Compliance website (<https://clery.humboldt.edu/content/annual-security-reports>) and through copies at the Title IX & DHR Prevention Office and the UPD Dispatch counter. Copies can be requested by calling 707-826-5175 or by emailing the Clery Director at [nicki.viso@humboldt.edu](mailto:nicki.viso@humboldt.edu).

Informational messages regarding the availability of the Annual Security Report are printed on employee paycheck stubs, in the University catalog, on the Human Resources Recent Jobs site (<https://careers.humboldt.edu/hm/en-us/listing/>), on the Office of Admissions application information pages for Freshmen, Transfers, and Graduate students (<https://admissions.humboldt.edu/apply/freshmen>; <https://admissions.humboldt.edu/apply/transfers>; <https://admissions.humboldt.edu/apply/graduate/programs>) and in an email notice sent to all currently enrolled students (including those attending less than full time and those not enrolled in Title IV programs or courses), as well as current employees.

The Annual Fire Safety Report is published by October 1<sup>st</sup> for the previous calendar year, and made available for free to the public as well as current and prospective employees and students via the Housing & Residence Life Department website ([https://housing.humboldt.edu/sites/default/files/2022\\_annual\\_fire\\_safety\\_report.pdf](https://housing.humboldt.edu/sites/default/files/2022_annual_fire_safety_report.pdf)). A printed copy of the Annual Fire Safety Report is available at the Housing & Residence Life front desk on the third floor of the Jolly Giant Commons Monday through Friday from 8 am-5 pm.

## CLERY CRIME STATISTICS 2019 TO 2021

### Murder/NonNegligent Manslaughter

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

### Negligent Manslaughter

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

### Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	1	0	0
2020	6	6	0	0
2021	1	1	0	0

### Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	1	0	0
2020	5	5	0	0
2021	0	0	0	1

### Incest

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

### Statutory Rape

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

### Robbery

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	1	0	0
2020	0	0	0	0
2021	0	0	0	0

### Aggravated Assault

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

### Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	2	6	0	0
2020	4	10	0	0
2021	3	5	0	0

### Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	2	0	0
2020	0	1	0	0
2021	0	5	0	0

### Arson

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

### Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	0
2021	1	1	0	0

### Dating Violence

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

### Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	1	0	0
2020	0	0	0	0
2021	0	1	0	0

### Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	1	0	0
2020	0	0	0	0
2021	1	2	0	0

### Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	1	0	0
2020	3	5	0	0
2021	0	1	1	0

### Arrests for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	2	6	0	0
2021	0	0	0	0

### Referrals to Disciplinary Action for Weapons Law Violations

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

### Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	68	68	0	0
2020	21	21	0	0
2021	29	29	0	0

### Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	20	20	0	0
2020	1	1	0	0
2021	0	0	0	0

### Unfounded Crimes

Year	Total
2019	2
2020	2
2021	1

There is a large decrease in both Liquor and Drug law referrals for disciplinary action between the 2019 and 2020 calendar years. The Clery Director and Clery Coordinator both retired in late 2020, prompting the Clery Compliance Team to reexamine our protocols and procedures around classifying Clery crimes and defining Clery geography. Our understanding of what constitutes a Liquor Law referral for disciplinary action and Drug Law referral for disciplinary action evolved, which has resulted in a decrease in our statistics between 2019 and 2020. These three factors contributed the most:

- Residence halls are considered private residences once a locked door is encountered
- Individuals who are 21+ can have possession of up to 28.5g of cannabis
- Individuals under 21 must have possession of a usable amount of cannabis to count as a statistic

Additionally, the California State University system created and implemented required Clery training and hired a systemwide Clery Compliance Officer to provide direction and support. Another factor was COVID-19; starting mid-March 2020, the pandemic was a catalyst for the implementation of a number of safety measures that reduced the overall number of people living on and visiting the campus and noncampus properties, such as closing the main campus to the public, limiting the number of residents living on campus by at least half, closing

several noncampus properties entirely, and directing all non-essential employees to telecommute or work remotely.

## Hate Crimes

2019

- Offense: Simple Assault, Intimidation; Bias Category: Race; Geographical Category: On Campus
- Offense: Intimidation; Bias Category: Religion; Geographical Category: On Campus

2020

- No hate crimes reported

2021

- No hate crimes reported

Cal Poly Humboldt uses the FBI's UCR Hate Crime Data Collection Guidelines and Training Manual (Version 2.0) to classify hate crimes appropriately. 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.

## PROCEDURES FOR STUDENTS AND OTHERS TO REPORT CRIMINAL ACTIONS OR OTHER EMERGENCIES ON CAMPUS

If a crime, suspicious incident, or security problem is observed, all persons, including students and employees, are encouraged and requested to report the information to UPD by dialing 9-1-1 from any phone; reports can also be made by texting 9-1-1. All persons are encouraged to contact any campus official to seek their assistance in reporting crimes, suspicious incidents, security problems, or emergencies. For non-emergency or business calls, dial extension 5555 from any campus phone or 707-826-5555 from off-campus. Call or text 9-1-1 for police, fire or medical emergencies. The UPD dispatch center receives cell phone 9-1-1 calls directly from most wireless carriers and continues to work with other carriers to bring them into compliance with the state regulations. Certain areas of campus will route directly to the UPD, while others may still be answered by the California Highway Patrol or the Arcata Police Department.

UPD is responsible for receiving reports, documenting, follow-up investigation, and resolution of any criminal incident that occurs at the University. Crimes committed in or on off-campus buildings owned or controlled by Cal Poly Humboldt (satellite properties) are generally reported to the police agency of jurisdiction where the building or property is located. UPD may be requested to assist or take the lead in the investigation of such incidents as appropriate and/or indicated by interagency agreements.

It is essential that members of Cal Poly Humboldt accurately and promptly report crime as required by law and institutional policy. The University's Workplace Violence Prevention Program (Policy Number: UML 01-04) states that all faculty and staff are responsible for using safe work practices, for following all directives, policies, and procedures, and for assisting in maintaining a safe and secure work environment. This includes the reporting of security risks and cooperating in any investigation that may result. UPD Chief of Police has authority and overall responsibility for implementing the provisions of this program. In addition to this program, Cal Poly Humboldt has adopted a zero-tolerance policy for campus violence and established a Crisis Consultation Team.

The zero-tolerance policy (Violence and Threats of Violence Prohibited, Policy Number: EM:P01-02) states that it is the responsibility of every administrator, faculty member, staff member and student to take any threatening behavior and violent act seriously and to report it to UPD. When confronted by an imminent or actual incident of violence, or a threat of possible violence, on campus, call 9-1-1- immediately.

## **VOLUNTARY AND CONFIDENTIAL REPORTING**

In addition to reporting to UPD, individuals are able to make a voluntary, confidential report of a crime for inclusion in the Annual Security Report through the use of several different online forms, listed below. These forms do not require the individual person to include their name when submitting them.

- Title IX & Discrimination, Harassment, and Retaliation Prevention Office website
  - direct link: [https://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout\\_id=10](https://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout_id=10)
- Dean of Students Office website, under “Reporting Students of Concern”:
  - Behavioral Misconduct direct link: [http://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout\\_id=1](http://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout_id=1)
  - Hazing direct link: [http://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout\\_id=11](http://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout_id=11)
- Housing & Residence Life website, under “staff resources”
  - direct link: [https://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout\\_id=2](https://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout_id=2)

Certain individuals who have significant responsibility for student and campus activities are exempt from disclosing information. To be exempt from disclosing reported offenses, pastoral or professional counselors must be “acting” in the role of pastoral or professional counselors. Professional counselors are defined as a person whose official responsibilities include providing mental health counseling to members of the University’s community and who is functioning within the scope of their license or certification. This definition applies even to professional counselors who are not employees of the University, but are under contract to provide counseling at Cal Poly Humboldt. Cal Poly Humboldt encourages our professional and pastoral counselors to inform individuals they are counseling about the voluntary, confidential reporting options available to them.

## **CRIME OF VIOLENCE DISCLOSURES**

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

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

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

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

## **TIMELY WARNING POLICY**

This policy describes the procedures that will be used to provide members of the community with information to aid in preventing them from becoming victims of crimes posing a serious or ongoing threat to the Campus communities. It is intended to provide faculty, staff, and students with timely information about Clery

reportable crimes occurring within the defined Clery Geography of their Campuses, and to comply with the Timely Warning requirements of the Jeanne Clery Act.

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

- Upon receipt of a Campus Security Authority (CSA) report of a Clery crime on Clery Geography, a Timely Warning analysis shall be completed and documented by the Clery Director. The Clery Director shall have authority to delegate this responsibility as appropriate. It is not necessary to complete and document a Timely Warning analysis for referrals to disciplinary action, however in practice, Cal Poly Humboldt completes a Timely Warning analysis for all situations.
- 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 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. Marketing & Communications (MarComm) and UPD Dispatch have been given authority to distribute Timely Warnings. The UPD Chief of Police (or management designee) will communicate with MarComm or UPD Dispatch when it is determined that the University needs to issue a Timely Warning. Distribution methods include, but are not limited to, the following:

- All employee and student email distribution
- University website banner (see additional specifications below)
- 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 UPD 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 UPD Chief of Police will determine the appropriate method of distribution. Campuses are required to maintain a list of distribution methods for timely warnings and include said list in the campus' Annual Security Report.

Cal Poly Humboldt uses the Rave Guardian Platform as an additional distribution method for Timely Warnings. Anyone, including campus members, community members, family members, and guardians can sign up to receive text message alerts through this system.

### University Website Banner Considerations

MarComm has established four tiers: Green, Yellow, Orange, and Red. There are rough guidelines regarding which tier for what kind of event can be utilized:

- Green: this is our normal day-to-day "No Emergency Conditions Exist" tier. This banner would run after an incident is over, for some time, to ensure people see the all-clear.
- Yellow: something like a power outage, where an emergency might be declared and campus closed, but there is no major threat to campus.
- Orange: potential threat or evacuation that is not immediate.
- Red: immediate, severe threat.

MarComm has the ability to quickly and easily change the tier color in response to events increasing or decreasing in severity. For example, if a yellow banner is up because of a power outage, but that causes a fire to break out or a gas leak or something on campus, MarComm would change that banner to red.

Additionally, there are two levels of emergency. These levels determine whether the emergency alert is a banner at the top of the homepage, or whether it fully takes over the homepage:

#### Low Level

- No content is removed from the homepage
- A portion of the most recently posted Emergency Notice appears below the main navigation on the homepage
- All published Emergency Notices appear at <http://humboldt.edu/emergency> starting with the most recent notice

#### High Level

- All content between the main navigation and the footer is removed from the homepage
- Emergency notices appear between the main navigation and footer
- All published Emergency Notices appear on the homepage and at <http://humboldt.edu/emergency> starting with the most recent notice

## 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 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. Additionally, the Chief of Police may confer with Marketing & Communications department and the Risk Management & Safety Services department. The content of the message will be developed based on a careful but swift analysis of the most critical facts.

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

## CONTENTS OF THE EMERGENCY NOTIFICATION

The emergency notification shall contain the following information:

- A statement as to what the emergency or dangerous situation is, in specific terms (e.g., chemical spill, active shooter, building fire)
- A statement providing direction as to what actions the receiver of the message should 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. Marketing & Communication (MarComm) shall have primary responsibility for ensuring the accurate preparation and delivery of information submitted to the Chancellor's Office for public release, including intentional outreach and distribution to the larger community through a local news media email distribution list. Distribution methods, including distribution to the larger community, vary depending on the nature of the emergency and may include:

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

## TESTING AND EVACUATION SYSTEM

In compliance with Executive Order 1056, Cal Poly Humboldt's Emergency Operations Plan & Guidelines (EOP-G) or portions thereof are exercised on an annual basis. Risk Management & Safety Services department is responsible for coordinating and scheduling all drills, exercises, and appropriate follow-through activities. The exercise, training, and emergency management event schedule can be requested from the Risk Management & Safety Services department at (707) 826-4635 or [EOC@humboldt.edu](mailto:EOC@humboldt.edu).

Instructor-led emergency management training is held on a regular basis. Classes include:

- Introduction to Cal Poly Humboldt's Emergency Operation Center
- ICS Basics
- NIMS/SEMS Overview
- ICS Forms
- Operations/Planning/Logistics/Finance/Command Section Specific Training

Housing & Residence Life coordinates with local fire departments, police departments, the Risk Management & Safety Services department, campus officials, and ambulance companies, and then schedules the following types of tests:

- Fire evacuation drills within the first two months of each semester (Fall and Spring) for all occupied residence halls
- A Tabletop exercise at the beginning of every Spring semester for Housing & Residence Life professional staff
- An Emergency Simulation during Residence Life Student Leader training every Fall semester for Housing & Residence Life student leaders

The tests may be announced or unannounced. Tests are scheduled, contain drills, exercises and appropriate follow-through activities, and are designed for assessment and evaluations of emergency plans and capabilities. At least one test will be publicized in conjunction with the campus' emergency response and evacuation procedures. Each test will be documented to include a description of the exercise, the date of the test, the start and end times of the test, and whether the test was announced or unannounced. 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.

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

### ACCESS TO CAMPUS FACILITIES

All campus facilities are key-accessed, and most are open daily for scheduled campus community use. Official building hours are published on the Facilities Management website. Campus key control and distribution is a function of Facilities Management, while key access control for the residential complex rests with the Housing & Residence Life Department. To provide for the security of campus facilities, UPD enforces Educational Code 89031 & Residential Life Housing Policies. Campus facility access may be revoked per Penal Code 626.

#### Residence Hall Access

The Card Access System is designed to enhance the residence hall building security. Residents are encouraged to always carry their Humboldt ID card. For safety reasons, residents must identify themselves and produce a Humboldt ID card when it is requested by housing staff or by other university officials. This card and the PIN allow residents to gain access to the building, floor, room to which they are assigned, and laundry facilities; these doors remain locked 24 hours a day, 7 days a week. The door batteries are changed out every summer by the Housing maintenance staff. Residents are able to change their PIN at the Housing Front Desk on the third floor of the Jolly Giant Commons. Residents are told to not give or lend their Humboldt ID card to anyone, and that doing so may result in student conduct action. This falls under the “Key Misuse” policy, located in the ResLife & You Handbook. The ResLife & You Handbook can be found on the Housing & Residence Life website: <https://housing.humboldt.edu>.

If a resident is locked out of their room Monday through Friday, 8am to 5pm they may obtain a temporary key card for their room from the Housing Office while they retrieve their Humboldt ID card from their room. If they lock themselves out or lose their key card after 5pm on weekdays or on the weekend or holidays, they can contact the Resident Advisor (RA) for their area to let them into their room. If they lose their Humboldt ID card, the Housing Front Desk can temporarily provide them access to their room until they purchase a new Humboldt ID card from the Housing Cashier the next weekday. Proper identification from all borrowers is required. In the event the Housing Front Desk is closed and they are unable to reach their RA on their phone, the resident can contact UPD for assistance getting into your room. For Campus Apartments residents, if they lose their key, they must report this immediately to the Housing Front Desk or the RA for safety and security reasons for themselves, their belongings, and suitemates. This falls under the “Keys/Lockouts” policy, located in the ResLife & You Handbook.

The Housing & Residence Life Office is located on the third floor of the Jolly Giant Commons. Their service hours are every day from 8:00am-8:00pm. The hours are subject to change for breaks and holidays. Additional service hours may be added, depending on COVID-19 restrictions; any changes will be posted and distributed to residents and campus partners.

#### Other Campus Facilities

The Department of Facilities Management personnel perform daily building lock-up and monitor all maintenance issues in campus lighting, door locks, and general environmental safety in conjunction with UPD. A quarterly inspection and survey of campus indoor/outdoor lighting, shrubbery and walkways is conducted. The University participates in *Crime Prevention through Environmental Design* concepts for planning and improvements on campus. This would include a clear line of sight across campus. Examples include:

- not creating and/or eliminating hidden areas on campus
- controlling landscape to promote visibility
- maintaining and installing sufficient lighting for night visibility
- maintaining and creating an inviting and attractive space
- design to discourage transient use

UPD and Facilities Management follow protocol for building access if a person needs access to a certain building, but they are locked out or it is after building hours. If an officer is available, UPD will assist with building access. A photo ID or some other form of verification will be required in order to access a locked building space. Requesters are asked to keep in mind that responses to medical aid and other life/safety incidents or major infrastructure failures will take precedence over access requests.

## **BOUNDARY SECURITY, STAFF REPORTING, AND PATROLS**

The campus entrances are marked with signs and monuments to identify to visitors that they have entered campus. Police and Parking personnel patrol the campus in uniform in marked police vehicles, on bike, and foot. All personnel of the UPD, including 24-hour armed, uniformed California peace officers, other full-time staff, and student employees, use cell phones, campus phones, and police radios to call in crimes, security problems and emergency situations as they are discovered. Other staff members do the same, including but not limited to: Housing & Residential Life professional and student staff; Facilities Management custodial, maintenance, grounds, and other professional and student staff. UPD and Parking personnel regularly traverse the campus on patrols and take on-view action or notify UPD of security problems or suspicious criminal activity. Arcata Police personnel assist UPD promptly upon request.

To help facilitate safety and security, the Resident Assistants conduct rounds in and around the residence halls and Housing grounds. After 5pm, these student staff members, in conjunction with Housing & Residence Life professional staff, are available to assist with emergencies, potential guideline violation response, lockouts, and other issues that may arise. Individuals may contact the RA directly after 5pm for assistance by calling the RA duty phone number for their area; signs with these numbers are posted prominently in and around the residence halls. If an individual needs general information or maintenance assistance, they are directed to call the Housing Office at (707) 826-3451.

## **ON-SITE POLICE DEPARTMENT**

UPD offices are located on the ground floor of the Student Business Services Building at the intersection of Harpst and Rossow Streets. The Department is marked with signs, and is open 24 hours a day, 365 days a year as an area of relative safety and refuge. The Department is staffed on-site by trained professional 9-1-1 dispatchers who can personally communicate with a walk-up customer or others who may choose to contact the department by phone. UPD also utilizes an outside call box to communicate with any walk-up customer.

## **TELEPHONE ACCESS TO UPD**

There are 63 courtesy phones and 69 public assistance “blue light” phones on campus, which are exterior phones and call boxes that are illuminated at night by blue lights. These assistance phones have direct-dial emergency access to UPD, many with the push of a large red button marked “HELP”. UPD conducts regular audits to ensure the phones are working. Any member of the community may also call UPD at extension 5555 from any campus phone, or may call 707-826-5555 with any cellphone or off-campus phone, for an on-campus “Safety Escort”. UPD may provide the escort while on foot, bike, or vehicle patrol, depending on officer availability.

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

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

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

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

### **GENERALIST PHILOSOPHY OF UPD**

UPD assumes primary investigative responsibility for all crimes reported to have taken place upon the University main campus and other University properties. In the event that a serious crime or ongoing pattern of crime requires additional resources, UPD will call on Arcata PD, other local agencies, other California State Universities, and other state and federal agencies for assistance as needed.

### **LOCAL RELATIONSHIPS AND AGREEMENTS**

UPD has positive working relationships and written operational agreements with state and local police departments. UPD assists Arcata PD nearly every day, often during incidents where students are present. UPD maintains contact with other local agencies, like the Eureka PD and the Humboldt County Sheriff's Office, through radio monitoring, electronic and voice communication, and regular inter-agency meetings. UPD has operational agreements with Arcata PD, Eureka PD, and the Humboldt County Sheriff's Department delineating responsibilities and jurisdictional understanding published in accordance with California Education Code § 67381 (the Kristin Smart Campus Safety Act of 1998). These MOUs also specify that when a crime occurs within the University's jurisdiction, 1) UPD and the other agency will communicate regarding the situation, 2) UPD will have primary jurisdiction, which includes being the primary for investigations of alleged criminal offenses, and 3) that UPD and the local agencies can utilize each other as a resource. A copy of these agreements will be made available upon request to UPD by calling 707-826-5555. UPD is available 24 hours a day, 365 days a year.

Cal Poly Humboldt's policy prohibiting violence and threats of violence (policy number: EM:P01-02) states it is the responsibility of every administrator, faculty member, staff member, and student to take any threatening behavior and violent act seriously and to report it to UPD. When confronted by an imminent or actual incident of violence, or a threat of possible violence, on campus, people are directed to call 9-1-1- immediately. Supervisors, Department Chairs, Directors, Managers and other administrators are encouraged to consult with UPD for assistance in assessing the level of danger, designing an intervention, and choosing appropriate safety measures.

## SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

During orientation programs at the beginning of the semester, the Dean of Students Office relays information regarding UPD's "Safety Escort" program. Per request of some athletic teams, officers of UPD present a structured lecture to incoming athletes regarding appropriate, lawful behavior, and encouraging members of the team to watch out for one another; this occurs at the beginning of the teams' seasons.

Periodically, upon request, special safety presentations are given to subgroups of employees by the Chief of Police or their designee, such as emergency/disaster procedures, security reminders to Housing staff, night time safety tips for campus custodial staff, or "active shooter" instruction given to an academic department.

## HOUSING & RESIDENCE LIFE

Early in the academic semester, RAs facilitate floor and building meetings in the residence halls that cover topics such as safe behavior and security of the residence halls. Residents are notified that each residence hall room has evacuation procedures and other important safety information on the back of the door. RAs also briefly review various safety policies that are published within the ResLife & You Handbook with the residents during floor and building meetings at the beginning of the Fall semester.

During Housing's two-week Student Staff training in August, student staff receive emergency training learning how to respond to different crisis situations in the Residence Halls, such as fires, earthquakes, and active shooters.

Bi-annually, during the third and fourth week of each semester, Housing conducts a full-scale fire and evacuation drill in each of the Residence Hall buildings during the evening hours when most students are present. Residents are advised in advance of the drill through email and posters in their communities; they are not given the exact date or time of the actual drill requiring full participation and evacuation.

## INFORMATION SECURITY

Information Security awareness and training is an ongoing process on the Cal Poly Humboldt campus. All members of the campus community are required to accept the Responsible Use Policy (<https://hsu.link/rup>) when they first establish their accounts. Campus employees are required to complete Data Security and FERPA training bi-annually as well as annual focused training if they are in roles with expanded access to data. The Information Security Office also typically runs phishing awareness advertisements in the campus newspapers at the start of each term.

## RAVE GUARDIANS AND SAFETY TIMER

Students can identify UPD, friends, roommates, and family as "Guardians" when setting their Rave Guardian Safety Timer. During a timer session, "Guardians" and UPD can check the status of the student. If the Safety Timer is not deactivated before it expires, UPD are automatically provided with the user's Rave Guardian profile to proactively identify and check-in on the individual. Other "Guardians" will also have access to important details such as the user's phone location on a map and contact information.

The Rave Guardian app allows for easy emergency communication. In an emergency situation, one button in the app directly connects the user to UPD dispatch or 911. More information about the Rave Guardian app is available here: <http://www.raveguardian.com/>.

## CRIME PREVENTION PROGRAMS

UPD meets with incoming freshman, athletics, Housing student and professional staff, faculty, and other campus staff when requested to provide safety tips, discuss criminal laws that impact the campus, discuss what information is needed when you call 911, general tips on the importance of locking your car, walking with a friend at night, etc. Generally, a part of those discussions includes talking about dating violence and sexual assaults. These discussions generally occur at the start of the Fall academic year. They are then held on a as

needed basis after that. Anyone at the university, including student organizations, can request UPD to attend a meeting or program.

The Title IX & DHR Prevention Office provides information about reducing the risk of dating and domestic violence. It includes information about what dating and domestic violence can look like, warning signs to be aware of, and links to campus and national resources.

Cal Poly Humboldt's Sexual Assault Prevention Committee (SAPC) is comprised of faculty, staff, students, law enforcement, and community partners, including advocates from the North Coast Rape Crisis Team. The SAPC is working toward eliminating rape and all forms of sexualized violence. Their website works within a survivor-centered framework in order to prioritize the healing and safety of the survivor.

Students for Violence Prevention is a learning community that stresses the importance of community, consent, respect, and supporting one another. Anchored by the national award-winning student bystander intervention program called CHECK IT, it offers you the chance to develop skills in violence prevention and take courses from professors with expertise in non-violence and social justice. To learn more and apply, visit the SVP website.

CHECK IT launched at Cal Poly Humboldt in Feb. 2014. It is a student-led movement that is aimed at creating a more consent-centered culture and empowering the community to take action when we witness potential moments of sexual assault, dating violence and stalking in our community. It's also about creating a community where we listen to, believe, and support survivors and make clear to those who choose to commit acts of harm that it's unacceptable.

## **MONITORING AND RECORDING CRIME ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS**

No such organizations with noncampus locations exist during this reporting period (2019 – 2021), therefore no policy exists.

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

### **OVERVIEW OF POLICIES AND STANDARDS OF CONDUCT**

The faculty, staff, and administration of Cal Poly Humboldt are dedicated to creating an environment that allows students to achieve their educational goals. Cal Poly Humboldt believes that awareness through education is necessary to promote a healthy lifestyle for our campus, and that every member of the campus community should be encouraged to assume responsibility for their behavior.

All Cal Poly Humboldt students, faculty, staff, and visitors are subject to Cal Poly Humboldt policies, as well as local, state, and federal laws regarding the unlawful possession, manufacturing, distribution, sale, or use of liquor and illegal drugs. As a Title IV participating institution, the University does not recognize medical marijuana authorization cards because marijuana, under federal Law (Title 21 U.S. Code), is classified as an illegal substance.

The unlawful manufacturing, distribution, possession, sale or use of controlled substances is absolutely prohibited and individuals in violation may be subject to arrest or citation. UPD enforces federal and state laws regulating alcohol and drugs at campus-owned, controlled and officially recognized locations, including State underage drinking laws. Students, faculty, and staff in violation of alcohol and drug laws may also be referred to the Office of Student Rights and Responsibilities, Human Resources, or Academic Personnel Services for administrative discipline. Applicable policies are listed below:

### **Drug Free Workplace Act, 1988**

Employees of the University are prohibited from engaging in the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance in accordance with the requirements of the Anti-

Drug Abuse Act of 1988 (Public Law 100–690, 102 Stat. 4181). Within 30 days after receiving notice from an employee of a conviction pursuant to section 8102(a)(1)(D)(ii) or 8103(a)(1)(D)(ii) of this title, the University shall take appropriate personnel action against the employee, up to and including termination; or require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program approved for those purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

#### Drug-Free Schools and Communities Act Amendment, 1989

The Drug-Free Schools and Communities Act (DFSCA) of 1989 requires institutions of higher education to establish policies that address unlawful possession, use, or distribution of alcohol and illicit drugs. The DFSCA also requires the establishment of a drug and alcohol prevention program (DAAPP). These policies are briefly described below, under the “DRUG-FREE SCHOOLS & COMMUNITIES ACT: ALCOHOL AND DRUG ABUSE PREVENTION” section heading.

#### Executive Order 1108

This is the current University policy regarding smoking and tobacco and prohibits the use of cigarettes, cigars, pipes and other smoke emitting products, including e-cigarettes and vapor devices. Smoking, the use or sale of tobacco products, and the use of designated smoking areas are prohibited on all California State University properties. Members of the CSU community are expected to fully comply with the policy. Any sponsorship and/or advertising in respect to any university activity or event by a tobacco product manufacturer is prohibited unless explicitly authorized by the University President or designee. UPD shall reserve all enforcement authority with regards to any violation of existing state and federal law.

#### Executive Order 1109

This executive order permits each CSU campus to decide if it will permit the sale and service of alcoholic beverages at intercollegiate athletic events, regardless of whether those events are held at university-owned or operated facilities or other facilities over which the university has jurisdiction. Cal Poly Humboldt has established the *Alcoholic Beverages Policy*, detailed below, to establish procedures according to the specifications outlined in EO 1109.

#### University Code of Rules and Regulations, Chapter V, Article iii

This policy applies to all campus properties, non-campus properties, and residence halls and is enforced by UPD. Any drug, narcotic or controlled substance, the possession of which for any purpose is regulated or proscribed by any law of the United States, is prohibited on the university campus. The possession or consumption of any alcoholic beverage by any person under the legal age, pursuant to the Provisions of the California Business and Professions Code and the California Vehicle Code is prohibited. The consumption of alcoholic beverages or possession of any open container in which a measurable amount of alcoholic beverage remains is prohibited on the streets and grounds, or in any public place as described in Section 1100(l) of this code, except and only with the expressed permission of the president or president’s designee upon prior notification of the UPD Chief of Police.

#### Alcoholic Beverages Policy, P19-04, April 2019

This policy establishes rules and procedures for the approval of service and consumption of alcoholic beverages at Cal Poly Humboldt. It is the University’s expectation that when alcoholic beverages are served it will be under conditions that complement the orderly functioning of the University. All federal and state laws are applicable to Cal Poly Humboldt and to all individuals on the properties of the University. Only individuals 21 years of age or older can legally possess, consume, or purchase alcoholic beverages.

Enforcement of matters of law is the responsibility of the University Police Department. The institution may impose penalties for violations of standards of conduct up to and including expulsion, termination of employment, and criminal prosecution. Any disciplinary action resulting from violations of this policy shall

be administered in a manner consistent with the terms of the applicable collective bargaining agreement and/or the applicable provisions of the California Education Code.

Disciplinary action directed at students will be in compliance with the Student Conduct Procedures, Executive Order 1098. Penalties will be handled by the appropriate administrator. Additional penalties may be imposed by those areas that have jurisdiction over specific events.

### Alcohol and Drugs and Controlled Substances, Housing & Residence Life

These policies are based on the campus-wide policy; they prohibit the same conduct. Violations of either these policies will be addressed in the student conduct process and may have different results due to the nature of the violation(s). Outcomes may include educational administrative sanctions, a student's removal from Housing, referral to the Dean of Students Office, and possible legal charges (including citations and fines).

### **DRUG-FREE SCHOOLS & COMMUNITIES ACT: ALCOHOL AND DRUG ABUSE PREVENTION**

A key element of alcohol and drug abuse prevention is students working with other students to create healthy norms of behavior on campus. Through the Peer Health Education Program, students can become involved in bringing vital health outreach and leadership in a variety of health topics (including substance use) to the campus community. Contact the University Health Educator at 707-826-5228 or review their website (<https://healtheducation.humboldt.edu>) for more information. Additionally, the campus has an Alcohol and Other Drug Abuse Prevention Committee. This campus committee has three primary functions:

1. Education and Prevention: The Committee shall develop a plan for comprehensive education, prevention, and intervention programming concerning alcohol, tobacco and other drug use. The Committee shall assess community substance use and abuse and develop appropriate education and social norming strategies.
2. Review of and Recommendations for Policy: The Committee shall review and develop recommendations for campus policies and procedures related to alcohol, tobacco and drug use issues for students, staff and faculty. These recommendations will be forwarded to appropriate avenues for consideration.
3. Communication: The Committee shall serve as a forum for members and guests from a range of campus and community groups to communicate about issues, policies and activities related to substance use and abuse in the University community.

### **Associated Health Risks**

Substance abuse can cause extremely serious health and behavioral problems, including short- and long-term effects upon the body and mind. The physiological and psychological responses differ according to the chemical ingested, and although chronic health problems are associated with long-term substance abuse, acute and traumatic reactions can occur from one-time and moderate use.

The health risks associated with each of five major classifications of controlled/illegal substances are summarized below. In general, however, alcohol and drugs are toxic to the body's systems. In addition, contaminant poisonings often occur with illegal drug use, and mixing drugs, or using "counterfeit" substances, can also be lethal. In addition, substance abuse impairs learning ability and performance.

Acute health problems may include heart attack, stroke, and sudden death, which, in the case of drugs such as cocaine, can be triggered by first-time use. Long lasting health effects of drugs and alcohol may include disruption of normal heart rhythm, high blood pressure, blood vessel leaks in the brain, destruction of brain cells and permanent memory loss, infertility, impotence, immune system impairment, kidney failure, cirrhosis of the liver, and pulmonary (lung) damage. Drug use during pregnancy may result in miscarriage, fetal damage and birth defects causing hyperactivity, neurological abnormalities, developmental difficulties, and infant death.

## Alcohol

As many as 360,000 of the nation's 12 million undergraduates will ultimately die from alcohol-related causes while in school. This is more than the number who will get MAs and PhDs combined. Nearly half of all college students binge drink (binge drinking is defined as five or more drinks at a time for men, four or more drinks for women). On campuses where binge drinking is rampant (where more than 70 percent of the student body binge drinks), the vast majority of college students have experienced one or more problems as a result of their peers' binge drinking. These problems include physical assault, sexual harassment, and impaired sleep and study time. Alcohol on college campuses is a factor in 40 percent of all academic problems and 28 percent of all dropouts.

*Sources: Wechsler, Henry, et al. 'Health and Behavioral Consequences of Binge Drinking in College.' Journal of American Medical Association, Vol 272, Number 21 1994, p 1672-1677; Eigan, Lewis, 'Alcohol Practices, Policies and Potentials of American Colleges and Universities,' An OSAP White Paper, office for Substance Abuse Prevention, Rockville, MD, February 1991; Anderson, David, 'Breaking the Tradition on College Campuses: Reducing Drug and Alcohol Misuse,' George Mason University, Fairfax, VA 1994.*

Long-term abuse of alcohol results in ulcers, gastritis, pancreatitis, liver disease, hepatitis, and cirrhosis and is associated with cancers of the digestive tract. Chronic heavy consumption can lead to stroke, heart disease, hypertension, anemia, susceptibility to tuberculosis, gastrointestinal bleeding, impotence and fertility loss. Episodic binge drinking can cause toxic reactions leading to death when large amounts are consumed or when alcohol is combined with other drugs. The most common negative health consequences from occasional drinking are trauma-related (accidents and violence), and involve both the drinker and non-drinking victims.

## Other Depressants

These drugs include narcotics (for example, opium, heroin, morphine, codeine, and synthetic opiates) and sedative-hypnotics and antianxiety medications (for example, Nembutal, Seconal, Quaalude, Miltown, Equanil). All are central nervous depressants that slow down physical and psychological responses. The most serious risk is toxic reaction, or overdose, which causes death when respiratory, cardiac, and circulatory systems slow down and cease to function. Sedatives and antianxiety drugs can cause temporary psychosis, hallucinations, paranoid delusions, interference with short-term memory, impaired judgment and motor performance. Naloxone is a life-saving prescription medication that can save the life of a person who is experiencing an opioid overdose. For more information on where to get Naloxone and how to use it please contact the health educator at (707) 826-5228 or check <http://stopoverdosehumboldt.org/naloxone.htm>.

## Stimulants

These drugs include amphetamines, methamphetamines, and cocaine (crack). Stimulant drugs are exceedingly dangerous to both physical and mental health. Physical complications include heart attack, stroke, permanent brain damage, fatal heart rhythm abnormalities, convulsions, and physical exhaustion. Psychological complications include psychosis, paranoia anxiety, violent behavior, and depression that may lead to suicide. Injection of these drugs may lead to serious infections, including AIDS.

## Hallucinogens

These drugs include mescaline, psilocybin, LSD, MDMA (ecstasy), and various mushrooms. They involve health risks such as panic reactions, flashbacks, toxic reactions (overdose), hallucinations, and death. Psychological states induced can include paranoia and Psychosis. Misidentification of mushrooms can lead to serious or fatal illness.

## PCP

PCP users often become violent and oblivious to pain, leading to serious injuries to themselves and others.

## Cannabis

This drug simultaneously creates physical symptoms akin to both depressants (relaxation, sleepiness) and stimulants (increased respiratory and heart rates). Chronic cannabis smoking results in respiratory difficulties,

bronchitis, and probably both emphysema and lung cancer. Episodic use can cause panic reactions, flashbacks, and depression. Psychosis may occur in susceptible individuals, and severe toxic reactions may result from ingestion of large quantities. Some of the most serious consequences of cannabis use result when decreased judgment, impaired perceptions and motor functions, and inability to carry out multi-step tasks lead to motor vehicle crashes and other trauma.

## Available Treatment and Support Programs

### Counseling and Psychological Services (CAPS)

CAPS offers a weekly counseling group called *Harm Reduction from Alcohol and Drugs*. This is described as “a supportive group where you can discuss your relationship with substances and discover strategies to make changes.” Information on how to join, and other CAPS groups, can be found on their website. CAPS has also created a list of self-help resources for those who want to assess their substance usage, including an educational Prezi, signs and symptoms of substance abuse, books, and self-help apps. Lastly, CAPS has curated a list of community resources available to faculty, staff, and students at Cal Poly Humboldt. These community resources include AA-style groups and other peer support groups. Check the Counseling and Psychological Services website for dates and times of on campus groups, <https://counseling.humboldt.edu/groups-workshops-during-coronavirus>.

### Assistance for Resident Students

Residence Life staff are available to identify, informally counsel, support, and make referrals for students suffering from substance use issues. These interventions may include referral to on or off-campus professionals, group support, and/or directions to participate in online intervention programs.

### Employee Assistance Program (EAP)

LifeMatters, the Employee Assistance Program (EAP) through Empathia, is available to University employees and their dependents/permanent household members. Employees can call LifeMatters 24/7/365 to speak with a licensed counselor about issues related to mental well-being, including job stress, financial issues, personal relationship issues, substance abuse concerns, or anything else that you may need to talk through.

In addition to this initial conversation and assessment of needs, the following benefits and services are available to Cal Poly Humboldt employees:

- 8 free, confidential counseling sessions. If continued services are required, Empathia will find a licensed counselor who will work with your insurance plan (if applicable)
- Access to lifematters.com (webinars, self-assessments, interactive courses, trainings, videos, and articles)
- Physical and behavioral health assessment
- Smoking cessation program

### Off-Campus Resources

The Department of Health and Human Services of Humboldt County administers a variety of Substance Use Disorder (SUD) Treatment Services and maintains a comprehensive list of other SUD resources in Humboldt County (<https://humboldt.gov/DocumentCenter/View/844/Substance-Use-Disorder-Programs-Contact-List-PDF?bidId>).

SUD treatment services are designed to empower participants to develop the self-awareness and personal motivation needed to make positive and permanent changes in their lives. Program services are provided by substance abuse counselors and may include:

- American Society of Addiction Medicine (ASAM) Assessment
- Consultation and referrals
- Plan development
- Individual and group counseling

- Treatment and recovery services
- Parenting skills
- Skill development
- Case management
- Service coordination
- Field services

### Substance Use Disorder Treatment Programs and Support Services in Humboldt County

- Aegis Treatment Centers: 2107 First St., Eureka, CA 95501; 707-273-6395
- Boys and Girls Club of the Redwoods: 939 Harris St., Eureka, CA 95501; 707-444-0153
- Crossroads/North Coast Substance Abuse Council (NCSAC): 1205 Myrtle Ave., Eureka, CA 95501; 707-445-0869
- Department of Health & Human Services (DHHS) Adolescent Treatment Program (ATP): 707-441-3773
- DHHS Healthy Moms Program: 2910 H St., Eureka, CA 95501; 707-441-5220
- DHHS Humboldt County Programs for Recovery (HCPR): 734 Russ St., Eureka, CA 95501; 707-476-4054
- Humboldt Area Center for Harm Reduction (HACHR) Low Barrier Medication-Assisted Treatment (MAT) Access: 1522 3rd Street, Eureka, CA 95501; 707-407-6013
- Humboldt Alcohol Recovery Treatment (HART) program – Fortuna Adventist Community Services: 2331 Rohnerville Road, Fortuna, CA 95540; 707-725-9381
- Humboldt Family Service Center: 1802 California St., Eureka, CA 95501; 707-443-7358
- Humboldt Recovery Center (HRC): P.O. Box 6310, Eureka, CA 95502; 707-443-0514
- Open Door Community Health Centers Medication-Assisted Treatment (MAT) for Substances Program Member Services Department: 707-269-7073
- Priority Care Center: 2316 Harrison Ave., Eureka, CA 95501; 707-442-0478
- Redwood Adult & Teen Challenge: 2212 Second St., Eureka, CA 95501; Administration Office: 707-268-8727, Adult Men’s Center: 707-268-0614, Adult Women’s Center: 707-442-4233, Pastor Tom Throssel-Executive Director: 707-268-8727 Ext. 102
- Two Feathers Native American Family Services: 1560 Betty Court, Suite A, McKinleyville, CA, 95519; 707-839-1933
- United Indian Health Services (UIHS): 1600 Weott Way, Arcata, CA 95521; 707-825-5000
- Waterfront Recovery Services (WRS): 2413 Second St., Eureka, CA 95501; 707-269-9590 Ext. 202
- Fortuna Community Health Center (also serving Ferndale): 1375 Rohnerville Road, Fortuna, CA 95540; 707-725-4477
- Redwoods Rural Health: 101 West Coast Road, Redway, CA 95560; 707-923-2783
- Singing Trees Recovery Center: 2061 US-101, Garberville, CA 95542; 707-247-3495
- Ki’ima:w Medical Center Behavioral Health Department: 535 Airport Road, Hoopa, CA 95546; 530-625-4261 Ext. 0450
- Willow Creek Community Health Center: 38883 Hwy 299, Willow Creek, CA 95573; 530-629-3111

### Mutual Assistance/Advocacy

- Al-Anon/Alateen/Adult Children of Alcoholics: P.O. Box 6425, Eureka, CA 95502; 707-443-1419
- Alcoholics Anonymous of Humboldt and Del Norte Counties: P.O. Box 7102 Eureka, CA 95502; 844-442-0711
- Mothers Against Drunk Driving: For location of Victim Impact Panel, call 916-481-6233
- Narcotics Anonymous: P.O. Box 6634, Eureka, CA 95502; 707-444-8645, 866-315-8645

### HIV/AIDS Testing

- Planned Parenthood Northern California: 3225 Timber Fall Court, Suite B, Eureka, CA 95503; 707-442-5700
- Humboldt Open Door Clinic: 770 10th St., Arcata, CA 95521; 707-826-8610

## Smoking Cessation

- American Cancer Society: 611 Harris St., Eureka, CA 95501; (707) 443-2241
- California Smoker's Helpline: 800-NO-BUTTS, 800-662-8887, 1-844-8-NO-VAPE, 1-844-866-8273
- Open Door Community Health Centers Smoking Cessation Services Member Services Department: 707-269-7073

## Other Resources

- DHHS Mobile Outreach Program: Crisis Line - 707-445-7715, Toll-Free - 888-849-5728
- ED Bridge Program Substance Use Navigator (SUN): 2700 Dolbeer St., Eureka, CA 95501; Hospital - 707-445-8121 ext. 5840, SUN - 707-499-1072
- Humboldt RISE Project Perinatal Navigator: 707-267-6469
- Humboldt Domestic Violence Services: P.O. Box 969, Eureka, CA 95502; 24-hour support line: 707-443-6042
- North Coast Resource Hub: (707) 443-4563 ext 126
- The Road to Resilience Project: 325 Second St., Suite 201, Eureka, CA 95501; 707-445-7379
- St. Joseph Health CARE Network: 2200 Harrison Ave., Eureka, CA 95501; 707-445-8121 ext. 5825

*This list is updated on an annual basis by the Substance Use Prevention (SUP) Program of the Healthy Communities Division of Humboldt County DHHS Public Health Branch. For questions about this list or to request an update to information on this list, please contact: [publichealthaad@co.humboldt.ca.us](mailto:publichealthaad@co.humboldt.ca.us).*

## SANCTIONS AND CORRECTIVE AND DISCIPLINARY ACTIONS

### Employees

Violations of these policies by employees may result in the application of sanctions, including but not limited to required participation in an approved drug abuse assistance or rehabilitation program, referral for prosecution, and disciplinary action up to and including dismissal, demotion or suspension without pay under the applicable provisions of the California Education Code, University policies and labor contracts.

Corrective and Disciplinary Action for employees is imposed in accordance with current collective bargaining agreements, when applicable, and may include:

- **Written Reprimand:** Any written communication from an appropriate administrator to an employee that criticizes or otherwise comments negatively upon the personal/professional conduct and/or job performance of the employee if that written communication is placed in the official personnel file, but does not include performance evaluations or notices of performance expectations or rules and regulations.
- **Change in Work Location:** A change in the Employee's work location to a different office within the University or other campus properties, to remote work, etc.
- **Reduction in Salary:** A reduction in the amount of salary or involuntary reduction in an Employee's time base.
- **Temporary or Permanent Demotion:** A temporary or permanent reduction in an Employee's job title, role or duties.
- **Paid Administrative Leave:** A temporary leave from a job assignment, with pay and benefits intact.
- **Denial or Curtailment of Emeritus Status:** Denying Emeritus Status to Employees who would otherwise meet the criteria and be granted Emeritus Status, or reducing or restricting an Employee's Emeritus Status and/or benefits of such status.
- **Education, Treatment, Training, or Resignation in lieu of Disciplinary Action:** An employee agreeing to attend treatment, education, or training, or resigning in place of receiving disciplinary action or going through the University's disciplinary process. Education, Treatment, or Training can include the resources listed above, in the "Available Treatment and Support Programs" section.

- **Restrictions from all or Portions of Campus:** A designated period of time during which the Employee is not permitted on University Property or specified areas of Campus.
- **Restrictions to Scope of Work:** An adjustment of the work-related tasks to include or unincorporated specific work-related tasks.
- **Suspension:** A temporary separation of the Employee from their employment status with the University. The President may temporarily suspend with pay an employee for reasons related to (a) the safety of persons or property, (b) the prevention of the disruption of programs and/or operation, or (c) investigation for formal notice of disciplinary action. The President may terminate or extend a temporary suspension and shall notify the employee of any such extension and the anticipated completion date of the investigation, in writing, at the beginning of each thirty (30) day period.
- **Termination:** A permanent separation of the Employee from their employment status with the University.

## Students

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

- **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.
- **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 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 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.

- **Administrative Hold and Withholding a Degree:** The University may place an administrative hold on registration transactions and release of records and transcripts of a Student who has been sent written notice of a pending investigation or disciplinary case concerning that Student, and may withhold awarding a degree otherwise earned until the completion of the process set forth herein, including the completion of all sanctions imposed.

### Legal Sanctions

A list of applicable legal sanctions under Federal, State or local laws for the unlawful use, sale, possession, or distribution of illicit drugs and alcohol include referrals to the Student Conduct Administrator for students, Human Resources or Academic Personnel Services for employees, diversion programs, fines, probation, and/or incarceration.

Under federal law, the manufacture, sale or distribution of all Schedule I and II illicit drugs (e.g., cocaine, methamphetamines, heroin, PCP, LSD, and all mixtures containing such substances) is a felony. A first offense incurs a prison sentence of five years to life (20 years to life if death or serious injury is involved), and fines of up to \$4 million for offenses by individuals (\$10 million for other than individuals).

Federal law also prohibits trafficking in marijuana, hashish and mixtures containing such substances. A first offense for these offenses may incur a maximum penalty of five years to life (20 years to life if death or serious injury is involved) and fines up to \$4 million for offense by individuals (\$10 million for other than individuals). Penalties vary depending upon the quantity of drugs involved. A second offense in marijuana or related trafficking may result in penalties ranging from 10 years to life (not less than life if death or serious injury is involved), and fines up to \$8 million for individuals (\$20 million for other than individuals).

The trafficking of medically useful drugs (e.g., prescription and over the counter drugs) is illegal. A first offense may result in prison sentence up to five years, while a second offense may incur a prison sentence up to ten years.

A first offense for possession of illicit drugs may incur prison sentences up to one year and fines up to \$100,000. A second offense may incur prison sentences up to two years and fines up to \$250,000. Special sentencing provisions apply for possession of crack cocaine, including imprisonment of 5 to 20 years and fines up to \$250,000 for first offenses, depending upon the quantity possessed.

## SEXUAL VIOLENCE PREVENTION

### SYSTEMWIDE

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

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

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

initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, reduce perpetration, promote safety and a culture of respect.

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

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

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

### **Training for Employees**

Training is 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 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. The University is contracted with Vector Solutions to provide educational programming, which we rolled out during the Fall of 2021. The University places a hold on any student's account that does not complete this mandatory training program. 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.

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

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

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

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

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

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

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

- A statement explaining that the campus' primary concern is the safety of members of the campus community; that the use of alcohol or drugs never makes the victim/survivor at fault for sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking; that Students who experience or witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking should not be deterred from reporting incidents out of a concern that they might be disciplined for related violations of drug, alcohol, or other CSU policies; and that Students who experience or witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking shall not be subject to discipline for related violations of conduct policies at or near the time of the misconduct unless the violation is egregious (including actions that place the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.)
- A statement that "CSU policy prohibits retaliation against a person who: reports sex discrimination, sexual harassment, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking; assists someone with a report of such conduct; or participates in any manner in a related investigation or resolution.
  - Retaliation means that a substantial motivating reason for an Adverse Action taken against a person was because the person has or is believed to have:
    - Exercised their rights under this policy,
    - Reported or opposed conduct which was reasonably and in good faith believed to be in violation of this policy,
    - Assisted or participated in an investigation/proceeding under this policy, regardless of whether the Complaint was substantiated,
    - Assisted someone in reporting or opposing a violation of this policy or assisted someone in reporting or opposing Retaliation under this policy.

- Adverse Action means an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.
  - Retaliation may occur whether or not there is a power or authority differential between the individuals involved.
- What someone should do if they have experienced or witnessed sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- Individuals to whom incidents may be reported along with information regarding what degree of confidentiality may be maintained by those individuals.
- The availability of, and contact information for, campus and community resources for victims/survivors of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- A description of campus and systemwide policies and disciplinary procedures available for addressing alleged violations and the consequences of violating these policies, including the fact that such proceedings shall:
  - Provide a prompt, fair, and impartial investigation and resolution; and,
  - Be conducted by officials who receive annual training on issues related to sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking and how to conduct an investigation and hearing process that protects the safety of victims/survivors and promotes accountability.
- The fact that the Complainant and the Respondent will be afforded the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice.
- The fact that both the Complainant and the Respondent shall be simultaneously informed in writing of:
  - The outcome of any disciplinary proceedings that arises from an allegation of a sex discrimination, sexual harassment, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
  - The CSU's procedures for the Complainant or Respondent to appeal the results of the disciplinary proceeding.
  - Any change to the disciplinary results that occurs prior to the time such results become final.
  - When disciplinary results become final.
- Possible sanctions or remedies the campus may impose following the final determination of a campus disciplinary procedure regarding sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- How the campus will protect the confidentiality of Complainants, including how publicly available recordkeeping (e.g., campus Clery reports) will be accomplished without the inclusion of identifying information about the Complainant to the extent permissible by law.
- That all students and employees must receive written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims/survivors, both on campus and in the community.
- That all students and employees who report being a victim/survivor of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking must receive written notification of available assistance in, and how to request changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim/survivor chooses to report the incident to campus police or local law enforcement.
- Procedures victims/survivors are recommended to follow if sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking has occurred, as well as the fact that the following written information must be provided to victims:

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

## RISK REDUCTION

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

## SEXUAL MISCONDUCT/SEXUAL ASSAULT

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

- Communication is key to healthy relationships and healthy sexual interactions. Obtain Affirmative Consent from your partner for all sexual activity.
  - Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity.
  - Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.
  - Affirmative Consent can be withdrawn or revoked at any time.
  - Affirmative Consent to sexual activity in the past does not mean consent in future – there must be voluntary consent for all sexual activity.
  - Lack of protest, resistance, or mere silence does not equal Affirmative Consent.
  - Sexual activity between a minor (a person younger than 18 years old) and a person who is at least 18 and two years older than the minor always constitutes Sexual Misconduct, even if there is Affirmative Consent to all sexual activity.
- Do not engage in sexual activity with someone who is incapacitated.
  - A person who is incapacitated by alcohol or drugs cannot give Affirmative Consent.
  - A person who is unconscious or asleep cannot give Affirmative Consent.
  - A person's own intoxication or incapacitation does not diminish their responsibility to obtain Affirmative Consent from any person with whom they engage in sexual activity.
- Signs that someone does not respect the importance of consent:
  - They pressure or guilt you into doing things you may not want to do.
  - They suggest you "owe" them something (including sexual acts) because you're dating or because they have done or claim to have done something for you.
  - They react negatively with sadness, anger, or resentment if you don't consent to something or don't do so immediately

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

## DATING/DOMESTIC VIOLENCE

### Common signs of abusive behavior in a relationship

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

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

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

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

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

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

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

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

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

## STALKING

### Respecting boundaries

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

## Recognizing stalking behaviors

A person who engages in stalking may:

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

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

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

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

Know that there are support resources available on each CSU campus, including individuals with whom individuals can speak confidentially and who can assist in making a safety plan and/or seeking a protective order. A good starting place for a list of resources is the Title IX & DHR Prevention Office’s website:

<https://titleix.humboldt.edu>.

## 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.

## CAL POLY HUMBOLDT

The Office of Student Life requires Title IX training for student leaders, all Rec Sports members, and Fraternity & Sorority Life members. Housing & Residence Life, as well as Cal Poly Humboldt Athletics, requires annual Title IX training for all student-athletes, coaches, resident advisors, and residence life professional staff. Lastly, all current employees of Cal Poly Humboldt, including student employees and faculty members, are required to complete *Gender Equity & Title IX*".

In addition, ongoing prevention and awareness events are offered throughout the year for students and employees, which include such events as: Consent Project, CHECK IT Anniversary Party, Take Back the Night, Love KNOWS Boundaries, and Check IT Bystander Intervention workshops. In June, incoming students receive emails with the link to the annual Course Catalog which includes a section called "Student Rights, Responsibilities & The Fine Print" that contains:

- the Anti-Hazing & Initiation Policy;
- Student Conduct;
- Whom to Contact If You Have Complaints, Questions or Concerns;
- Information Regarding Campus, Criminal, and Civil Consequences of Committing Acts of Sexual Violence;
- Confidentiality and Sexual Violence, Dating Violence and Stalking;
- Sexual Assault and Domestic Violence Counselors and Advocates;
- Reporting to University or Local Police, Reporting to the Title IX Coordinator and Other University Employees;
- and the Notice of Non-Discrimination on the Basis of Gender or Sex.

[UPD](#) meets with incoming freshman, athletics, Housing student and professional staff, faculty, and other campus staff when requested to provide safety tips, discuss criminal laws that impact the campus, discuss what information is needed when you call 911, general tips on the importance of locking your car, walking with a friend a night, etc. Generally, a part of those discussions includes talking about dating violence and sexual assaults. These discussions generally occur at the start of the Fall academic year. They are then held on a as needed basis after that. Anyone at the university, including student organizations, can request UPD to attend a meeting or program.

The [Title IX & DHR Prevention Office](#) provides information about reducing the risk of dating and domestic violence. It includes information about what dating and domestic violence can look like, warning signs to be aware of, and links to campus and national resources.

Cal Poly Humboldt's [Sexual Assault Prevention Committee \(SAPC\)](#) is comprised of faculty, staff, students, law enforcement, and community partners, including advocates from the North Coast Rape Crisis Team. The SAPC is working toward eliminating rape and all forms of sexualized violence. Their website works within a survivor-centered framework in order to prioritize the healing and safety of the survivor. The North Coast Rape Crisis Team also staffs our Campus Advocate Team – they provide free and confidential tailored support and services to Humboldt students, staff and faculty of all gender identities, including those who identify as Transgender, Gender Non-Conforming, and Non-Binary, who have been affected by sexual assault, dating/ domestic violence, stalking, and/or sexual harassment.

[Students for Violence Prevention](#) is a learning community that stresses the importance of community, consent, respect, and supporting one another. Anchored by the national award-winning student bystander intervention program called CHECK IT, it offers students the chance to develop skills in violence prevention and take courses from professors with expertise in non-violence and social justice. To learn more and apply, visit the SVP website.

[CHECK IT](#) launched at Cal Poly Humboldt in Feb. 2014. It is a student-led movement that is aimed at creating a more consent-centered culture and empowering the community to take action when people witness potential moments of sexual assault, dating violence and stalking in the community. It's also about creating a community

where people listen to, believe, and support survivors and make clear to those who choose to commit acts of harm that it's unacceptable.

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

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

## **REPORTING OPTIONS**

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

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

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

## **PROTECTIVE ORDERS**

You may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking. University police and your campus Title IX Coordinator can offer assistance with obtaining a protective or restraining order. The Title IX Coordinator can provide a connection to the most applicable entity designed to assist the specific needs of the student. This could include the Student Legal Lounge, Two Feathers Native

American Family Services, Humboldt County Behavioral Services, North Coast Rape Crisis Team, the Arcata Police Department or other local law enforcement agency, or an additional resource.

Protective or restraining orders can be obtained at the Humboldt County Superior Court. This courthouse is located at 825 5th St, Eureka, CA 95501. Assistance with protective or restraining orders is contained on the Humboldt County Superior Court's website under the "Self Help" section or by contacting Victim Witness Assistance Program at (707) 445-7417. Those who have a protective or restraining order can notify UPD and the Dean of Students Office for assistance with enforcement on campus.

## **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, and regardless of if the offense is reported to have taken place on or off campus. Supportive Measures are designed to restore or preserve equal access to CSU education programs or activities, or the workplace without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational or work environment. Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, campus escorts, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator/DHR Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures.

## **WRITTEN NOTIFICATION**

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

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

- Assist the Complainant in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Make connections to individuals on campus who can provide support and solutions with respect to a variety of logistics, including transportation assistance, visa/immigration assistance, and financial aid assistance;
- Provide other security and support, which could include issuing a mutual no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules or adjustments for assignments, tests, or work duties; and
- Inform you of your right to report a crime to university or local police – and provide you with assistance if you wish to make such a report.

The following person has been designated to handle inquiries regarding the non-discrimination policies, receive Title IX reports and complaints, and issue supportive measures for Cal Poly Humboldt:

David Hickcox  
Title IX Coordinator and Discrimination, Harassment, & Retaliation Prevention Administrator  
Siemens Hall 212  
1 Harpst Street  
Arcata, CA 95521  
[david.hickcox@humboldt.edu](mailto:david.hickcox@humboldt.edu)  
Office: (707) 826-5177

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

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

## DISCIPLINARY PROCEDURES

The following statements are excerpts from the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(“the Policy”\)](#). As required by law, the excerpts in this 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.

The following person has been designated to handle inquiries regarding the non-discrimination policies, receive Title IX reports and complaints, and issue supportive measures for Cal Poly Humboldt:

David Hickcox  
Title IX Coordinator and Discrimination, Harassment, & Retaliation Prevention Administrator  
Siemens Hall 212  
1 Harpst Street  
Arcata, CA 95521  
[david.hickcox@humboldt.edu](mailto:david.hickcox@humboldt.edu)  
Office: (707) 826-5177

Reports and formal complaints can be submitted to the Title IX Coordinator or at the links below:

- Report Form direct link: [https://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout\\_id=10](https://cm.maxient.com/reportingform.php?HumboldtStateUniv&layout_id=10)
- Formal Complaint direct link, which should be downloaded as a PDF and then can be filled out electronically or printed and handwritten:  
<https://drive.google.com/file/d/1VKXLDMK0PaLrNz8VR0DwmSyNOdef-BsO/view>

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

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

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

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

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.

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

## 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<sup>4</sup>(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:

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<sup>4</sup> A Complaint against a Student-Employee where the alleged conduct arose out of the Respondent's status as an Employee and not their status as a student, should be made using the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-Party.

- The Complaint is against a student; and
  - The Complaint is one of Sexual Misconduct, Dating Violence, or Domestic Violence; and
  - The credibility of one (or both) of the Complainant and the Respondent ("the Parties"), or any witness is central to the determination as to whether the student violated the policy; and
  - The student is facing a severe disciplinary sanction (expulsion or suspension) if found to be in violation of university Policy.
- Track 3 applies to all other Complaints under these procedures that allege a Policy violation.

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

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

Any communications relating to the result or outcome of an investigation or hearing, including any changes to the outcome, when the outcome becomes final, or information regarding the appeals process, will be provided in writing simultaneously to the Complainant and the Respondent under all three tracks.

## 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 Executive Order 1098, or other applicable policies.

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

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

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

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

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

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

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

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

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

## INFORMAL RESOLUTION

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

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

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

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

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 an 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 Complaint<sup>7</sup>, and explain the process for filing a Formal Complaint.

### **Notice of Allegations**

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

### **Investigation of a Formal Complaint**

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

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

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

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<sup>7</sup> Formal Complaint means a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature<sup>15</sup> 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.

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 Regarding Responsibility Under Track 1**

After the hearing, the hearing officer will make written findings of fact and conclusions about whether the Respondent violated the Policy with respect to the definition of Sexual Harassment<sup>8</sup>. The hearing coordinator

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

will Simultaneously send the hearing officer's report promptly to the Parties, the Title IX Coordinator, and the appropriate campus administrator, usually within 15 Working Days of the close of the hearing.

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

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

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

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

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

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

### **INVESTIGATION AND HEARING (IF APPLICABLE) FOR TRACKS 2 AND 3**

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

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

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<sup>9</sup> 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)<sup>10</sup>, a final investigation report will be provided to the Parties along with a notice of investigation outcome. The final investigation report will include a summary of the allegations, the investigation process, the Preponderance of the Evidence standard, a detailed description of the evidence considered, analysis of the evidence including relevant credibility evaluations, and appropriate findings. Relevant exhibits and documents will be attached to the written report. The final investigation report will be attached to a notice of investigation outcome. The notice may be delivered to the Parties electronically. If the notice includes a determination that the Policy was violated, the Title IX Coordinator/DHR Administrator will notify the campus student conduct administrator (where the Respondent is a student)/appropriate campus administrator (where the Respondent is an employee) of the investigation outcome and provide a copy of the final investigation report.

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

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

### **Track 2 Hearing process:**

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

#### Prior to a hearing:

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

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

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

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

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

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

#### At the hearing:

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

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

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

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

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

#### After the hearing:

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

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

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

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

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

## SANCTIONS

Employees will be subject to progressive discipline (e.g. suspension, demotion, and termination of employment, etc.).

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

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

- **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.<sup>8</sup>
- **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,<sup>9</sup> 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

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

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

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 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 (Track 2) or notice of investigation outcome (Track 3). All arguments and/or evidence supporting the appeal must be submitted by the deadline to file the appeal. Evidence/arguments submitted after the appeal submission deadline will not be considered by the Chancellor's Office. A written appeal may not exceed 3,500 words, excluding exhibits. Appeals will be submitted to:

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

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

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

If the Chancellor's Office review determines that an issue raised on appeal would have affected the investigation outcome or hearing outcome, the investigation or hearing will be remanded back to the campus and the investigation or hearing reopened at the campus level. The Chancellor's Office will return the matter to the

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

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

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

## REGISTERED SEX OFFENDERS

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

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

Housing & Residence Life oversees the University's Missing On-Campus Resident Student Policy, which can be accessed here: [https://housing.humboldt.edu/sites/default/files/missing\\_persons\\_policy\\_2022.pdf](https://housing.humboldt.edu/sites/default/files/missing_persons_policy_2022.pdf). The specific portions of this policy that are applicable to the Annual Security Report follow:

### PURPOSE

The purpose of this policy is to establish procedures for the University's response to reports of missing students residing on campus, as required by the Higher Education Opportunity Act of 2008. For purposes of this policy, a student residing on campus may be considered to be a "missing person" if the person's absence is contrary to

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

their usual pattern of behavior and/or unusual circumstances may have caused the absence. People do not need to wait 24 hours to report someone as missing.

## **POLICY**

Individuals having reason to believe that a resident is a missing person must immediately notify UPD, either in-person on campus in the Student Business Services building, Room 101, or by calling (707) 826-5555. A sworn police officer will initiate an investigation in accordance with the UPD's missing person policy, procedures, and regulations, which includes notifying and collaborating with local law agencies within 4 hours of UPD receiving a missing person report.

Additionally, anyone may make a missing person report to any department on campus, including:

- Housing & Residence Life Office located on the 3rd floor of the Jolly Giant Commons or by calling (707) 826-3451
- Dean of Students Office in Siemens Hall 211 or by calling (707) 826-3504

All reports of a missing person are forwarded to UPD immediately.

On-campus housing students have an option to identify a confidential contact (separate from their emergency contact) person to be notified within 24 hours when the student has been determined to be missing. All resident students will be advised of this option by Housing staff at check-in, and will be told how to make any necessary changes to this information in the future, if needed. Additionally, all resident students shall be advised by Housing at check-in that in the event they are reported missing, UPD shall be notified, regardless of whether or not they have registered a "Confidential Contact" person.

Missing person contact information will be retained and confidential, accessible only to the authorized university officials who retain the information, and may not be disclosed except to law enforcement personnel in furtherance of an official missing person investigation.

The parents and listed confidential contact, if any, of on-campus housing students that are minors under the age of 18 and not emancipated, will be notified within 24 hours of an official determination that they are missing. UPD will also be notified within 24 hours of an official determination that they are missing.

## **FIRE SAFETY REPORT**

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

[https://housing.humboldt.edu/sites/default/files/2022\\_annual\\_fire\\_safety\\_report.pdf](https://housing.humboldt.edu/sites/default/files/2022_annual_fire_safety_report.pdf)

## APPENDIX A: JURISDICTIONAL DEFINITIONS

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

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

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

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

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

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

(A) Was unconscious or asleep.

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

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

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

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

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

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

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

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

(c) “Menace” means any threat, declaration, or act that shows a n 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.