Jeanne Clery Disclosure of Campus Security Policies & Campus
Crime Statistics Act (20 U.S.C. 1092(F))

Clery Crime Statistics 2017-2019
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Message from the Chief

Dear Sacramento State Community:

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act), Sacramento State introduces the 2020 Jeanne Clery Act Annual Security Report. Enclosed you will find information about key institutional policies, personal safety and crime prevention, how to report suspicious and criminal activities, and required Clery Act crime statistics for the last three calendar years.

Sacramento State combines a beautiful campus setting in the heart of California, top-rated student residential facilities, a world-class track, which could arguably be the best in the United States, and a friendly and collaborative atmosphere to provide an educational experience that fosters intellectual, cognitive, social, and personal growth. Sacramento State continues to strive for academic excellence in education. Safety is one of the University’s five imperatives and continues to be an integral part of our success as we move forward.

This report compiles information gathered from throughout our community in 2019 and includes reports from all divisions and all employees defined in the Clery Act as "campus security authorities." It shows our commitment to provide policies, practices, and outreach to make the safest community possible for all to live, work, and learn. Crime prevention and safety takes the cooperation and collaboration of the entire community. The Sacramento State Police Department appreciates working with and within the community to maintain a proactive approach to safety.

I wish everyone a successful educational experience and appreciate your on-going support in keeping Sacramento State safe and prosperous.

Mark M. Iwasa
Chief of Police
Preparing the Annual Security Report (ASR)

The Clery Director shall prepare, publish, distribute and maintain an Annual Security Report (ASR) containing security-and safety-related policy statements, emergency preparedness and evacuation information, crime prevention and sexual assault, and drug and alcohol prevention programing, and statistics of Clery Act crimes for the Sacramento State campus.

The ASR is not combined with the Annual Fire Safety Report. The Annual Fire Safety Report is compiled and published by the Executive Director of University Housing Services.

Compilation Statistics for the ASR

The Clery Director, in coordination with the Sacramento State Police Department, is responsible for the collection and compilation of crime statistics for Clery-qualifying crimes, including hate crimes, through working relationships with Campus Security Authorities (CSAs) and the cross-departmental Clery Compliance team. The Clery Compliance team also provides policy related information and educational efforts and programs for Clery Act reportable crimes, hate crimes, and violations of state and local drug, liquor, and weapons law occurring in Clery Geography, where arrests or referrals for discipline were made. The Sacramento State Police Department is responsible for conducting documented outreach efforts to law enforcement agencies to request Clery-reportable crime statistics from the Clery Act geography that the department does not patrol or provide primary law enforcement response.

Distribution of Annual Security Report (ASR)

The Annual Security Report will be posted online at the campus homepage and that of the Sacramento State Police Department; hard copies are available upon request. The Clery Director in coordination with the appropriate departments will disseminate a notice by email to all current students and employees that the Annual Security Report is published and available.

The Clery Director, in coordination with the Division of Human Resources, Division of Student Affairs, and other appropriate departments, will ensure that the availability of the Annual Security Report is posted within appropriate campus employment websites, campus application materials, campus course catalogs, and other locations to ensure notice is provided to all prospective employees and students that the ASR is available upon request.

Sacramento State’s policy for preparing the Annual Disclosure of Crime Statistics can be found at http://www.csus.edu/umanual/admin/adm-0179.html.

Sacramento State’s policy for collecting and reporting crime statistics can be found at http://www.csus.edu/umanual/admin/adm-0182.html.

California State University Executive Order 1107 policy for the Annual Security Report (ASR) can be found at https://www.csus.edu/campus-safety/_internal/_documents/clery/eo-1107.pdf.

For more information regarding the ASR, please contact Nikki Khamsouksay, Clery Director at 916-278-2560 or nikki.khamsouksay@csus.edu.
Crime Statistics

Clery Act Geographical Areas

Crime statistics are reported pursuant to the guidelines specified in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Disclosure Act, which use the definitions under the FBI Uniformed Crime Reporting procedures and separated by the following geographical areas:

- **On-Campus:** any building or property owned or controlled by the University within the same reasonably contiguous geographic area.

- **On-Campus Residential:** on-campus residential facilities for students (American River Courtyard, Desmond Hall, Draper Hall, Jenkins Hall, Sierra Hall, Sutter Hall, Riverview and the Upper Eastside Lofts). Please note that the statistics reported in this category are a subset of those reported in the “On-Campus” category (i.e., a crime that occurred at an on-campus residential facility for students is reported in both the “On-Campus” and “On-Campus Residential” categories).

- **Non-Campus:** any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by the University that is used in direct support of, or in relation to, the University’s educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the University.

- **Public Property:** all public property—including parks, thoroughfares, streets, sidewalks, and parking facilities—that is within the campus or immediately adjacent to and accessible from the campus.

Crime Categories

The Clery Act requires Sacramento State to include four general categories of crime statistics:

1. **Criminal and Sex Offenses**
   The definitions used for the criminal offenses of Murder, Rape, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, and Arson are consistent with those in the FBI’s Uniform Crime Reporting (UCR) Summary Reporting System (SRS) User Manual. The definitions used for the sex offenses of Fondling, Incest, and Statutory Rape are consistent with those in the FBI’s National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR.

2. **Violence Against Women Act (VAWA) Offenses**
   The definitions used for the VAWA offenses of Domestic Violence, Dating Violence, and Stalking are consistent with those provided by the Violence Against Women Act (VAWA) of 1994 and repeated in the Department of Education’s Clery Act regulations.

3. **Hate Crimes**
   The definition used for Hate Crimes, a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim, is consistent with the definition provided by the FBI’s Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual.
4. **Clery Arrests and Referrals for Disciplinary Action**

   As required by the Clery Act, the University also reports arrests and referrals for disciplinary action for Liquor Law, Drug Law, and Weapons Law violations. The definitions used for Liquor Law, Drug Law, and Weapons Law violations are consistent with those in the FBI’s Uniform Crime Reporting (UCR) Summary Reporting System (SRS) User Manual. For Clery Act purposes, an arrest occurs when a person is processed by arrest, citation, or summons, and a referral for disciplinary action means the referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.


   **NOTE:** Clery statistics represent the number of reported crimes counted when they are reported, not when they occurred. Clery statistics do not represent the findings of an investigation, court proceeding, judge, jury or commissioner, but simply represent reports of alleged crimes that meet the definition of Clery crimes that reportedly took place within Clery geography.
<table>
<thead>
<tr>
<th>OFFENSE</th>
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* A crime that occurred at an on-campus residential facility for students is reported in both the “On-Campus” and “On-Campus Residential” categories.

\(^1\) The number of reported instances of sexual assault increased over the previous year due, in part, to reports by one reporting person of multiple assaults over an extended time period.
A crime that occurred at an on-campus residential facility for students is reported in both the “On-Campus” and “On-Campus Residential” categories.

The number of reported instances of dating violence increased over the previous year due, in part, to reports by one reporting person of multiple assaults over an extended time period.

### Violence Against Women Act Statistics 2017 – 2019

<table>
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<th>OFFENSE</th>
<th>YEAR</th>
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<th>ON-CAMPUS RESIDENTIAL*</th>
<th>NON-CAMPUS PROPERTY</th>
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* A crime that occurred at an on-campus residential facility for students is reported in both the “On-Campus” and “On-Campus Residential” categories.

² The number of reported instances of dating violence increased over the previous year due, in part, to reports by one reporting person of multiple assaults over an extended time period.

### Clery Arrests and Disciplinary Referrals Statistics 2017 – 2019

<table>
<thead>
<tr>
<th>OFFENSE</th>
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* A crime that occurred at an on-campus residential facility for students is reported in both the “On-Campus” and “On-Campus Residential” categories.

### Unfounded Crimes

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<th>OFFENSE</th>
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</table>
Hate Crimes

There were no reported hate crimes in 2017, 2018 and 2019.

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

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

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

Reporting Criminal Actions & Emergencies

Sacramento State strongly encourages accurate and prompt reporting of all members of the campus community to contact the Sacramento State Police Department or the appropriate police agency where the crime occurred when they have been the victim of a crime or have witnessed criminal actions. All members of the campus community are encouraged to contact appropriate law enforcement agencies on the victim’s behalf when the victim of a crime elects to or is unable to make such a report. Bystander intervention is a powerful concept that is highly valued at Sacramento State.

Reporting of Criminal Offenses

Crimes should be reported to the Sacramento State Police Department for the purposes of making Timely Warning Notifications (TWN) and the annual statistical disclosure.

Report to the Sacramento State Police Department, if known:

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

*See Anonymous, Voluntary, Confidential Reporting Section.

Sacramento State Police Department
6000 J Street, Sacramento, CA 95819
Phone: 916-278-6000

Hours: The Sacramento State Police Department provides 24-hour law enforcement services throughout the entire year, including all holidays.

- For in-progress crimes or suspicious activity, including all fire or medical emergencies: Call 916-278-6000 or dial 9-1-1 from any campus phone.
- Blue-light phones: Police dispatch can be also contacted directly by pushing the red button on a "blue-light" campus emergency phone. The emergency phones are strategically located throughout the entire campus and have blue lights for easy visibility.

Additional information regarding Sacramento State’s policy on reporting crimes can be found at
California State University Executive Order 1107 policy for Crime Reporting can be found at https://www.csus.edu/campus-safety/_internal/_documents/clery/EO-1107.pdf.

Daily Crime Log

The Sacramento State Police Department maintains a publicly available “Daily Crime Log.” The online version is posted each week for the preceding week’s activity and reflects the information known at that time. The log is available for viewing at https://www.csus.edu/campus-safety/police-department/news-alerts/index.html. Information older than the 60-day log period is not available online for public viewing.

For a fully updated daily version of the crime logs, please visit the Sacramento State Police Department front counter.

Voluntary Confidential Reporting

Sacramento State does not currently have a written policy to allow victims or witnesses to report crimes on a voluntary, confidential anonymous basis; a policy is in progress. However, absent the written voluntary, confidential reporting policy, victims or witnesses may report crimes on a voluntary, confidential basis to the Sacramento Valley Crime Stoppers through the following options:

1. Call (916) 443-HELP, or Toll Free 800-AA-Help
2. Through the “Sacramento Valley P3 Tips” phone app
3. Website: sacvalleycrimestoppers.com

While our campus encourages members of the campus community to promptly report all crimes to the Sacramento State Police Department, campuses do not have policies requiring confidential, exempt sources defined in the Clery Act (Professional and Pastoral Counselors) to report information disclosed to them of a crime in a confidential session. All confidential exempt sources are encouraged to provide victims of all options and support resources for reporting crimes on campus for administrative or criminal investigation and action.

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

i. The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and

ii. The immediate assistance of the local law enforcement agency is necessary to contact or detain the alleged assailant.

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

Timely Warning Notifications

The primary intent of the Timely Warning policy is to provide members of the community with information to aid in preventing them from becoming a victim of crimes posing a serious or ongoing
threat to the campus communities.

The University will issue a Timely Warning Notification (TWN) as soon as pertinent information is available when a Clery reportable crime is reported to the Sacramento State Police Department or a designated campus security authority (CSA), occurred in a Clery defined geographical area, and a case-by-case analysis of pertinent facts known is completed and a determination is made that a serious or continuing threat to the campus exists.

The Chief of Police is responsible for the decision to issue a TWN (or a management designee in the absence of the Chief) and will confer with the Clery Director, if available, upon receiving a report of an incident reported to a CSA and/or Sacramento State Police Department. The Chief of Police, with the Clery Director, if available, will complete a case-by-case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the campus community.

If it is determined that any of the three factors are not met, then no Timely Warning Notification will be issued. If it is determined that all three factors are met, the Chief of Police (or a management designee in the absence of the Chief) will determine the content of the TWN, disseminate the warning expeditiously in a manner likely to reach the entire campus community utilizing one or more, and not limited to, the following methods to issue the TWN:

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

For clarity to the community when a TWN is issued it will titled “Timely Warning Notification” and include the following:

- A statement that the TWN 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.
- The Clery Act reportable crime that occurred
- The date, time, and location the crime occurred
- The date the TWN is issued
- A description of the suspect, and name if known, when the suspect is at large and evading apprehension and/or law enforcement is seeking assistance from the public to locate
- Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime

The Timely Warning Notification will not include, under any circumstances, the name of the victim, or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warning will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime.

**Security of and Access to Campus Facilities**

**Statement of Policy for Addressing Facility Access and Security**

It is the practice of Sacramento State that all buildings be opened prior to the beginning of the business day and locked nightly after the conclusion of the last scheduled event. Space Management
provides a daily schedule to Facilities Management; buildings are locked based on that schedule. Custodial Services and Community Service Specialists are responsible for the unlocking of buildings on a daily basis for scheduled classes and other approved activities. After a building is locked, only employees with offices inside, security personnel, and personnel with maintenance responsibilities have access to the building.

Access to University residential facilities is limited to residents, their guests, and selected staff. The University’s Residence Hall policy requires that exterior doors be locked at all times, including holidays and semester breaks. All residents have been issued a key fob for personal access to exterior doors, interior areas, and restroom facilities. All guests must be accompanied by residents or staff. The residential community is patrolled cooperatively by the Sacramento State Police Department and on-duty Residential Life personnel, which includes Residential Life Advisors and Coordinators.

Security and Maintenance of Campus Facilities

Security considerations are used in the maintenance of campus facilities. The Sacramento State Police Department has personnel on duty 24/7 throughout the year who conduct regular patrols of all campus facilities. The campus employs both video and intrusion alarm systems at crucial areas throughout the campus to strengthen its security capabilities.

Facilities Management maintains the University’s buildings and grounds with a concern for security and safety. Campus facilities and grounds are inspected on a regular basis to ensure that repairs (for example, to broken windows and locks) are made in an expeditious manner. The Sacramento State Police Department also receives information from the campus community regarding damaged roadways, overgrowth of shrubbery, and other areas in need of repair. This information is forwarded to Facilities Management in a timely manner.

Lighting surveys are conducted twice annually so that improvements or repairs can be made to various locations on campus. Annually, all emergency “blue-light” telephones are checked by the Sacramento State Police Department and logged. A log is kept reflecting the date the phones were tested and repaired, if applicable.

The campus community is encouraged to report safety concerns, exterior lighting, or emergency telephone malfunctions to Facilities Management at 916-278-6242 or the Sacramento State Police Department at 916-278-6000 so repairs can be made promptly.

Sacramento State’s policy and procedures for facility access and security are located on our website at http://www.csus.edu/umanual/admin/adm-0181.html.

Law Enforcement Authority

Sacramento State Police Department Role and Authority

The Sacramento State Police Department has the responsibility to provide police services to the Sacramento State campus and all properties owned, leased, or controlled by California State University, Sacramento. Sacramento State Police Officers are sworn State Peace Officers who are vested with full arrest authority in the State of California, pursuant to California Penal Code section 830.2(c) and Education Code section 89560. The Police Officers’ arrest authority extends to any place within the State of California, and they maintain primary law enforcement jurisdiction for all crimes occurring on University properties. The primary jurisdiction of Sacramento State Police Officers is defined in California Education Code section 89560 as follows: (a) upon the campuses of the University and an area within one mile of the exterior boundaries of each thereof; (b) in or about other grounds or property owned, operated, controlled, or administered by the University; and (c) as provided in
In addition, the Sacramento State Police Department has non-sworn Community Service Officers (CSO) and Community Service Specialists (CSS) who work special events and are assigned to patrol specific areas to help crime prevention and outreach efforts. They also provide safety escorts, bicycle registration, and administrative support and enhance the safety of the campus by reporting any suspicious activity to police dispatch.

**Working Relationship with Local, State, and Federal Law Enforcement Agencies**

The Sacramento State Police Department maintains a cooperative relationship with State, local and surrounding law enforcement agencies. The Sacramento State Police Department shares concurrent law enforcement jurisdiction with federal, state, and local law enforcement agencies on all adjacent public streets and areas and in communities surrounding University properties. The Sacramento State Police Department cooperates fully and regularly communicates with its law enforcement partner agencies.

The Sacramento State Police Department maintains a memorandum of understanding with the City of Sacramento Police Department concerning jurisdiction and operational responsibility, consistent with Kristin Smart Campus Safety Act and Higher Education Opportunity Act requirements. The MOU clarifies that the Sacramento State Police Department is the primary law enforcement agency for all crimes occurring on Sacramento State main campus properties and outlines the Sacramento State Police Department’s administrative, geographic, and operational responsibilities.

**Security Procedures and Practices**

In an effort to promote safety awareness, the Sacramento State Police Department participates in a variety of programs and offers various brochures to educate and inform students, employees, and the community at-large on a variety of security issues, and campus security procedures and practices. A common theme of the University’s security awareness programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. Various student organizations and campus departments also conduct campus security awareness programs.

**Active Shooter Training:** There is an active shooter training video to promote awareness on possible actions that individuals can take if confronted with an active shooter scenario. **Target Audience:** Faculty, Staff, and Students. **Offered by:** Sacramento State Police Department. **Frequency:** Upon request and available online.

**New Student Orientation Activities:** The Police Department provides important information that is utilized in New Student Orientations to both students and parents. Topics include personal safety while on campus, campus security procedures and practices, theft prevention of personal items such as electronics, and alcohol awareness. Students are also encouraged to register their bicycles. **Target Audience:** Students. **Offered by:** Sacramento State Police Department. **Frequency:** At least biannually and upon request.

**Student Success Online Tutorial:** As part of joining the Sacramento State community, incoming students are required to take safety tutorials to make the campus safer. The online tutorials cover alcohol abuse prevention, sexual assault prevention, and bystander intervention training. **Target Audience:** New Students. **Offered by:** Student Health & Counseling Services. **Frequency:** As needed.

**Hornet Safety Escort Services:** The Sacramento State Police Department offers a Hornet Safety Escort service in the evenings wherein our Community Service Officers work both on foot and in carts to
provide escorts across campus. **Target Audience:** Faculty, Staff, and Students. **Offered by:** Sacramento State Police Department. **Frequency:** Upon request.

**Hornet Night Shuttle:** The Hornet Night Shuttle provides service to and from all on-campus locations, including Lot 11 at the north end of the campus, Monday through Thursday from dusk to 11:00 p.m. during the fall and spring semesters. **Target Audience:** Faculty, Staff, and Students. **Offered by:** University Transportation and Parking Services. **Frequency:** Upon request.

**The Red Folder:** An application (desktop and mobile) that contains resources for faculty and staff to help them identify, respond to, and refer students in distress to appropriate campus services. The application provides information regarding campus security procedure and response protocol to determine whom to contact when faced with a distressed or distressing student. **Target Audience:** Faculty and Staff. **Offered by:** Online through the CSU Chancellor's Office. **Frequency:** As needed.

### Crime Prevention Programs

Crime prevention programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Sacramento State Police Department personnel facilitate programs for student, parent, faculty, and new employee orientations and student organizations. In addition, they facilitate programs for Residential Life Housing Resident Advisors and residents, providing a variety of educational strategies and tips on how to protect against sexual assault, theft, and other crimes. The University’s crime prevention programs include the following:

**Bike Compound:** The Sacramento State Police Department provides supervised bicycle storage, as well as free bicycle licensing to all students, faculty, and staff during regular business hours. The licensing process includes recording physical descriptors of a bicycle and the unique serial number. **Offered by:** Sacramento State Police Department.

**Healthy Relationships Presentation:** This presentation to students addresses healthy relationships to prevent, educate on, and promote awareness of dating violence, domestic violence, sexual assault, and stalking. **Offered by:** Student Health & Counseling Services.

**Alcohol, Tobacco, and Other Drugs (ATOD) Education Program:** Peer Health Educator (PHE) student interns are the core of the Alcohol, Tobacco, and Other Drugs (ATOD) Education Program and its greatest resource. PHEs receive academic units for their participation in the internship, with the number of participating students ranging from ten to twenty each academic year. The interns provide education about alcohol, tobacco, drugs, sexual violence, and other college health issues through outreach activities, educational presentations, and prevention media. **Offered by:** Student Health & Counseling Services.

**Bystander Intervention Training:** This training addresses bystander interventions, safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene where there is a risk of dating violence, domestic violence, sexual assault, or stalking. The training program includes recognizing situations of potential harm, overcoming barriers to intervention, identifying safe and effective intervention options, and taking action to intervene. **Offered by:** Student Org & Leadership, Housing & Residential Life, Student Health & Counseling Services, Women’s Resource Center.

**Sexual Misconduct Prevention Training:** This mandatory online course provides practical training for identifying, reporting, and preventing campus sexual violence, as well as assisting victims of sexual assault. Interactive case studies and videos provide engaging educational content that explains how to
respond to known or suspected sexual violence, which includes sexual assault, dating violence, domestic violence, and stalking. Many interactions are based on real cases that teach important concepts to help create a safe campus community and create a culture that does not tolerate sexual violence. The course teaches employees valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence. Offered by: Online through the CSU Chancellor’s Office.

Monitoring and Reporting of Criminal Activity at Non-campus Locations of Student Organizations

Sacramento State Police Department does not formally record and monitor through local law enforcement agencies, all criminal activity by students at non-campus locations of student organizations officially recognized by the campus, including student organizations with non-campus housing facilities (e.g., fraternity and sorority houses); therefore, no policy exists.

The Sacramento State Police Department requests crime reports and statistics about crimes occurring at the non-campus location of student organizations from the local police department. The Sacramento State Police Department may also respond to crimes in progress at non-campus locations of student organizations, depending upon the nature of the crime and the proximity to the campus. Crime reports and statistics for these locations are maintained by the local police department; however, they are included in the Annual Security Report. When a local law enforcement agency notifies the Sacramento State Police Department of criminal conduct by a campus-affiliated group recognized by Sacramento State, University officers may gather information and refer the incident to Student Affairs for further investigation.

Alcohol and Drugs Policy

Policy Statement Governing Alcohol and Drugs

At California State University, Sacramento (hereafter referred to as Sacramento State), we recognize that the misuse and abuse of alcohol and other drugs is a threat to the mission of the University, and negatively impacts the health, safety, and welfare of our campus community. We believe that students, faculty, staff, and the larger community have a shared responsibility in educating one another about the potential negative health outcomes and legal consequences associated with alcohol and other drug use, allowing them to make thoughtful and informed choices regarding their use.

Except as expressly permitted by law or University regulations, the use, possession, manufacturing, and/or distribution of alcoholic beverages is prohibited while on campus or at a Sacramento State sponsored activity (including off-campus activities). The use, possession, manufacturing, and/or distribution of illicit drugs and drug-related paraphernalia and/or the misuse of legal pharmaceutical drugs, is prohibited. In compliance with the Drug-Free Schools and Communities Act and the Drug-Free Workplace Act, marijuana is considered an illicit drug. Public intoxication while on campus or at a University-related activity is prohibited. Public intoxication, also known legally as “drunk and disorderly,” occurs when a person is visibly drunk or under the influence of drugs in public. The Alcohol Beverage and Drug Policy applies to all students, staff, faculty, and visitors of the University.

All applicable laws and University regulations will be enforced by the Sacramento State Police Department. In addition to criminal prosecution, Sacramento State may impose sanctions on students, faculty, and staff found in violation of this policy. Students may receive educational and/or remedial sanctions, be placed on probation, suspended, or expelled from Sacramento State as a result of their actions. Additionally, students living in the residence halls may be removed from campus housing. Faculty and staff may be counseled, issued a letter of reprimand, referred to and required to participate satisfactorily in an approved drug abuse assistance or rehabilitation program, suspended
University policy regarding alcohol and other drugs is consistent with all applicable Federal and California state laws, and county and city ordinances. The following are regulations on alcoholic beverage consumption and sale that are specific to Sacramento State:

- The consumption of alcoholic beverages by individuals 21 years of age and older is permitted on University premises, subject to the limitations contained in this policy and within enforcement provisions provided by state law, rules, and regulations;
- Alcoholic beverages may not be sold or consumed in generally accessible open areas;
- Alcoholic beverages will not be sold or consumed at events which do not permit complete control in accordance with University policy, the Department of Alcoholic Beverage Control rules, and state laws;
- Alcoholic beverages sold in conjunction with any athletic event are governed by the Sale of Alcohol at Intercollegiate Athletic Events policy; and
- Alcohol may be sold and consumed in permanently licensed campus facilities and only as a part of University Enterprises, Inc. operations. University Enterprises, Inc. is responsible for establishing and administering procedures that comply with campus policy and rules set forth by the Department of Alcoholic Beverage Control. Other campus facilities may be licensed on a temporary basis for the sale and/or consumption of alcoholic beverages. University Enterprises, Inc. shall provide service for such events in a manner consistent with University policy and Department of Alcoholic Beverage Control regulations.

Sacramento State’s protocol is to distribute information related to alcohol and drug misuse and abuse to students, faculty, and staff on an annual basis. This information is disseminated via an email titled “Message to Sac State” and includes information on the health effects of alcohol and other drugs, as well as University, State, and Federal policies. The “Message to Sac State” may also be distributed by mail or included during orientation for all students, faculty, and staff, as required by the DFSCA. A list of annual notifications can be found on the Student Affairs webpage, where the “Message to Sac State” is listed as the “Alcohol and Drug Use Policy Annual Notification.”

For the most current University alcohol beverage and drug policy, please visit: http://www.csus.edu/umanual/student/stu-0103.html. The policy includes a full description of University, State, and Federal alcohol and drug policies (and related sanctions); facts about the risks and health impacts of alcohol/drug abuse; University and community resources; and other applicable University policies. Some campus departments have additional alcohol and/or drug policies that are tailored to their specialized needs (i.e. - Athletics, Housing), and can be accessed on each individual department’s webpage(s).

For additional insight into how Sacramento State is adhering to the DFSCA, please refer to the “September 2016 – August 2018 Biennial Review.” An updated version of the Biennial Review will be available beginning in January 2021, and can be found on the Student Health and Counseling Service’s home webpage.

Drug and Alcohol Abuse Education Programs
Sacramento State provides informative and engaging health education programs, events, and activities throughout the year in an effort to prevent drug and alcohol abuse and misuse. Examples of programming are included below.

Alternative Evening Programming: Sacramento State has a long history of offering alcohol and drug-
free alternative programming for the campus community. “Hornet Nights” events are scheduled in the evenings, when alcohol and drug abuse and misuse are most likely to take place. Event examples include Crayon Therapy, movie screenings, and A.I.R. (All In Recreation) games and activities.

Health Education Workshops: Educational workshops are available for request through the Health and Wellness Promotion Department. Any faculty, staff, student club, and campus organization representative may request these workshops for their students, faculty, and/or staff. A current list of workshops is available HERE.

Community Outreach Events: With the recent changes to a primarily online class and campus setting for the fall 2020 semester, Student Health and Counseling Services (SHCS) and other departments will be working together to move outreach online. Use of social media platforms, such as Instagram and YouTube, will be among the methods used. The SHCS Instagram account can be found using the handle @shcssacstate.

In-person outreach events will resume when allowed, and will follow any new health and safety protocols. Outreach events typically occur across campus throughout the academic year, and are available to students, faculty, staff, and/or the larger community. Some examples of alcohol, tobacco, and/or drug-related events hosted by SHCS include: Great American Smoke/Vape-Out; Spring Break Fest; and Earth Day. Additionally, SHCS may be present at partner events (i.e. – Queer Prom) to provide education, resources, and/or serve “mocktails” (non-alcoholic cocktails).

Greek New Member Education: New Greek Life members are required to participate in an educational program addressing alcohol issues, including alcohol poisoning, driving under the influence, and sexual assault. This program also includes information regarding prescription drug abuse and identification.

New Athlete Life Skills Orientation: At the start of each fall semester, intercollegiate athletics organizes three Life Skills Orientation sessions for all new athletes. Programming includes how alcohol affects athletic performance, risks associated with alcohol consumption, how to help a friend or teammate with an alcohol or drug problem, how to access campus resources, and sexual assault prevention education.

In addition to the programming listed above, a variety of other University departments and entities sponsor workshops and events related to alcohol and drug abuse and misuse prevention. These include:

- Sacramento State Police Department: 916-278-6000
- Associated Students, Incorporated: 916-278-6784
- Division of Student Affairs: 916-278-6060
- Office of Housing and Residential Life: 916-278-6655
- The WELL (Campus Recreation): 916-278-9355
- Student Health and Counseling Services: 916-278-6461

Sexual Violence

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

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

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

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

Prevention, Education, and Awareness

The University promotes a safe living, learning, and working environment through a variety of educational programs offered to students, faculty, and staff. Sacramento State prohibits sexual assault, dating violence, domestic violence and stalking, and offers programs to prevent, educate, and promote awareness of these topics, in accordance with Executive Order 1095.

Bystander intervention means 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 Sexual Misconduct, Dating or Domestic Violence, or Stalking. It includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening and identifying safe and effective intervention options, and taking action to intervene.

Awareness programs include community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

Examples of these education, training and awareness programs include but not limited to what constitutes sex discrimination, sexual harassment, sexual misconduct, dating and domestic violence, and stalking, the definition of affirmative consent, safety and positive options for bystander intervention that may be taken by an individual to prevent or intervene in risky situations involving these offenses, methods of encouraging peer support for victims, and information on risk reduction, including options designed to decrease perpetration and bystander inaction, and to increase
empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

In addition to the Sexual Violence courses listed in the Crime Prevention Programs section (Healthy Relationships, Bystander Intervention, and Sexual Misconduct Prevention), here are some additional prevention, education, and awareness programs offered by Sacramento State:

**Attachment B of EO 1095: Myths and Facts about Sexual Misconduct Publication:** Publication provided to campus community with various information such as myths and facts about sexual misconduct, what individual(s) can do to help stop sexual misconduct, what individual(s) can do to help minimize their risk of becoming a victim, what do you if they are a victim, sexual misconduct risk reduction tips, how to help themselves and how they can help someone else as bystanders.

**CSU: Preventing Discrimination and Harassment for Non-Supervisors:** This online course is designed to raise awareness about workplace harassment and discrimination and to reduce or prevent incidents of misconduct. Using engaging exercises and real-world examples, the course fosters a clear understanding of anti-discrimination laws. It trains employees on inappropriate conduct so that they can apply what they learn to everyday situations.

**Student Success Online Tutorial:** As part of joining the Sacramento State community, incoming students are required to take safety tutorials to make the campus safer. The online tutorials cover alcohol abuse prevention and sexual assault prevention.

**Other Outreach Events:** Special events are conducted throughout campus at different times of the academic year to educate students on health and safety strategies and resources. Specific events include the Vagina Monologues, Wellness Fair, Dating Bootcamp, and Sexual Assault Presentation.

For additional information about campus educational programs concerning domestic violence, dating violence, sexual assault, and stalking, community members can contact the Title IX Coordinator, University Housing Services, and Student Health and Counseling Services.

For information on Title IX and Sacramento State’s efforts regarding campus sexual violence prevention, please visit the WE CARE, WE WILL HELP webpage at [https://www.csus.edu/title-ix/](https://www.csus.edu/title-ix/).

### Definitions per Executive Orders 1095-1097

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

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

**Sex Discrimination**

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

**Addendum B: Sexual Harassment**

Sexual Harassment means conduct on the basis of Sex that satisfies one or more of the following:

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

**EXECUTIVE ORDER: SEXUAL HARASSMENT**

Sexual Harassment is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:

1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or
2. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; or
3. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, as creating an intimidating, hostile or offensive environment.

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

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

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

Addendum B: Sexual Assault

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

b. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.

c. Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

d. Statutory Rape is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.

Affirmative Consent (Applicable in Addendum B and non-Addendum B matters)

An informed, affirmative, conscious, voluntary, and mutually agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean consent. Affirmative Consent must be voluntary, and given without coercion. Force, threats, or intimidation.

• The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.

• Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
• Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions,
• Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person’s decision-making ability, awareness of consequences, and ability to make informed judgments. A person’s own intoxication or incapacitation from drugs or alcohol does not diminish that person’s responsibility to obtain Affirmative Consent before engaging in sexual activity.
• A person with a medical or mental disability may also lack the capacity to give consent.
• Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.
• It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  o The person was asleep or unconscious;
  o The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  o The person was unable to communicate due to a mental or physical condition.
• It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  o The respondent’s belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;
  o The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

Addendum B: Domestic Violence

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

EXECUTIVE ORDER: DOMESTIC VIOLENCE

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

Physical violence or threat of physical violence committed by a person—

a. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and

b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
   i. The length of the relationship.
   ii. The type of relationship.
   iii. The frequency of interaction between the persons involved in the relationship.

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

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

EXECUTIVE ORDER: STALKING
Engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his or her safety or the safety of others, or to suffer Substantial Emotional Distress. For purposes of this definition:

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

Procedures for Reporting a Crime of Sexual Violence/Sexual Misconduct

Call 9-11 in any kind of emergency, or when facing immediate harm or threat of harm.

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

A written explanation of rights and options must be provided to a Student, Employee or Third Party who reports to the University that s/he has been a victim of Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking, whether the offense occurred on or off Campus. It is the Title IX Coordinator’s responsibility to ensure this written Notice is provided to the complainant/victim(s). The Title IX Coordinator annually provides the written explanation of Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking (Attachment C in Executive Order 1095) to all members of the campus community including Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking victims. This includes information on preservation of evidence, how and to whom to report the alleged offense, the options available regarding and involving law enforcement and campus authorities (including notification of law enforcement authorities, being assisted by campus authorities in notifying law enforcement if the victim chooses, and declining to notify the authorities), and notification of the rights of victims to seek orders of protection and request “no-contact” orders, and restraining orders.

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

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

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

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

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

**Privileged and Confidential Reports**

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

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

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

**Exceptions to Confidentiality**

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

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

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

Preservation of Evidence

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

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not to make a complaint regarding an incident, nevertheless should consider speaking with University Police or other law enforcement to preserve evidence in the event that they change their mind and wish to report the assault at a later date.

A victim has the right to have a confidential advocate present when reporting to law enforcement and during examinations. With the victim’s consent, the confidential advocate will assess the victim’s immediate needs and provide support and referral as appropriate. This confidential assistance may include: counseling, information concerning rape trauma syndrome; information on the collection of medical evidence and available health services to test for injuries, sexually transmitted diseases, and/or pregnancy. Assistance is also available with access to other resources and services, including assistance in obtaining emergency protection orders and restraining orders.

Reporting Options

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

Reporting to Police

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

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

If a victim reports to a local police agency or the University Police about Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that their identity be kept confidential, their name will not become a matter of public record and the police will not report the victim’s identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself, including the identity of the perpetrator if known, to the Title IX Coordinator being sure not to reveal the victim names/identities or compromise their own criminal investigation. The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

### Reporting to CSA

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

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

### Administrative

Victims may report to the campus Title IX Coordinator, who will provide written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident. The Title IX Coordinator will also provide information regarding resources available to victims, as well as information regarding their rights and options. Contact information for the Title IX Coordinator is listed above.

The Campus Title IX Coordinator will also provide information regarding any reasonable Supportive Measures the University may offer prior to conclusion of an investigation to reduce or eliminate negative impact and provide available assistance. Examples include: adjustment to work assignments, housing locations, course schedules or supervisory reporting relationship; mutual restrictions on contact between the Complainant and the Respondent; leaves of absence; or campus escorts. These options may be available whether or not the victim chooses to report the incident to Campus police or law enforcement. The Title IX Coordinator remains available to assist the victim and provide reasonable Supportive Measures requested throughout the reporting, investigative, and disciplinary processes, and thereafter.
Reporting to Title IX Coordinator or Responsible Employee

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

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

As detailed above, most University employees except treating physicians, licensed counselors, and clergy must report to the Title IX Coordinator all relevant details about any Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incidents of which they become aware. The University will need to determine what happened and will need to know the names of the victim(s) and the alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University employees will be kept private and shared only with individuals responsible for handling the University’s response to the incident. Any Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures. The University will protect the privacy of individuals involved in a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident except as otherwise required by law or University policy. A Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim’s identity and privacy and the privacy of other involved individuals. Except as detailed in the section on Privileged and Confidential Communications above, no University employee, including the Title IX Coordinator, should disclose the victim’s identity to the police without the victim’s consent or unless the victim has also reported the incident to the police.

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

The Title IX Coordinator will inform the victim of the initiation of an investigation prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s response to the incident. The Title IX Coordinator will remain mindful of the victim’s well-being, and will take ongoing steps to protect the victim from retaliation or harm, and work with the victim to create a safety plan. Retaliation against the victim, whether by students, employees or third parties, will not be tolerated. The University and Title IX Coordinator will also:

• Provide Supportive Measures requested by the victim and the other party to a complaint, if they are reasonably available, regardless of whether the victim chooses to report to campus or local police;
• Assist victims in accessing available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
• Assist victims in accessing available financial aid assistance, assistance with transportation, and visa or immigration assistance.
• Provide security and support, which could include issuing a mutual no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules or adjustments for assignments, tests, or work duties; and
• Inform victims of their right to report a crime to University or local police – and provide victims with assistance if desired.

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

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

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

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.

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

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

**Title IX Key Contacts and Responsible Employees**

**Sacramento State Title IX Coordinator:**

William D. Bishop  
Director for Equal Opportunity  
Del Norte Hall, Suite 3002E  
[william.bishop@csus.edu](mailto:william.bishop@csus.edu)  
916-278-5770

**Deputy Title IX Coordinators:**

Alison Nygard  
Equal Opportunity Investigator  
Del Norte Hall, Suite 3002F  
[alison.morgan@csus.edu](mailto:alison.morgan@csus.edu)  
916-278-2843

Stephanie Cruz  
Equal Opportunity Investigator  
Del Norte Hall, Suite 3002G  
[stephanie.cruz@csus.edu](mailto:stephanie.cruz@csus.edu)  
916-278-6648

Tom Carroll  
Director, Student Conduct  
Student Affairs  
Lassen Hall 3008  
[tcarroll@csus.edu](mailto:tcarroll@csus.edu)  
916-278-6595

Lois Mattice  
Associate Athletics Director  
Deputy Title IX Coordinator (Athletics)  
Athletic Center 2140  
[lmattice@csus.edu](mailto:lmattice@csus.edu)  
916-278-7548

Aja Holmes  
Senior Associate Director  
Deputy Title IX Coordinator (Housing)  
Riverview Hall  
[aja.holmes@csus.edu](mailto:aja.holmes@csus.edu)  
916-278-6655

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

**Civil Lawsuit**

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

**Restraining Orders**

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

The Sacramento County Superior Court Restraining Order information can be found at:

https://www.saccourt.ca.gov/restraining-orders/restraining-orders.aspx  This includes EPO’s, Domestic Violence RO’s, Elder or Dependent Adult RO’s, Civil Harassment RO’s, Workplace Violence RO’s, Private Postsecondary School Violence RO’s, and Gun Violence RO’s.

Domestic Violence Restraining Orders and Elder or Dependent Adult Abuse Restraining Orders are filed at the William R. Ridgeway Family Relations Courthouse, 3341 Power Inn Road, Sacramento. The court offers a free workshop on form preparation, Mondays, Wednesdays, and Fridays, excluding court holidays at 8:45 a.m. (no late admittance). A Spanish Interpreter is available at the class. This class is for both men and women and is held in the Self-Help Computer Room, Room 114, on the first floor of the William R. Ridgeway Family Relations Courthouse, 3341 Power Inn Road. No appointment is necessary. Admittance into the workshop is on a first come, first served basis.

Civil Harassment RO’s are obtained by completing the form which can be found at https://www.saccourt.ca.gov/restraining-orders/docs/cv-ch-01.pdf. This form should then be brought to Window 14 at the Gordon D. Schaber Sacramento County Courthouse at 720 9th Street, Room 102, Sacramento, CA 95814. The court hours of operation are 8:30 a.m. to 4:00 p.m., Monday through Friday. Mandatory court filing fees do apply.

Civil Self-Help Services provides assistance in completing forms for civil harassment restraining orders. Civil Self-Help Services is located in the Hall of Justice, 813 6th Street in Room 117, just two blocks west of the Gordon D. Schaber Sacramento County Courthouse.

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

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

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

Complaint Procedures
The CSU has adopted and published complaint procedures that provide for prompt, impartial, and equitable resolution of complaints of Sex Discrimination, including Sexual Harassment, Sexual
Misconduct/Sexual Assault, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. The Sacramento State Title IX Coordinator is available to explain and discuss the right to file a criminal complaint; the University’s relevant complaint process, and the right to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off Campus; and other related matters.

**Title IX Coordinator**
William D. Bishop
Director for Equal Opportunity
[equalopportunity@csus.edu](mailto:equalopportunity@csus.edu)
(916) 278-5770

Sacramento State students also can seek assistance and support from the Sacramento State Confidential Advocate without triggering a University investigation that could reveal their identity or that they disclosed an incident to them.

**Sacramento State Confidential Advocate**
Sacramento State Confidential Advocate
[WEAVE@csus.edu](mailto:WEAVE@csus.edu)
On Campus: (916)-278-5850
Weave 24/7: (916)-920-2952

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

### Complaints Made By Students


### Complaints Made by Employees, Former Employees, Third Parties, and Applicants for Employment

Executive Order 1096, entitled “Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties” is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party.
Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Sex Discrimination or Sexual Harassment, including Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking shall use the grievance procedure specified in their collective bargaining agreement. Executive Order 1096 can be viewed at https://calstate.policystat.com/policy/6743499/latest/.

**Complaints Made by Student-Employees**

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

When the Title IX Coordinator receives a Formal Complaint, or where new information or events arise, the Title IX Coordinator will assess whether the Formal Complaint meets the requirements of the Federal Regulations to move forward under the process in Addendum B. A determination that allegations in a Formal Complaint do not meet the requirements of the Federal Regulations will result in a dismissal of the allegations in the Formal Complaint that do not meet the requirements and, in some cases, a referral of the allegations to another process as the University may have an obligation to address the matter under other laws and policies.

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

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

Appeals will be filed with the Chancellor’s Office (CO) and will be addressed to:

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

If you are unable to file an appeal or a response to an appeal electronically, please contact the Campus Title IX Office for assistance.

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

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

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

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

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

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

If new allegations are raised during the investigation that were not included in the Notice of Allegations, a revised Notice of Allegations will be issued Simultaneously to the Parties.

If the Notice of Allegations also serves as notice of a Respondent's expected attendance at an interview, it will include details of the date, time, location, participants, and purpose of that interview. The Notice of Allegations must be provided to a Respondent at least 5 Working Days prior to the interview.

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

**Informal Resolution**

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

A. informal Resolution under Addendum B may only be offered where a Formal Complaint has been filed;

B. the University cannot offer or facilitate Informal Resolution under Addendum B to resolve
allegations that an Employee sexually harassed a Student; and

C. the University must obtain the Parties' voluntary, written consent before starting the Informal Resolution process.

Once the Title IX Coordinator determines that Informal Resolution is appropriate, the Parties should Simultaneously be provided written notice regarding Informal Resolution that includes the following:

A. the allegations of Sexual Harassment, as defined by Addendum B;
B. the requirements of the Informal Resolution process including that once the Informal Resolution process is finalized neither Party is permitted to file another Formal Complaint arising from the same allegations;
C. an explanation that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the Informal Resolution process and resume the Formal Complaint process;
D. an explanation of any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared; and
E. the Parties' right to consult with a Support Advisor, if any.

The Title IX Coordinator will oversee the Informal Resolution process 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 Formal Complaint.

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

The University may not require the Parties to participate in an Informal Resolution process under Addendum B, nor may a Party be required to waive their right to the investigation and adjudication of a Formal Complaint as a condition of enrollment or employment, or continuing enrollment or employment.

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

Any agreed-upon Remedies and disciplinary sanctions will have the force and effect of sanctions imposed following a hearing.

The resolution will be final and not appealable by either party.

Investigative Procedures

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 the relevant Executive Order, including Addendum B.

Gathering of Evidence
The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the Parties. 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. Parties should be aware that all evidence Directly Related to the investigation will be provided to the other Party, subject to the exceptions described below. The University cannot access, consider, disclose, or otherwise use a Party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to do so for a Formal Complaint process under Addendum B. The University will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present Relevant evidence (for example, contacting a potential witness).

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

Hearing Advisor-The Complainant and Respondent must have a Hearing Advisor at the hearing. A Hearing Advisor will be responsible for asking the other Party and any witnesses all Relevant questions and follow-up questions, including those that challenge credibility, during the hearing. During a hearing, Parties may not ask questions of the other Party or any witnesses. Questioning at the live hearing will be conducted directly, orally, and in real time by the Party's Hearing Advisor of choice or a Hearing Advisor provided by the University if the Party does not have a Hearing Advisor. The Hearing Advisor may be the same person as the Support Advisor. A Party may have both a Support Advisor and a Hearing Advisor present at a hearing. If a Party does not have a Hearing Advisor to perform questioning during the hearing, the University shall provide the Party with a Hearing Advisor for this purpose.

The Title IX Coordinator or Investigator will explain to the Complainant and Respondent that they may request that their Support Advisor, if any, be copied on communications during the Formal Complaint process. Any such request will be in writing to the Title IX Coordinator or Investigator and should include the Support Advisor's name and contact information. The Title IX Coordinator or Investigator will also explain that Support Advisors will receive a copy of the evidence and Final Investigation Report, unless the Party specifically directs in writing that this information should not be sent to their Support Advisor. Although reasonable efforts will be made to accommodate Hearing Advisors and Support Advisors, undue delays affecting the complaint resolution timeline will not be permitted. Disruptive, abusive, or disrespectful behavior also will not be tolerated. At the discretion of the Investigator or Title IX Coordinator during meetings or interviews and of the Hearing Officer during hearings, a Hearing Advisor or Support Advisor who engages in disruptive, abusive or disrespectful behavior will not be permitted to participate. If a Hearing Advisor is excused during a hearing, the University will either provide a Party with another Hearing Advisor or allow the Party to obtain another Hearing Advisor. It is within the Hearing Officer's discretion to proceed with or postpone the hearing in order to address the situation.

Notice of Meetings, Interviews and Hearings
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 Addendum B.

If a Party requests to meet 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 (Final Investigation Report), the Investigator will send to the Complainant and Respondent, and their respective Support Advisors, all evidence (including evidence upon which the University 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). This includes inculpatory or exculpatory evidence whether obtained from a Party or other source, redacted if required by law.

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:

1. meet again with the Investigator to further discuss the allegations;
2. identify additional disputed facts;
3. respond to the evidence in writing;
4. request that the Investigator ask additional specific questions to the other Party and other witnesses;
5. identify additional relevant witnesses; or
6. request that the Investigator gather additional 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. As part of an Informal Resolution, at the request of both Parties, Campuses will provide a written preliminary assessment of the evidence by the Title IX Coordinator. Neither the fact nor the substance of the assessment will be shared with the Hearing Officer or considered Relevant at the Hearing. The Final Investigation Report shall be sent to the Parties and their respective Support Advisors, if any, in electronic format (which may include use of a file sharing platform that restricts the Parties and any Support Advisors from downloading or copying the evidence) or hard copy. The Parties and their Support Advisors will be provided 10 Working Days to review and provide a written response to the Final Investigation Report. Campuses will inform Parties not to include any reference to the preliminary assessment and that any such references will be redacted. The written response will be attached to the Final Investigation Report and provided to the Hearing Officer, if appropriate, and the Parties. Any references to a preliminary assessment, assuming one was requested, will be redacted from this written response. No documentation should be provided to the Hearing Officer if an Informal Resolution is reached.

Timeframe for Completion of Investigation
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, and notice to the Parties given, as set forth in Article V. E. of EO 1096 and EO 1097. Within 10 Working Days after the Parties have been provided the Final Investigation Report, the Parties will be informed of the timelines that will apply to the pre-hearing and hearing processes described in Article IX 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.

### Hearing Procedures

A Hearing Coordinator, (either the Student Conduct Administrator, Title IX Coordinator, or other appropriate Administrator) will be responsible for coordinating the hearing process. The Hearing Coordinator’s duties will include: scheduling the hearing; notifying witnesses of the hearing; ensuring that the Hearing Officer is provided with appropriate materials including a copy of the report and any exhibits; coordinating videoconferencing (if necessary); and securing a location for the hearing. The Hearing Coordinator will also act as liaison between the Parties and the Hearing Officer on procedural matters.

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 e-mail address, unless the recipient has specifically requested in writing to the Hearing Coordinator that notice be given to a different e-mail 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. The objection may only be based on an actual conflict of interest. A conflict of interest exists if the Hearing Officer has a personal relationship with one of the Parties or witnesses or has demonstrated actual bias towards a Party or witness. The fact that a Hearing Officer has previously served as a Hearing Officer in a University proceedings will not constitute a conflict of interest. The Hearing Coordinator will determine if a conflict of interest exists. In that event, the Parties will be notified in writing of the name of the new Hearing Officer. The date for the hearing may need to be rescheduled. Any objection to the new Hearing Officer will be made in accordance with this section.

No later than 15 Working Days before the hearing, each Party may: a. Provide to the Hearing Coordinator a proposed witness list that includes the names of, and current contact information for, that Party’s proposed witnesses as well as an explanation of the relevance of each proposed witness’s testimony and the disputed issue to which the witness’s testimony relates. 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.
Determination Regarding Responsibility

After the hearing, the Hearing Officer will make written findings of fact and conclusions about whether the Respondent violated Addendum B with respect to the definition of Sexual Harassment.

The standard of proof the Hearing Officer will use is whether each allegation is substantiated by a Preponderance of the Evidence. The Title IX Coordinator will review the Hearing Officer's Report to ensure procedural compliance with Addendum B.

The Hearing Coordinator will Simultaneously send the Hearing Officer's Report promptly to the Parties, the Title IX Coordinator, and the appropriate University Administrator, usually within 15 Working Days of the close of the hearing.

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

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

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

President’s Sanction Decision/Notification

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

The president will simultaneously send the Decision Letter electronically to the Respondent and Complainant at the University-assigned or other primary e-mail address linked to their University accounts. The decision letter will also be sent to the Student Conduct Administrator or other appropriate University Administrator responsible for Employee discipline and the Hearing Officer.
The determination regarding responsibility and any sanctions become final either on the date that the Chancellor’s Office provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely (11 working days after the date of the decision letter).

**Employee Sanctions**

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

- verbal reprimand
- written reprimand
- reduction in salary
- temporary or permanent demotion
- paid or unpaid administrative leave
- suspension
- denial or curtailment of emeritus status
- mandated education or training
- change in work location
- restrictions from all or portions of campus
- restrictions to scope of work
- dismissal
- other sanctions as outlined in Executive Orders 1096/1097

**Student Sanctions**

The following sanctions may be imposed for violation of the Student Conduct Code (Executive Order 1098):

1. **RESTITUTION**
   Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.

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

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

4. **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.

5. **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.

6. SUSPENSION
Temporary separation of the student from active student status or student status.

a. 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.

b. 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.

c. 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.

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

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

Other Considerations Related to Sanctions

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

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

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

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1 For matters involving processes other than those that fall under addendum B, this is not applicable.
2 For matters involving processes other than those that fall under addendum B, this is not applicable.
An investigative finding of a violation of Executive Orders 1096 or 1097 standing alone may be sufficient to constitute reasonable cause to believe that an interim suspension is necessary to protect the personal safety of persons within the University community or University property, and to ensure the maintenance of order.

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

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

Appeal of President’s Sanction

Filing an Appeal to the Chancellor’s Officer. Any Complainant or Respondent who is not satisfied with a Formal Complaint Process outcome (determination regarding responsibility or recommended sanction) may file an appeal with the Chancellor’s Office (CO) no later than 10 Working Days after the date of the Decision Letter. 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 CO.

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

Issues and Evidence on Appeal. The issues and evidence raised on appeal will be limited to those raised and identified during the Campus hearing, unless new evidence becomes available that was not reasonably available at the time of a Campus hearing that could affect the outcome of the matter and is submitted by the appealing party. The CO may communicate, at the CO's discretion, with the appealing party, the responding party, and/or the Campus to clarify the written appeal. Appeals will be addressed to:

Equal Opportunity and Whistleblower Compliance Unit Systemwide Human Resources Office of the Chancellor
401 Golden Shore, 4th Floor Long Beach, California 90802 eo-wbappeals@calstate.edu

Electronic submission to the email address listed above is the preferred method of submitting appeals.
The CO will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide prompt written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the Campus Title IX Coordinator. The notice will include the right of the non-appealing Party and the Campus to provide a response to the appeal within 10 Working Days of the date of the notice. The appeal and appeal response shall be limited to 3,500 words, excluding exhibits.

Registered Sex Offenders
California’s sex offender registration laws require convicted sex offenders to register their status with the Sacramento State 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. The Sacramento State Police Department does not maintain a public database of registrants at Sacramento State.

All Public information available in California about registered sex offenders, to include the ability to look-up offenders by name, residence address, and zip code, is on the California Department of Justice Megan’s law web site at http://www.meganslaw.ca.gov.

Emergency Notification
The University will issue emergency notifications, without delay, in response to a confirmed significant emergency or a dangerous situation, occurring in the Clery defined on campus geography that, in the judgment of the University, constitutes an immediate threat to the health or safety of members of the on-campus community.

Once UPD has received the report, the Chief of Police, (or management designee in the absence of the Chief), will confer with the appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency, if available, to confirm both: 1) an emergency or dangerous situation in fact exists in on-campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community.

If both of the above factors are not met, no emergency notification will be issued.

If it is determined that both of the above factors are met, then an emergency notification will be issued to the community. The Chief of Police (or management designee in the absence of the Chief), will confer with the Clery Director if one is designated and if available, to prepare the content of the notification taking into account the safety of the on-campus community. They will also determine, based on the confirmed facts of the emergency, if the entire campus community or only a specific segment of the on campus community is threatened and need to be notified. Examples of emergencies where only a segment might be alerted would be a fire contained in a dorm laundry room where only the residents of that one dorm floor or of that one dorm building are at risk and need to evacuate, or a chemical spill in a lab where only the one room, floor, or the occupants of that one building are at risk and need to evacuate.

Once the notification is prepared, the Chief of Police or the Clery Director if one is designated, or in their absence, the management designee(s) 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.
Distribution methods of emergency notifications may include but are not limited to one or more of the following methods:

- The campus mass notification system, including but not limited to phone, campus email, or text messaging
- Audio/visual message boards
- Audible alarms/sirens
- Campus public address systems
- In person or door-to-door notifications in a building or residence halls
- Other means appropriate under the circumstances

Students and employees who need information on how to add contact information to be included for emergency notification or to remove information and “opt out” of notifications should visit [https://www.csus.edu/campus-safety/police-department/news-alerts/emergency-notification-system-ens.html](https://www.csus.edu/campus-safety/police-department/news-alerts/emergency-notification-system-ens.html) or call the IRT Service Desk Team at (916) 278-7337 for assistance. Sacramento State students are automatically signed up for the Emergency Notification System (ENS). Since the focus is presently on those who would be immediately affected by an emergency, only current students, faculty, and staff may participate in the ENS. However, notification of third parties, such as parents and spouses, can be obtained by signing up for the Sacramento State Police Department’s Facebook and/or Twitter feed.

The Chief of Police or the Clery Director if one is designated, or in their absence, the management designee(s) will provide follow-up notifications and information until the emergency is mitigated and no longer poses a threat.

If an emergency notification is issued, a timely warning will not be issued to the community for the same incident.

**Testing the Emergency Notification System**

Testing of the Emergency Notification System and evacuation will be done at least once annually. The tests may be announced or unannounced. Tests must be scheduled, contain drills, exercises and appropriate follow-through activities, and be designed for assessment and evaluations of emergency plans and capabilities. However, at least one test will be publicized in conjunction with the campus' 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.

**Missing Student Notification**

Federal law requires that the University report both to local law enforcement and, if applicable, to the student’s designated confidential contact person when a campus resident is determined to be missing for 24 hours (i.e., no one can identify where they are). Campus residents are notified of the missing student notification procedures when providing emergency contact information and are given the opportunity to provide a confidential contact person during initial building meetings with the Residential Life staff during move-in week. This information is maintained by the Office of Housing and Residential Life and is treated as strictly confidential and only utilized by law enforcement and University officials in the event an investigation determines the resident is missing. If the missing student is less than 18 years of age and not emancipated, the University is required to notify their parent or guardian in addition to the designated confidential contact. Typically, such notification is done within 24 hours of receiving the report. Law enforcement will always be notified if a student has been determined to be missing for over 24 hours, regardless of whether the student has provided a confidential contact.
When a campus resident is believed missing, the situation must be reported immediately to any member of the Residential Life or Housing Services staff, who then must report it to the Sacramento State Police Department. In addition, any member of the campus community who receives an initial report of a missing person should report the information directly to the Sacramento State Police Department. After investigation of the missing person report, and if the person is determined to be missing for 24 hours, the Office of Housing and Residential Life and/or the Vice President of Student Affairs will notify the student’s confidential contact person, if one was provided. The Sacramento State Police Department will notify Sacramento City and County law enforcement agencies via the California Law Enforcement Telecommunications System (CLETS) and make an entry into the Missing and Unidentified Persons System (MUPS) no later than 24 hours after the student is determined to be missing.


Fire Safety Act Report

The 2020 Fire Safety Act Report is available at the following link: