

# SAN FRANCISCO STATE



2022

ANNUAL SECURITY REPORT

JEANNE CLERY DISCLOSURE OF CAMPUS  
SECURITY POLICIES & CAMPUS CRIME  
STATISTICS ACT (20 U.S.C. § 1092(F))  
Clery Crime Statistics 2019-2021

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# SAN FRANCISCO STATE UNIVERSITY ANNUAL SECURITY REPORT

## Message from the Assistant Vice President & Chief of Police



Dear Campus Community Member,

On behalf of the San Francisco State University, I am pleased to present the SF State Annual Security Report, which is compiled in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998. Even given our urban setting, our campus is a relatively safe place for people to live, learn and work. However, we are also not completely immune to crime or violence.

The Clery Act is a federal law that provides transparency regarding campus crime and statistics. Along with annual reporting of statistics regarding crimes committed on and around our campus, it includes important information and disclosures about crime reporting, crime prevention, victims' rights, and information campaigns that raise awareness of how we can create and maintain a supportive campus community.

As members of the San Francisco State University campus community, we all share the responsibility of maintaining a safe and healthy environment. Your safety while at San Francisco State University is the primary concern of the University Police Department.

I hope you will read this report carefully and use the information to assist us in keeping our community safe, because safety is a shared responsibility.

Thank you for your interest,

**Reginald Parson**

*Assistant Vice President & Chief of Police*  
Division of Campus Safety

## Preparing the Annual Security Report

San Francisco State prepares the Annual Security Report (ASR) to comply with federal law, specifically the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime statistics Act (Clery Act). The Clery Act requires that all universities that participate in federal financial aid programs provide their campus communities with the ASR, which contains crime statistic information and important safety policies.

The SF State Clery Compliance Team was established in 2016 for the purpose of conducting quarterly reviews of the University's policies and procedures to ensure compliance with the Clery Act. The Clery Compliance Team will adhere to applicable guidance related to the Clery Act in accordance with the Office of Postsecondary Education (OPE) handbook and the Uniform Crime Reporting Handbook to make certain that we are including all required disclosures in Annual Security Report (ASR).

Additionally, the Clery Compliance Team will follow written procedures that clearly describe the review process used to ensure that the University is reporting crime statistics consistently and accurately in annual security reports. The Clery Compliance Team will also ensure that San Francisco State University fully implements CSU Executive Order 1107 in our institutional Clery compliance efforts. For complete information on CSU Executive Order 1107, visit <https://calstate.policystat.com/policy/6590697/latest/>.

On a monthly basis, the Clery Compliance Team will conduct a meeting to review the University's policies, procedures, and crime statistics with respect to Clery Act compliance in order to confirm that such policies, procedures, and statistics are accurate, comprehensive and effective.

The Clery Director shall serve as the Clery Compliance Team leader. The Clery Compliance Team leader shall be responsible for preparing and setting the agenda for the monthly meeting, trainings, and requisite legal updates. To ensure complete compliance with the Clery Act, the Clery Compliance Team, in conjunction with the office of University Counsel, will finalize any updates, changes, or revisions to Clery Act policy and procedures in sufficient time to ensure inclusion in the ASR. The Clery Compliance Team shall submit all approved Clery Act policy and procedures for each calendar year to Equity Programs & Compliance and the UPD, in order to ensure inclusion in the ASR. Equity Programs & Compliance and UPD shall be responsible for confirming and ensuring that all approved, required and necessary Clery Act policy and procedure statements are included and submitted for publication in the ASR. The members of the Clery Compliance Team will conduct a separate review of each Clery Act compliance policy and procedure to determine whether it is current, comprehensive, effective, and consistent with Clery Act requirements. Assigned Clery Compliance Team members will design and draft any new policies or procedures that may be called for due to changes in law or the outcome of any Clery Act investigations of findings during the preceding year and shall revise and update the existing policies and procedures as may be necessary. This internal update of policies and procedures shall include, but is not limited to, the following:

- Clery Act Geography/Campus Mapping
- Gathering, Reporting, and Validating Clery Crime statistics
- Identifying Campus Security Authorities (CSAs)
- Obtaining statistics from Local Law Enforcement
- Maintaining the Daily Crime and Fire Logs

- Emergency Response and Evacuation Procedures
- Timely Warning Policy and Procedures
- ASR Distribution Policy and Procedures
- ASR Policy Statements
- Web-based Data Submission to Education Department
- Missing Student Notification Policy and Procedures
- Fire Safety statistics
- Training Campus Security Authorities (CSAs)
- Drug Free Schools and Communities Act
- Notice of ASR and Access to ASR

The Clery Act reportable crime statistics for the University are collected and collated by Equity Programs & Compliance and the UPD. The Executive Director for Equity Programs & Compliance, who is the campus Title IX Coordinator & DHR Administrator, maintains & reviews Clery Act crime statistics for the Title IX office from incident reports submitted by our Campus Security Authorities. The UPD Records Supervisor manages & reviews Clery Act crime statistics for the UPD. The Records Supervisor collects Clery crime reports completed by UPD Police Officers and crime reports provided to the UPD by our neighboring law enforcement agencies. The University Police Department has established collaborative relationships with our neighboring law enforcement agencies who readily provide us with relevant information. The Clery Compliance Team will review the Clery Act reportable crime statistics on an on-going basis at the monthly meetings for inclusion in the ASR.

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

- Campus; and on-campus residence halls;
- Public Property adjacent to the University; and
- Non-Campus Property.

The following crimes must be reported:

- Murder/Non-negligent manslaughter
- Sex offenses: Rape; Fondling; Incest; Statutory Rape
- Domestic Violence
- Dating Violence
- Stalking
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson

In addition, the university must report arrests or disciplinary referrals for liquor, drug and weapons law violations and hate crimes by classification. Statistics on campus disciplinary referrals are collected from the offices of Residential Life and Student Conduct.

Members of the community may obtain a copy of the Annual Security Report at the University Police Department lobby located at 1600 Holloway Avenue, San Francisco, CA 94132, by calling

415-338-7200, or by visiting the University Police Department's website at [https://upd.sfsu.edu/sites/default/files/documents/2022\\_Annual\\_Security\\_Report\\_Final.pdf](https://upd.sfsu.edu/sites/default/files/documents/2022_Annual_Security_Report_Final.pdf)

Additionally, the website address for the report is included in the pay stubs of all faculty and staff. All prospective employees may obtain a copy of the report from the office of Human Resources located in room 252 of the Administration building or by calling 415-338-1872.



# CLERY CRIME STATISTICS 2019 TO 2021<sup>1</sup>

## SF State Main Campus

### Murder/NonNegligent Manslaughter

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

### Negligent Manslaughter

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

### Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	13	24	0	0
2020	3	3	0	0
2021	3	3	0	0

### Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	6	9	0	0
2020	0	0	0	0
2021	3	6	0	0

### Incest

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

<sup>1</sup> To the extent these statistics differ from statistics reported in previous years, these statistics reflect the most current information available to the university.

Statutory Rape

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

Robbery

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

Aggravated Assault

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

Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	14	24	0	0
2020	11	26	0	0
2021	6	21	0	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	2	0	17
2020	0	1	0	1
2021	0	0	0	5

Arson

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

Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	6	6	0	0
2020	0	0	0	0
2021	9	10	0	1

Dating Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	5	6	0	1
2020	1	1	0	1
2021	0	0	0	0

Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	14	0	0
2020	0	0	0	0
2021	10	27	0	0

Arrests for Weapons Law Violations

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

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	4	0	3
2020	0	0	0	0
2021	1	1	0	0

Arrests for Liquor Law Violations

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

Referrals to Disciplinary Action for Weapons Law Violations

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

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	1	0	0
2020	0	0	0	0
2021	9	9	0	0

Referrals to Disciplinary Action for Liquor Law Violations

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

Unfounded Crimes

Year	Total
2019	1
2020	2
2021	1

SF State Downtown Center (Market Street Location)

Murder/NonNegligent Manslaughter

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

Negligent Manslaughter

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

*Rape*

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

*Fondling*

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

*Incest*

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

*Statutory Rape*

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

*Robbery*

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	1	3	0	19
2020	0	1	0	4
2021	0	0	0	1

*Aggravated Assault*

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	1	0	7
2020	0	0	0	4
2021	0	0	0	4

*Burglary*

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

*Motor Vehicle Theft*

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	1
2020	0	0	0	7
2021	0	0	0	0

*Arson*

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

*Domestic Violence*

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

*Dating Violence*

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

*Stalking*

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

*Arrests for Weapons Law Violations*

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

*Arrests for Drug Law Violations*

Year	Campus Residential	Campus Total	Noncampus	Public Property
2019	0	0	0	0
2020	0	0	0	4
2021	0	0	0	0

*Arrests for Liquor Law Violations*

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

*Referrals to Disciplinary Action for Weapons Law Violations*

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

*Referrals to Disciplinary Action for Drug Law Violations*

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

*Referrals to Disciplinary Action for Liquor Law Violations*

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

Unfounded Crimes

Year	Total
2019	0
2020	0
2021	0

SF State Estuary & Ocean Science Center

Murder/NonNegligent Manslaughter

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

Negligent Manslaughter

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

Rape

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

Fondling

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



Incest

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

Statutory Rape

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

Robbery

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

Aggravated Assault

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

Burglary

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

Motor Vehicle Theft

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

Arson

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

Domestic Violence

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

Dating Violence

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

Stalking

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

Arrests for Weapons Law Violations

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

Arrests for Drug Law Violations

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

Arrests for Liquor Law Violations

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

Referrals to Disciplinary Action for Weapons Law Violations

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

Referrals to Disciplinary Action for Drug Law Violations

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

Referrals to Disciplinary Action for Liquor Law Violations

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

Unfounded Crimes

Year	Total
2019	0
2020	0
2021	0

Hate Crimes

The following hate crime statistics are compiled from:

**Main Campus**

2019 - There was one (1) hate crime reported. The crime was a simple assault at the San Francisco State Main Campus in public property with gender and race biases.

2020 - There were no reported hate crimes.

2021 - There were two (2) hate crime reported. One crime was a simple assault at the San Francisco State Main Campus on campus property (Campus Total) with race bias. The other crime was a vandalism incident that occurred in Campus Residential property with sexual orientation bias.

### **Downtown Center**

2019 - There were two (2) hate crimes reported. Both incidents happened at the San Francisco State Downtown Campus on public property. One incident was an aggravated assault with racial bias and the other incident was a robbery with sexual orientation bias.

2020 - There were no reported hate crimes.

2021 – There were no reported hate crimes.

### **Estuary & Ocean Science Center**

2019 - There were no reported hate crimes.

2020 - There were no reported hate crimes.

2021 - There were no reported hate crimes.

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

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

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

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

Community members, students, faculty, staff and guests are encouraged to promptly and accurately report (or as soon they are available) all potential criminal incidents and any emergency, including medical emergencies to the University Police Department or the appropriate law enforcement agency, when these victims of such crime elect or are unable to make such a report. Upon receipt of the call, Officers are dispatched immediately to the site of the incident to take the necessary action.

The University Police Department participates in student programs and new student orientations and events on an ongoing basis throughout the year where information on campus safety and how to promptly contact the UPD or local law enforcement agencies is provided. Additionally, we encourage prompt reporting anywhere on campus you feel comfortable, such as to Student Affairs & Enrollment Management staff or any campus administrator.

San Francisco State strives to create and maintain an environment for learning that promotes respect for and appreciation of scholarship, freedom, human diversity and the cultural mosaic of the City of San Francisco and of the greater Bay Area; promote excellence in instruction and

intellectual accomplishment and; provides broadly accessible higher education to the region and state, as well as the nation and the world.

The University Police Department assists with delivering the University mission and strives to create a safe environment conducive to academic excellence and student success. Even though the University Police Department works closely with neighboring Police agencies and employs security measures to reduce and prevent crime, we believe safety and security is everyone's responsibility and we need your assistance.

San Francisco State University is a community of more than 30,000 faculty, staff and students located in the City and County of San Francisco. In addition to the Main Campus, San Francisco State maintains a downtown teaching center and remote research facilities located in Tiburon and Sausalito, California. While we do not employ University police officers at these locations, we maintain a collaborative and reporting relationship with the law enforcement agencies at these sites and will coordinate with the local law enforcement agency if a security issue arises.

To minimize the number of criminal incidents on the Main Campus, caring and committed Residential Life staff, professionally trained University police officers, students, and members of the wider campus community participate in a number of shared responsibilities to ensure that the campus community and their possessions are protected.

SFSU also operates the Sierra Nevada Field Campus (SNFC), which holds classes and workshops open to the general public from early June to mid-August. Programs are focused on biological diversity, geosciences, hydrology, astronomy, plein air art, and writing. Students enjoy rustic accommodations and meals on site or may stay off campus. The Sierra Nevada Field Campus is located 6 miles above Sierra City, and when programs are in session there are at least two staff present on the site. When programs are not in session, site is closed and unstaffed. For Clery purposes, SNFC is considered Noncampus property and any Clery data will be included under 'Noncampus' section of Main Campus data tables.

Note: during 2021, Sierra Nevada Field Campus was closed and did not host any classes or workshops due to Covid-19 restrictions.

### **San Francisco State Main Campus**

- Located at 1600 Holloway Avenue, San Francisco, CA 94132
- **415-338-2222** to contact University Police Dispatch directly if urgent, 24/7
- **9-1-1** from any campus phone (dialing 9-1-1 from your cell phone will connect you to San Francisco Police Department when in San Francisco who will forward the call to the University Police Department upon request if you're on campus property)
- **Emergency (Blue light)** direct connect emergency phones located various areas of San Francisco State, can be used and you will be connected to University Police Dispatch
- Elevator phones are also available for assistance and they will connect you to University Police.
- **415-338-7200** (UPD non-emergency line with phone tree options)
- **415-338-3030** (Anonymous Crime Tip line)
- **Anonymous Tip Reporting** - (via UPD website) can be filed at <http://upd.sfsu.edu/html/anontip>
- UPD general e-mail address: [upd@sfsu.edu](mailto:upd@sfsu.edu) (Please do not report crimes or urgent matters via e-mail)

### **San Francisco State Downtown Center Campus**

- For reported years 2018-2021, Downtown Center Campus was located at 835 Market Street, San Francisco, CA 94105 on the 5th and 6th floors
- In January 2022, San Francisco State Downtown Center Campus moved to 160 Spear Street, San Francisco, CA 94105 on the 5<sup>th</sup> and 12<sup>th</sup> floors
- **415-553-0123** to report non-emergency situations to San Francisco Police Department
- **9-1-1** to report Life Threatening Emergencies or Crimes in-progress (to SFPD when in San Francisco)
- **SFPD Online Reporting** options - <http://sanfranciscopolice.org/reports>
- **SFPD Southern Station Website**- <http://sanfranciscopolice.org/southern>

### **San Francisco State University Estuary & Ocean Science Center**

- Located at 3152 Paradise Drive, Tiburon, CA 94920
- **415-479-2311** to report non-emergency situations to the Marin County Sheriff Office
- **9-1-1** to report Life Threatening Emergencies or Crimes in-progress (to Marin County Sheriff)
- Marin County Sheriff's Office website- <https://www.marinsheriff.org/contact>

### **To Report a Crime to the San Francisco Police Department**

- **9-1-1** to report Life Threatening Emergencies or Crimes in-progress (within San Francisco)
- **415-553-0123** non-emergency situations
- **SFPD Online Reporting options** - <http://sanfranciscopolice.org/reports>
- **Text-A-Tip** - Procedure: Enter either **TIP411 (847411)** in the "To" field and the keyword **SFPD** in the text field, followed by the message. (Complete instructions that follow.)
- **Anonymous Tip via SFPD website** - <https://www.citizenobserver.com/cov6/app/webTipForm.html?id=4909>

Any suspicious activity or person seen on or inside campus property, in parking lots loitering around vehicles, inside or around the Residence Halls, along with other possible criminal or urgent matters should be promptly reported to the police department. In addition, you may report non-emergency crimes to the following offices:

#### **V.P. for Student Affairs & Enrollment Management; Title IX Coordinator**

415-338-2032, Student Services, Room 403

#### **Associate Vice President & Dean of Students**

415-338-3888, Student Services, Room 403

#### **Executive Director Equity Programs & Compliance**

415-338-2032, Student Services, Room 403

**Student Conduct Administrator**

415-405-3960, Student Services, Room 403

**Director of Residential Life**

415-338-1822, Mary Ward Hall, Office #6

**Director, Counseling & Psychological Services Center**

415-338-2208, Student Services, Room 208

**Human Resources**

415-338-1872, Administration, Room 252

**Daily Crime Log**

The University Police Department maintains a daily activity crime log of all crimes reported to the department. The log is available upon request. Members of the community may obtain a copy of the Daily Crime Log at the University Police Department lobby located at 1600 Holloway Avenue, San Francisco, CA 94132, by calling 415-338-7200, or emailing a request to [upd@sfsu.edu](mailto:upd@sfsu.edu). The log covers the past 60 days. Incidents are posted to the Log within 48 hours of occurrence. If a case disposition changes, it will be reflected in the log within 48 hours. If an arrest is made, the arrest information will be posted directly below the corresponding incident. Arrest information older than the 60-day log period is considered criminal history and is not available for public viewing.

**Reporting Sex Offenses to University or Local Police**

If a victim makes a report of a sex offense as enumerated in California Government Code § 6254(f)(2) to local or University Police, the police are required to notify the victim that their name 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 & Discrimination, Harassment, and Retaliation (DHR) Administrator (see <http://titleix.sfsu.edu>).

University Police will, however, report the facts of the incident itself to the Title IX Coordinator & DHR Administrator being sure not to reveal the victim's name/identity, or compromise their own criminal/police investigation. The victim's identity may not be disclosed to local law enforcement unless the victim consents after being informed of their right to have identifying information withheld. If a victim does not consent, the alleged assailant's identity may also not be disclosed to local law enforcement.

Victims have rights under Title IX, VAWA/Campus SaVE Act and related legislation, and any available resources, such as counseling, health, and mental health services, as well as the right to file a complaint with University and/or local law enforcement. Regardless of whether victims wish to remain confidential, victims receive information on how to report to law enforcement and to the Title IX Coordinator & DHR Administrator. The Title IX Coordinator & DHR Administrator provides interim remedies, if requested and available, regardless of whether the victim chooses to report the conduct to University police or local law enforcement.

## Campus Security Authorities

Although San Francisco State encourages the reporting of campus criminal activity directly to the University Police Department, in some instances members of the campus community may notify one of the other Campus Security Authorities about a crime. Crime statistics are gathered from San Francisco's Campus Security Authorities and are included in our annual security report.

A Campus Security Authority (CSA) is defined as "An official of an institution who has significant responsibility for student and campus activities, including but not limited to, student housing, student discipline, and campus judicial procedures." Individuals may be designated as CSAs if their official job responsibilities involve significant interaction with student and/or campus activities; serve as formal or unofficial mentors to students, serve as a member in an office or of a committee to whom students are instructed or informed to report or discuss crimes, allegations of crimes and other troubling situations; or have oversight for disciplinary procedures.

At San Francisco State, in addition to University police officers; CSAs include: Housing & Residential Life Professional Staff; Resident & Community Assistants, Student Health Staff; Athletics Coaches, Trainers and staff members; Office of Student Affairs & Enrollment Management staff; Faculty Student Organization Advisors; the Dean of Students staff; Student Activities & Events staff; and Title IX staff. For contact information regarding personnel in these various positions, visit San Francisco State's A to Z Directory at <http://www.sfsu.edu/atoz/>.

San Francisco State provides a CSA Incident Reporting form to assist CSA's in fulfilling their CSA-related reporting duties on an on-going basis and in a timely manner. CSA's may obtain the CSA Incident Reporting form at: [https://cm.maxient.com/reportingform.php?SFStateUniv&layout\\_id=2](https://cm.maxient.com/reportingform.php?SFStateUniv&layout_id=2)

For additional reference, community members can obtain the San Francisco State CSA brochure at <https://upd.sfsu.edu/sites/default/files/documents/SFSUCSABrochure.pdf>. The CSA brochure is also available on the UPD and San Francisco State Title IX websites.

## Voluntary and Confidential Reporting

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.

While San Francisco State encourage members of the community to promptly report all crimes to UPD, San Francisco State does 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.



If you are the victim of a crime and do not want to pursue action within the University system or the criminal justice system, you may still consider making a confidential or anonymous report. Victims or witnesses who wish to report crimes on a voluntary, anonymous basis for inclusion in the annual disclosure of crime statistics may do so by calling our Anonymous Tip Line at 415-338-3030, by calling our Investigations Division at 415-338-1046, or by sending an e-mail to the general UPD e-mail address at [upd@sfsu.edu](mailto:upd@sfsu.edu).

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

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.

### Crime of Violence Disclosures

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

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

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

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

### Timely Warning Policy

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

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

- Upon receipt of a Campus Security Authority (CSA) report of a Clery crime on Clery Geography, a Timely Warning analysis shall be completed and documented by the Chief of

Police (or management designee) in collaboration with the Clery Director. The Clery Director shall have authority to delegate this responsibility as appropriate. It is not necessary to complete and document a Timely Warning analysis for referrals to disciplinary action.

- If it is determined that the report includes a Clery crime on Clery Geography, the Chief of Police (or management designee) and Clery Director will confer to analyze the known pertinent facts to determine whether they constitute a serious or ongoing threat to the Campus community. The unavailability of the Clery Director shall not unduly delay the issuance of a Timely Warning.
- If a CSA report includes 1) a Clery crime 2) on Clery Geography and 3) a discernible serious or ongoing threat, a timely warning as described below shall be issued expeditiously.
- In the absence of any of these three elements, no timely warning will be issued.
- The Chief of Police (or management designee) shall have ultimate authority and responsibility for determining whether to issue a Timely Warning.
- Timely Warnings shall be reviewed in collaboration between Chief of Police (or management designee) and Strategic Marketing and Communication
- Timely Warnings will be issued by Chief of Police (or management designee) through Blackboard Connect outreach messaging

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

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

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

## Additional Considerations

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

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

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

## Contents of a Timely Warning

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

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

The Timely Warning shall not include, under any circumstances, the name of the victim, or information so specific (i.e., specific address or dorm room number or floor) that would or likely could identify the victim of the crimes of Sexual Violence, Rape, Dating Violence, Domestic Violence, or Stalking. Timely Warning Bulletins should use gender-inclusive and culturally appropriate language and avoid victim blaming and bias language.

## Methods of Distribution

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

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

San Francisco State uses the following additional distribution methods for timely warnings:

- Facebook: <https://www.facebook.com/SFSTATEPD/>
- Instagram: <https://www.instagram.com/sfstatepd>
- Twitter: <https://twitter.com/sfstatepd> and <https://twitter.com/SFSU>

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

## Emergency Notification Policy

The primary intent of this policy is to provide uniformity in the manner in which emergency notifications required under the Clery Act are processed. The systemwide Emergency Notification Policy shall serve as the authoritative statement of policy on Emergency Notifications for each campus. This policy outlines the procedures campuses will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees *occurring on the campus*.

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

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

Once UPD has received the report, the Chief of Police (or management designee) will, without delay and taking into account the safety of the community, confer with the appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency (including EOC Director or designee), if available, to confirm **both**: 1) a

legitimate emergency or dangerous situation exists impacting on-campus geography; **and 2)** the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community. This confirmation process may include, but is not limited to, visual observation, officer investigation, the assistance of key campus administrators, local or campus first responders, and/or official government reporting through agencies such as the National Weather Service.

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

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

### Contents of the Emergency Notification

The emergency notification shall contain the following information:

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

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

### Methods of Distribution

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

- A campus mass notification system, including but not limited to phone, campus email, or text messaging. Systems should provide currently enrolled students, faculty and staff the ability to adjust their subscription preferences to select multiple contact methods from text

messages, emails and phone calls, or if desired, to 'opt out' of the service and not receive any notifications

- Audio/visual message boards
- Audible alarms/sirens
- Campus public address systems
- In person or door-to-door notifications in a building or residence halls
- Local media
- Social media
- Other means appropriate under the circumstances

## Testing and Evacuation System

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

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://oes.sfsu.edu/emergency-notification-system> or call the on-campus University Police Department at 415-338-7200 for assistance. To make changes to your notification preferences, changes can be made by logging into your SFSU Gateway at <http://gateway.sfsu.edu>.

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

All buildings except the library will be secured by the University Police Department by 11:00 p.m. on weekdays and 5:30 p.m. on weekends per University Executive Order 94-17. We recognize that there will be some need to alter hour and weekend access to buildings. After hours, a faculty or staff I.D. is required. Anyone working late or on weekends should notify the University Police Department. Students working in the building after hours are required to have in their possession a student pass (authorized by college deans) along with photo identification. In the event of a campus closure due to an emergency response effort, access to buildings will be determined on a case-by-case basis and conveyed in writing to campus administrators and offices. Community members shall comply with authorized campus closure directives when provided. Holiday access is treated as weekend access. University Executive Directive 94-17 can be accessed at <https://adminfin.sfsu.edu/university-executive-directives>.

Access to University Housing facilities is limited to residents, escorted guests and University staff. Entry is monitored on 24-hour basis through a combination of card-key security systems, hard keys, door prop alarms and on-duty Residential Life personnel. The campus facilities are maintained by Facilities Services and patrolled by the Officers of the University Police Department. The Police Officers and Community Service Officers regularly test the emergency phones and submit work orders for repair, recommend the trimming of shrubbery for safety reasons and

conduct periodic lighting surveys. Officers report the need for replacement of lights and any other physical hazards they notice. Periodic crime prevention surveys are conducted when a crime trend occurs or upon physical changes of office space and equipment when requested by an administrator. The majority of campus buildings are equipped with card key access that is controlled by an access administrator. Many offices, labs, computer rooms and areas of campus have security alarms. You may use this link for more information on Facilities Services Enterprises: <http://facilities.sfsu.edu>.

Lighting improvements are constantly being evaluated. Improvements have included the placement of high intensity sodium vapor lights in buildings, in parking lot areas, in areas with heavy landscaping and trees, and along pathways frequently traveled by students. Outdoor courtesy telephones are located at the entrances of all University Housing facilities and at many locations throughout the campus. All emergency telephones are connected directly to the University Police Department.

Residential Life staffs professional Area Coordinator and Residential Coordinators along with Student Leaders, who support on-campus housing, live on campus and provide 24-hour crisis coverage. Student room doors should be locked at all times even when occupied. Residents with automobiles may park them in a reserved carport space after purchasing a semester permit. Most importantly, residents are reminded to observe building security procedures and to notify Residential Life team members or the University Police Department of any unfamiliar faces or unusual incidents within either the residence halls or apartments.

The residence community has a team of student Resident Assistants and professional Area and Residential Coordinators who reside in the community with students. Resident or Community Assistants are available to provide help in anything from roommate conflicts to directions on how to get to the nearest supermarket. Residential Life offers a wide variety of social, educational, and academic support programs. In 2004, Residential Life implemented an in-house Residential Life Conduct process for alcohol and drug violations. In 2013, the Prevention Programs unit (currently the Health Promotion & Wellness Unit) launched a web-based sexual assault prevention and alcohol abuse awareness online program called Campus Clarity. All first-year students including transfer and graduate students are required to take this program

All Residential Life team members in the residence community are designed 'campus security authorities' and undergo training throughout the year for both prevention and response regarding safety/security issues along with substance abuse, education and prevention of sexual assault, and general community security.

### **Central Campus Neighborhood**

San Francisco State University offers two traditional residence halls and has two multi-story complexes, which provide on-campus housing for approximately 2,440 students. All buildings are owned and managed by San Francisco State University. Security safeguards within the residence community include restricted access, video surveillance and external door prop alarm systems. Crime prevention programs include orientation workshops, individual floor meetings, residential community-wide presentations and educational programs. All of the central campus residential buildings (Mary Ward Hall, Mary Park Hall, Village, and the Towers) have 24-hour community desk staffing as extra safety coverage.

Residents with automobiles may park them in Lot 25, the Village Garage, University Park North and University Park South after purchasing a semester or daily permit.

All buildings contain exterior doors that are monitored with door-prop alarms, key and card access. There are two to three Resident Assistants on duty each evening Sunday through Thursday night and 24 hours starting Friday at 5pm to Monday mornings. Residential Life team members provide evening rounds and enforce University and Housing policy. There are professional staff members On-duty each night and one Director-level professional staff member on duty each night.

### **Mary Ward and Mary Park Halls**

The Residence Halls house approximately 840 first-time, first-year students. Most rooms are double occupancy and when requested, ADA accessible single rooms are available. The rooms are furnished with a bed, closet space, desk, chair and drawers for each resident. Each room has a streaming service, power outlets and 10baseT Ethernet jacks. Residents are allowed to bring or rent a small refrigerator and/or microwave to use in their rooms.

### **Towers at Centennial Square & Towers, Junior Suites**

The "Towers" is a 15-story apartment building which houses approximately 750 first-time first-year students. Towers junior suites is a 5-story suite-style (shared room with private bathroom) housing approximately 100 first-time first-year students. The apartments are fully furnished, one- or two- bedroom, double occupancy, units with a kitchenette, living room and bathroom. Each bedroom has streaming service, power outlets and 10baseT Ethernet jacks for both residents. There is electronic card access to the exterior doors and 24-hour front desk employees.

### **The Village at Centennial Square**

The Village at Centennial Square which houses 750 mostly first-time first-year students with some continuing first-year and second-year students at San Francisco State University. In addition, the Village community includes 12,000 square feet of retail space for restaurants and shops, as well as the Student Services Building and the Student One Stop Office. The Village name reflects a philosophy of easy student access to services with its design approach of a low-rise profile, linked courtyard, canopied walking areas and numerous community activity and study areas.

The Village offers single and double occupancy rooms in its three bedroom apartments and double occupancy rooms in the two bedroom apartments. Spaces are filled on a first come, first served basis. Residents are first and second year students and must be enrolled at San Francisco State University, carrying a minimum of 12 semester units. All apartments are fully furnished and have streaming service, power outlets and 10baseT Ethernet jacks. Each apartment has a full kitchen with stove, refrigerator, dishwasher, microwave, and garbage disposal. ADA accessible units are available throughout the complex.

### **South Campus Neighborhood**

San Francisco State offers an apartment-style community and several blocks of garden homes, which provide on-campus housing for approximately 850 students and approximately 100 faculty, staff, and nonaffiliated residents. Crime prevention programs include orientation workshops, individual floor meetings, residential community-wide presentations and educational programs. South Campus residential buildings (Manzanita Square & University Park South) have 24-hour community desk staffing operating in the Lobby of Manzanita Square.

Residents with automobiles may park them in reserved carport spaces after purchasing a semester permit. Exterior doors to apartments open to the general public and are not monitored by a central source. There are two to three Resident Assistants on duty each evening Sunday through



Thursday night and 24 hours starting Friday at 5 p.m. to Monday mornings. Residential Life team members provide evening rounds and enforce University and Housing policy. There are professional staff members On-duty each night and one Director-level professional staff member on duty each night. The Resident Assistant On-Duty Teams are supplemented with Community Service Officers who provide pedestrian patrol in the community Wednesday thru Saturday night.

### **Manzanita Square**

Manzanita Square houses approximately 590 continuing students. Located just steps away from campus, this state-of-the-art eight-story building includes residential apartments for students in their second year or later. Studio, one-, two-, three-, and four-bedroom units are available and some units are specially adapted for students with disabilities. Depending on the size of the unit, rooms are furnished with bed(s), closet space, dresser or armoire, window coverings, couch, desk and chair, and dining room table and chairs. Each room has a cable TV outlet providing basic cable programming, power outlets, phone jacks, and Wi-Fi. Kitchen areas include cabinetry, a full refrigerator, sink, and stove with oven. Residents are allowed to bring a microwave to use in their rooms. The facility includes a spacious outdoor courtyard, retail, student support spaces, and on-site laundry facilities. Manzanita Square is owned by American Campus Communities and managed in partnership with San Francisco State Housing.

### **University Park South (Blocks 2, 5, 41 and 42 forming the perimeter of South Campus)**

University Park South (UPS) is comprised of 262 apartment-style garden homes on the San Francisco State campus. The properties provide housing opportunities to students, faculty and staff of San Francisco State as well as residents not affiliated with the University. The units vary in size (one-, two-, and three-bedroom units) and are constructed as low-rise profile with linked courtyards, covered parking areas and common laundry rooms.

Block 41 offers 16 unfurnished, three bedrooms, two and one-half bath town homes offered exclusively to San Francisco State faculty and staff. Spaces are filled on a first come, first served basis. Blocks 42, 1, 2, 5 and 6 offer 246 apartment homes open to faculty, staff and students. Spaces are filled on a first come, first served basis. All apartments at UPS are fully equipped and include power outlets, phone jacks and internet options. Each apartment has a full kitchen with stove and refrigerator. Some apartment homes have dishwashers and garbage disposals.

The following is a list of available entrances to various blocks:

- Entrances to the Block 41 residences are accessible via Vidal Street; a public road maintained by the City of San Francisco.
- Entrances to the Block 42 residences are accessible via Font Boulevard, Pinto Avenue and Arballo Drive; public roads maintained by the City of San Francisco.
- Entrances to the Block 41 residences are accessible via Tapia Drive and Font Boulevard; public roads maintained by the City of San Francisco.
- Entrances to the Block 2 residences are accessible via Holloway Avenue, Font Boulevard, Arellano Avenue and Serrano Drive; public roads maintained by the City of San Francisco.
- Entrances to the Block 5 residences are accessible via Arellano Drive, Serrano Drive and Holloway Avenue; public roads maintained by the City of San Francisco.

University Park South is owned by San Francisco State and managed by San Francisco State Housing.

## North Campus Neighborhood

San Francisco State University offers apartment-style high-rise tower and garden homes, which provide on-campus housing for approximately 1350 students and approximately 230 faculty, staff, and nonaffiliated residents. All buildings are owned and managed by San Francisco State University. Security safeguards within the residence community include restricted access, video surveillance. Crime prevention programs include orientation workshops, individual floor meetings, residential community-wide presentations and educational programs. North Campus residential buildings (University Park North) have 24-hour community desk staffing operating in the Residential Life office located at 295 Buckingham Way; San Francisco, CA 94132.

Residents with automobiles may park them in reserved carport spaces after purchasing a semester permit. Exterior doors to apartments open to the general public in the garden homes and to central hallways in the towers and are generally not monitored by a central source. There are two to three Resident Assistants on duty each evening Sunday through Thursday night and 24 hours starting Friday at 6 p.m. to Monday mornings. Residential Life team members provide evening rounds and enforce University and Housing policy. There are professional staff members On-duty each night and one Director-level professional staff member on duty each night. The Resident Assistant On-Duty Teams are supplemented with Community Service Officers who provide pedestrian patrol in the community Wednesday thru Saturday night.

University Park North (Blocks 1 thru 14 forming the perimeter of North Campus) University Park North (UPN) provides 697 unfurnished apartments to students and San Francisco State faculty and staff, in addition to residents of the area. The complex provides easy access to the Main Campus with a design of both low-rise and tower accommodations.

University Park North offers one-, two-, and three-bedroom apartments with linked common areas and is filled on a first come, first served basis. Priority is given first to students, then to faculty and staff, and finally to residents of the area.

Student apartments are both furnished and unfurnished. All faculty, staff, and nonaffiliated resident apartments are unfurnished and include basic cable programming, power outlets, phone jack and accessible high-speed internet options. Each apartment has a full kitchen with stove, refrigerator, dishwasher, microwave, and garbage disposal. Entrances to the University Park North towers are protected by a key system that enables only residents or authorized personnel to open doors and have access to the building. Garden apartments have general entrances with private homes secured by individual front doors.

University Park North is owned by San Francisco State and managed by San Francisco State Housing.

## Systemwide Law Enforcement Policy, Law Enforcement Authority

Persons employed and compensated as members of a California State University police department, when so appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their powers or authority<sup>2</sup> except (a) at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated,

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<sup>2</sup> Including the authority to make arrests

controlled, or administered by the California State University, or by trustees or the state on behalf of the California State University, and (b) as provided in Section 830.2 of the Penal Code.

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

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

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

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

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

The University Police Department has statewide law enforcement authority to enforce federal and state laws under Penal Code § 830.2, and primary concurrent jurisdiction within a mile of campus under the California Education code § 89560.

The San Francisco State University campus is under the primary jurisdiction of the California State University Police Department as described in section 89560 of the California Education Code and section 830.2 (c) of the California Penal Code.

Specifically stated in section 89560 of the California Education Code; the trustees may appoint one or more persons to constitute a police department for the headquarters and for each campus of the California State University. Persons employed and compensated as members of a California State University police department, when so appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their powers or authority except (a) at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University, or by trustees or the state on behalf of the California State University.

University police officers meet all the requirements set forth by the Commission on Peace Officer Standards and Training (P.O.S.T.), which sets the standards for all California State law

enforcement Officers. In addition, California State University police officers undergo training specially designed to meet the needs of the campus community after graduation from an academy. All sworn police officers have been trained in first aid and cardiopulmonary resuscitation and are authorized to enforce all regulations on the University campus and an immediate one-mile radius. In some instances, police powers extend statewide. University police officers are armed with firearms; they conduct foot, vehicular and bicycle patrols on campus and in the Residence communities 24-hours a day.

## **Administrative Agreement Between San Francisco State University Police, San Francisco Police Department, San Francisco District Attorney's Office, and the San Francisco Department of Public Health**

The University Police Department works closely with the San Francisco Police Department (SFPD), the San Francisco District Attorney's Office (SFDA), the San Francisco Department of Public Health (SFDPH), agencies near our branch sites, and other law enforcement agencies to assist with incidents involving campus community members that may occur off campus.

The University Police Department, SFPD, SFDA, and SFDPH have mutual aid and working agreements. Each department augments the other within their jurisdictions during mutual investigations, arrests, and prosecutions. The University Police Department is responsible for processing, investigating, and prosecuting all crimes committed on San Francisco State University property and grounds owned, operated, controlled, or administered by the California State University except the following: homicide, suicide, and those death cases deemed suspicious by the Medical Examiner of San Francisco.

The Memorandum of Understanding (MOU) between the University Police Department, SFPD, SFDA, and the SFDPH promotes collaboration, and enhances the reporting, investigation and appropriate response to sexual assault and other Clery Act crimes. The primary purpose of the MOU is to promote compliance with the numerous state and federal laws that provide specific requirements related to these issues, as outlined in California Education Code Sections 67380, 67381 (the Kristin Smart Campus Safety Act of 1998) and 67383; SB 967 (de León, 2014), specified in California Education Code Section 67386; the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the "Clery Act") and Title IX of the Higher Education Amendments of 1972 ("Title IX"), as well as the California Penal Code and applicable state laws related to health and confidentiality/privacy. By this agreement, the UPD may call upon the San Francisco Police Department to assist in the handling of major crimes, including but not limited to Part 1 violent crimes as defined in California Education Code Section 67381.

Additionally, the purpose of the MOU is to meet the statutory requirements established by AB 1433 (Gato, 2014), specified in the California Education Code (§ 67383(a) and § 67381), requiring covered institutions to adopt and implement written policies and procedures to ensure that reports of Part 1 violent crimes, hate crimes or sexual assaults are immediately, or as soon as practicably possible, disclosed to local law enforcement.

## **Security Awareness and Crime Prevention Programs**

The University Police Department is committed to contributing to the safety and welfare of the campus community. The University Police Department supports this commitment through programs designed to anticipate, recognize, and appraise crime risks, and that initiate action to

reduce those risks. These programs attempt to promote awareness, community involvement, and support of activities that address community perceptions and misperceptions of crime.

### Crime Prevention Programs

The department's crime prevention function is a shared responsibility of all employees, but specific duties are assigned to the Commanding Officer of the University Police Department Services Division who manages the Crime Prevention Unit, Community Liaison Unit, and the Investigations Unit personnel.

The department's Crime Prevention Unit provides for the following:

- a. Targeting crime prevention programs based on the type of crimes that are occurring and location of those crimes as the result of an analysis of crime data by Department Investigators or other department employees;
- b. Targeting crime prevention programs to address community perceptions or misperceptions of crime; and

The Commanding Officer of the Services Division or their designee will prepare a comprehensive written evaluation of the agency's crime prevention programs, at least once every four years to assess effectiveness and solicit community feedback. Crime Prevention Unit activities shall include safety presentations to:

1. University departments and office areas;
2. Campus Housing;
3. Fraternities and Sororities;
4. Campus clubs and organizations; and
5. Other interested groups.
6. New student and employee orientations.

Community education presentations will include sexual assault and acquaintance rape prevention, alcohol and drug abuse, bicycle safety, general campus safety and security, workplace violence, home, campus housing and office security, personal safety, self-defense training and theft prevention. The Crime Prevention unit will maintain a Community Engagement log in the Investigations Unit Office to document all programs presented to the campus community.

Additionally, members of the University Police Department are available at any time to provide presentations to staff, faculty and students on topics such as: Personal Safety, Sexual Assault Prevention, Prevention of Auto Theft and Auto Burglary, Dealing with Distressed Individuals, Emergency Preparedness, Safety Presentations for Children and Parents, Laptop Safety, Fraud Prevention, Public Transportation Safety, Senior Citizen Safety and many other topics related to protecting personal and state property. In addition to crime prevention information, information regarding disciplinary procedures in relation to criminal activity is also covered and provided to community members.

In the beginning of the Fall and Spring semesters of the academic year, the Crime Prevention Unit will collaborate with our campus partners in the Division of Student Life to provide training and resource tables for GatorFest events. The Crime Prevention Unit will provide trainings and resource table information that cover a variety of topics including personal safety and awareness, protection of personal property, and active threat response training.

We do encourage participation in our crime prevention programs and ask for your assistance in keeping our community safe. If you would like to schedule a Crime Prevention Presentation, please call our Crime Prevention Coordinator at 415-338-2226. For more information on our Crime Prevention, please visit the UPD website at: <https://upd.sfsu.edu/crime-prevention>.


When time is of the essence, information is released to the university community through security alerts/information bulletins posted prominently throughout campus or placed on university websites. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others. If you see something suspicious or out-of-the-ordinary, say something by contacting the police.

### **SAFEWALK SERVICE**

The University Police Department provides our campus SafeWalk Service to support community members with safe navigation around our campus community. Team members will also provide additional visible building security during evening and nighttime hours as a safety enhancement. Team members are available to walk with students, faculty, and staff to and from their classroom, laboratory or office, automobile, campus housing or any other location within a reasonable distance to campus. A SafeWalk can be provided by trained uniformed Student Community Service Partners, Community Service Officers, or Police Officers. Mobility transports are typically provided by Student Community Service Specialist and Community Service Officers using shuttle carts. Police Officers will provide this service in limited situations. Call 415-338-7200, then press - for a SafeWalk, or visit <https://upd.sfsu.edu/safewalk> for more information.

### **EMERGENCY CAMPUS PHONES**

Emergency phones are spread throughout the campus including every level of the main parking garage. Emergency phones are clearly marked and when activated connect directly to the University Police Dispatch Center. For more information on emergency phones, visit <https://upd.sfsu.edu/campus-emergency-phones>.

Emergency Phones are labeled on the SFSU Campus map with a . The online version of the campus map is broken into four sections. Click on any one of those sections to zoom in and view where the emergency phones are located. To view the online map, please see the San Francisco State Map Page.

### **COMMUNITY LIAISON UNIT**

The Community Liaison Unit was created to help foster a stronger working relationship between the University Police Department and the SFSU community it serves. The Community Liaison Unit works with multiple campus organizations, community organizations, advocacy groups, and individual students through education, involvement, and policing initiatives. As a result of these working partnerships, the Community Liaison Unit is able to develop pro-active crime prevention projects by analyzing crime hazards in our community and coming up with strategies to help mitigate them. The unit also provides members of the University community with a variety of services, including safety presentations and community e initiatives. For more information on the Community Liaison Unit please visit our website at <https://upd.sfsu.edu/community-liaison-unit>.

## **INTERNET SAFETY ZONE**

The University Police Department launched the "Internet Sale Safety Zone" in July 2017 as a key safety awareness component of the Crime Prevention Community Liaison Unit programs. The University Police Department has designated parking spots in front of the current San Francisco State University Police station as "Internet purchase exchange locations" that will allow students, staff and faculty to safely conduct and complete internet sale transactions they have made online in familiar surroundings. The spaces provided are monitored by video surveillance 24-hours-a-day and police personnel are nearby to deter crimes that can occur during these types of transactions and ensure everyone's safety.

## **RAPE AGGRESSION DEFENSE SYSTEMS (R.A.D.)**

The University Police Department offers R.A.D., a safety education program that consists of realistic self-defense tactics and techniques that can help reduce your chances of being victimized. This comprehensive, women-only course begins with awareness, prevention, risk reduction and avoidance, while progressing onto the basics of hands-on defense training. The R.A.D. self-defense training program is taught by certified instructors and is offered several times throughout the year. For more information, visit our website at <https://upd.sfsu.edu/rape-aggression-defense-rad> or contact the UPD Crime Prevention Coordinator at 415-338-2226.

## **SF STATE CITIZEN'S POLICE ACADEMY**

The San Francisco State University Citizen's Police Academy is a program designed to educate members of the campus community about law enforcement on our campus through various methods of instruction including lectures, activities, discussions and scenario training. In addition to learning about law enforcement and community service, students will have the opportunity to explore new career opportunities and develop relationships that will last well beyond the course.

The University Police Department will offer a Citizen Academy session each semester. For additional information on the Citizen's Academy, please visit our website at <https://upd.sfsu.edu/citizens-academy>.

## **LOST AND FOUND**

The University Police Department is the central repository of all found property. The Lost and Found office can be reached at 415-338-2306 and the link to the website is <http://upd.sfsu.edu/html/lost-and-found>.

## **ORIENTATION: NEW STUDENT & FAMILY PROGRAMS**

Orientation is an important aspect in helping new San Francisco State University students prepare for college success. The Office of New Student & Family Programs will offer guidance and resources that can help students get started at San Francisco State University. Orientation is a collaborative effort consisting of academic counselors, student leaders, and many student services staff members and partner departments.

The University Police Department is involved in the orientation of new students and their parents and families. Orientation programs stress safety measures and general crime prevention strategies. Additionally, police personnel are often invited to speak in courses to provide an overview of the University Police Department, the services provided, current crime issues, and

crime prevention strategies. The following link will take you to the New Student Programs website for more detailed information, <https://newstudentprograms.sfsu.edu>.

## **Monitoring and Recording Crime Activity at Noncampus Locations of Student Organizations**

When a San Francisco State student is involved in an off-campus offense, police officers may assist with the investigation in cooperation with local, State, or federal law enforcement. Many San Francisco State students live in the neighborhoods of San Francisco. While local police have primary jurisdiction in all areas off-campus, UPD Officers can and do respond to student-related incidents that occur in close proximity to campus on a case by case basis. Any student who has been arrested for or found guilty of committing a crime off-campus is subject to campus disciplinary adjudication for violation of Title V of the Student Code of Conduct. The Student Code of Conduct can be found at <https://conduct.sfsu.edu/standards>.

Student organizations may also use off-campus buildings or property on either a frequent or repeated use basis. Additionally, in a "reasonable good-faith effort" UPD will request the records for any criminal activity that may have occurred at those locations from local law enforcement agencies. UPD will coordinate with the Student Activities & Events office to assess for non-campus property of student organizations.

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

As an academic community, San Francisco State is committed to providing an environment in which everyone can learn and grow. However, the use and misuse of drugs can seriously affect members of the campus community. The University expects every student, faculty member, staff member, and administrator to be aware of and comply with all local, state, and federal laws regarding the unlawful possession, distribution, or use of illegal drugs and alcohol.

The University has a zero-tolerance policy regarding the use and sale of illegal drugs on the university campus or at any university-sponsored event off campus. The possession, transportation and/or consumption of alcohol by individuals under 21 years of age is strictly prohibited. Alcoholic beverages may not be consumed in public areas and must be concealed and not in plain view when transported in the residence community. Residents in the residence community under the age of 21 years of age are not permitted to host guests or residents of any age who are in possession of alcohol in their room/apartment.

The University also enforces state laws regarding driving while under the influence of alcohol. A Police Officer can confiscate the license of any driver suspected to be driving under the influence who refuses to take a blood alcohol concentration (BAC) test. Anyone under 21 found in possession of alcohol can have their driver's license taken away, even if the underage person was not drinking, drunk, or driving. No one may use illegal substances, or abuse legal substances, including alcohol, in a manner, which impairs performance of assigned tasks in the workplace and/or academic environment. A more complete description is contained here:

### **University Directive 89-12 (The Alcohol and Drug Policy)**

[https://adminfin.sfsu.edu/sites/default/files/documents/UED%2089-12\\_0.pdf](https://adminfin.sfsu.edu/sites/default/files/documents/UED%2089-12_0.pdf)

### **University Directive 90-15 (Policy on Substance Abuse in the Workplace)**

[https://policiesandpracticelirectives.sfsu.edu/sites/default/files/ued90\\_15\\_0.pdf](https://policiesandpracticelirectives.sfsu.edu/sites/default/files/ued90_15_0.pdf)



For questions and more information on these University Directives, e-mail [policies@sfsu.edu](mailto:policies@sfsu.edu).

Student violators are subject to discipline through the Student Conduct process (refer to CSU Executive Order 1098, found at <https://calstate.policystat.com/policy/8453518/latest/>, which may result in either probation, suspension, or expulsion from the University and/or the CSU system. This may also include removal from University Housing. Parents or guardians may be notified about any disciplinary violation involving alcohol or a controlled substance that has been committed by a student who is under the age of 21.

Employees in violation of the University alcohol and drug policies may be subject to corrective action, dismissal, requirement to participate fully in an approved counseling or rehabilitation program, or other applicable legal sanctions under local, state and federal laws.

All members of the campus community may be subject to criminal prosecution for violation of applicable local, state, or federal laws.

### **HEALTH RISKS ASSOCIATED WITH ALCOHOL ABUSE OR ILLICIT DRUG USE**

Substance use is linked to serious negative health effects including chronic diseases, increased risk of injury, and in some cases overdose. When taken in large quantities, alcohol can negatively affect many parts of the body including the brain, heart, liver, pancreas, and immune system. It can also increase risk of developing certain cancers including mouth, esophagus, throat, liver and breast cancer. Mixing alcohol and prescription or illicit drugs can also have serious negative effects including the increased risk of heart attack.

For more information please visit: <https://wellness.sfsu.edu/alcohol-tobacco-other-drugs>

#### **Programs and Resources for Support**

- **HEALTH PROMOTION & WELLNESS**

Health Promotion & Wellness provides health education through workshops and seminars on topics related to alcohol and other drugs and provides training to volunteers who work with other students, faculty, and staff to assist in creating a campus environment that reinforces healthy lifestyles. Information can be found at <http://wellness.sfsu.edu>.

- **COUNSELING & PSYCHOLOGICAL SERVICES (CAPS)**

Counseling & Psychological Services provides culturally sensitive information and support services for students grappling with substance related problems through assessment, counseling and referrals. Services are free and confidential. The Center is located in the Student Services Building, Room 205 and can be reached at 415-338-2208 or <http://caps.sfsu.edu>.

#### **Sexual Violence Prevention**

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

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

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

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

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

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

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

### Training for Employees

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

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<sup>3</sup> This includes incoming transfer, graduate, online, and extended education Students. The programs should occur no later than the first few weeks of the semester.

government agencies such as the Department of Fair Employment and Housing (DFEH) and the Equal Employment Opportunity Commission (EEOC).

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

### Prevention and Awareness Programming

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

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

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

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

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

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

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

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

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

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

- The name and contact information of the campus Employee(s) to whom the alleged incident should be reported.
- Reporting to law enforcement and campus authorities, including the option to: (a) notify law enforcement authorities, including on-campus and local police; (b) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and, (c) decline to notify such authorities.
- Where applicable, the rights of victims/survivors and the campus' responsibilities regarding orders of protection, no contact directives, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

## Risk Reduction

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

### *Sexual Misconduct/Sexual Assault*

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

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

- Signs that someone does not respect the importance of consent:
  - They pressure or guilt you into doing things you may not want to do.
  - They suggest you “owe” them something (including sexual acts) because you’re dating or because they have done or claim to have done something for you.
  - They react negatively with sadness, anger, or resentment if you don’t consent to something or don’t do so immediately

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

### *Dating/Domestic Violence*

#### **COMMON SIGNS OF ABUSIVE BEHAVIOR IN A RELATIONSHIP**

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

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

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

[Source: National Domestic Violence Hotline]

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

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

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

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

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[Source: National Domestic Violence Hotline]

### *Stalking*

#### **RESPECTING BOUNDARIES**

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

#### **RECOGNIZING STALKING BEHAVIORS**

A person who engages in stalking may:

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



- Use other people to try and communicate with the person they are stalking, like children, family, or friends.

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

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

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

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

### Bystander Intervention

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

This training encourages employees and students to:

- Notice the Event
- Interpret the Event as a Problem
- Assume Personal Responsibility
- Learn How to Help
- And Step Up by utilizing the “4 Ds” – Direct, Distract, Delegate, and Delay
  - Direct – Directly addressing the situation.
  - Distract – Making a simple (or elaborate) distraction to diffuse the situation.
  - Delegate – Finding someone else to address the concern.
  - Delay – Checking in with the person after to see if you can do anything to support them.

### CSU Policy Definitions

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

## Prevention, Education, and Awareness Programs

It is University policy per CSU Executive Order 1095 to implement preventive education programs/training to promote the awareness of CSU policies against of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. Executive Order 1095 requires programs/training for all new students and new employees; refresher programs/training at least annually for all students; programs/training twice a year for all students who serve as advisors in residence halls; annual programs/training for all student members of fraternities and sororities; annual programs/training for all student-athletes and coaches; and, annual programs/training for all employees consistent with their role in responding to and reporting incidents.

Training for all incoming students and new employees declares that San Francisco State University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking, and includes the definition of these crimes. These programs outline campus reporting and response procedures, define consent in reference to sexual activity; provide safe and positive options for bystander intervention, provide information on risk reduction to recognize warnings of abusive behavior and how to reduce the rate of attacks on campus by creating a safer campus community for all. It is our goal to increase empowerment for survivors in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Primary prevention programs include programming, initiatives, and strategies informed by research or assessed for value, effectiveness or outcome that are intended to stop Sexual Misconduct, Dating or Domestic Violence, or Stalking before they occur. This done through the promotion of positive and healthy behaviors that foster mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Ongoing prevention and awareness campaigns for all students and employees are also conducted.

### **ACTION CARE TEAM**

The Action Care Team (ACT) is a multidisciplinary team of key campus partners established by the Student Affairs & Enrollment Management cabinet area to meet regularly to serve five major functions for the University:

1. Provide consultation and support to faculty, staff and administrators in assisting students who display concerning or disruptive behaviors;
2. San Francisco State Annual Security Report;
3. Gather information to assess situations involving students who display concerning or disruptive behaviors;
4. Recommend appropriate intervention strategies or disciplinary sanctions;
5. Connect students with needed campus and community resources; and
6. Monitor ongoing behavior of students who have displayed disruptive or concerning behavior.

While interacting with students across the University, staff may be confronted with situations in which a student is disruptive or displays behavior that may be intimidating, threatening, or disturbing to others. The ACT is designed to assist faculty, staff, and administrators in addressing these situations in a uniform and supportive manner. The ACT's composition and membership is designed to provide all segments of the University with access to assistance, speedy response,

and information/resources with direction for addressing students' inappropriate behavior in and outside the classroom.

The ACT will be composed of representatives from various critical areas of the campus community including the following:

- Counseling & Psychological Services- ACT Co-Chair
- Dean of Students Office- ACT Co-Chair
- University Police Department
- Disability Programs & Resource Center
- Residential Life
- Undergraduate Advising
- College Associate Deans
- Office of Student Conduct

Following the guidance of the National Behavioral Intervention Team Association (NaBITA - [nabita.org](http://nabita.org)), the ACT will consult with Academic Advising, Athletics, Human Resources, Student Activities & Events, Career Services & Leadership Development, and other campus offices as needed. The ACT will receive ongoing training in the assessment of disturbing and threatening behaviors in students, protocol for intervention and referral, protocol for documentation and database development within the guidelines of FERPA confidentiality.

The University has zero tolerance for violence against members of the University community. To fulfill this policy, the University will work to prevent violence from occurring and will ensure federal and state laws, as well as University regulations prohibiting violence, are fully enforced. In determining whether conduct constitutes a credible threat or act of violence, the circumstances surrounding the conduct will be considered.

Established University faculty, staff and the University Police Department procedures will serve as the mechanisms for resolving situations of violence or threats of violence. Each allegation of violence will be taken seriously. Individuals are encouraged to report acts of violence, threats of violence or any other behavior which by intent, act or outcome harms another person. For more information about the Action Crisis Team or to submit a report: <https://act.sfsu.edu>.

### **VOICES FOR CHANGE: NEW STUDENT TRAINING**

“Voices for Change” by Get Inclusive is a sexual assault prevention and alcohol abuse awareness program. Education on sex discrimination, sexual harassment, and sexual misconduct is provided to all incoming students (freshman, transfers, international students, graduate students, and College of Extended Learning students). The Health Promotion & Wellness unit coordinates San Francisco State University’s efforts at providing sexual violence prevention education to all incoming students at our university. San Francisco State University uses Get Inclusive “Voices for Change” online workshop, which empowers students to make well-informed decisions about alcohol and sexuality, as well as to respond more effectively to the risky behaviors of peers. It also provides information to understand affirmative consent, healthy relationships, and effective communication. Additionally, CSU EO 1095 requires campuses to provide a “refresher” training to all campus students in order that there is a culture of ongoing consciousness raising and awareness about sexual violence. In AY 2020-2021, San Francisco State University offered Vector Solutions’ online workshop titled “Rethinking Relationships.”

Every incoming student will be required to take "Voices for Change." The material covered in the online course may be distressing for some students, so San Francisco State University offers assistance for those who may need additional information or support around these issues through the Health Promotion & Wellness Unit at [svp@sfsu.edu](mailto:svp@sfsu.edu) and The SAFE Place.

### **COUNSELING & PSYCHOLOGICAL SERVICES (CAPS)**

The University Police Department works closely with Counseling & Psychological Services (CAPS). They work as a team in dealing with sensitive situations and UPD refers persons to Counseling and Psychological Services on a regular basis. Both University Police Officers and counselors have received training on risk assessments and the counselors consistently encourage their clients to report crimes to the University Police Department to prevent future crimes. Counseling sessions are considered confidential and privileged. The holder of the privilege is the client. Crime information can be forwarded anonymously at the request of the client. The counselors do not disclose information to the University Police Department without the consent of the client unless there is an immediate threat to safety. Any reporting of statistics to comply with this act is done by reporting numbers and not names so the information provided by clients is confidential.

Counseling & Psychological Services provides brief therapy to students at no cost. The staff consists of culturally diverse, professionally trained and licensed counselors, marriage and family therapists, psychologists, and clinical social workers. Counselors are also available for consultations regarding distressed or potentially violent students and can be reached at 415-338-2208. For more information on the CAPS, visit <http://caps.sfsu.edu>.

### **DISCRIMINATION, HARRASSMENT, & RETALIATION PREVENTION NEW EMPLOYEE AND SUPERVISOR TRAINING**

New employees and supervisors are required to complete online sexual violence awareness and prevention training which can be accessed here: [https://csu.sumtotal.host/Core/dash/home/Home\\_San\\_Francisco](https://csu.sumtotal.host/Core/dash/home/Home_San_Francisco). This course is required within the first six months of hire and every two years thereafter. This course is designed to raise awareness about workplace harassment and discrimination, and to foster a clear understanding of anti-discrimination laws. It educates employees on inappropriate conduct so that they can apply what they learn to everyday situations.

Federal law requires all colleges and universities that participate in federal financial aid programs to train faculty and staff on how to prevent, identify and report incidents of sexual misconduct to campus authorities. This course provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings. It also helps post-secondary institutions comply with the employee training requirements of Title IX and the Campus Sexual Violence Elimination Act (Campus Save Act). Through interactive case studies, videos and real-world examples, this course explains how to respond to known or suspected sexual violence which includes sexual assault, dating violence, domestic violence, and stalking. Examples are based on real cases that teach important concepts to build a safe campus community and create a culture that does not tolerate sexual violence. Employees will build valuable skills for assisting victims and survivors of sexual violence and reporting sexual violence.

## HEALTH PROMOTION & WELLNESS

In 2015, San Francisco State established the Health Promotion & Wellness (HPW) unit to coordinate health education and promotion efforts for the San Francisco State University community, including programs targeted at the prevention of sexual violence.

During the 2021 calendar year, San Francisco State University's Health Promotion & Wellness (HPW) unit provided the following sexual violence prevention education workshops, activities and programs in support of CSU Executive Order 1095 mandated sexual violence prevention efforts:

1. In collaboration with HPW Alcohol, Tobacco, and Other Drugs (ATOD) and Sexual Health Education programs, Equity Programs & Compliance, The SAFE Place, LGBTQ+ Student Life at SF State, HPW coordinated Dating Violence & Stalking Awareness Month in February 2021. The following workshops and events were offered for the awareness month:
  - Coffee & Convo: Dating Violence & Stalking
  - Dating While Queer Community Conversation
  - How to Be A Better Boyfriend
  - Dating in the COVID-19 Era Workshop
  - Moving Forward: a Community Space for Survivors of Stalking
  
2. In partnership with various campus partners, HPW coordinated Sexual Assault Awareness Month in April 2021 (SAAM). Campus partners include: The SAFE Place, AS Women's Center, Student Activities & Events, Phi Gamma Chi, Equity Programs & Compliance, Sexual Violence Prevention Collaborative at SF State, Student Council of Intertribal Nations (S.K.I.N.S.) of SFSU, LGBTQ+ Student Life at SF State, Counseling and Psychological Services, and Residential Life. The following workshops were offered for SAAM 2021:
  - Coffee & Convo: Sexual Assault
  - Survivors Agenda: Kitchen Table Conversation
  - How to Support Male Survivors of Sexual Assault
  - Missing and Murdered Indigenous Women, Girls and Two-Spirits (#MMIWG2S): An Open Conversation
  - Womxn of Color Healing Circles
  - Honoring Us: a mini-series on practicing accountability
  - Trauma Informed Professors & Staff (TIPS) Training
  - Sexual Violence Prevention Collaborative Staff & Faculty Info Sessions
  
3. Workshops on sex discrimination, sexual harassment, and sexual misconduct for campus Residential Life Student Leaders: On August 4, 2021, HPW conducted an updated Sexual Violence Prevention training to approximately 120 student leaders in Residential Life. This updated training includes prevention education covering affirmative consent, effective techniques for bystander intervention, and the importance of shifting norms in positively changing campus culture, while incorporating mandatory content around reporting responsibilities and procedures in compliance to CSU EO 1095. A follow-up training was also conducted in Spring 2021 that served as a refresher training, which additionally included reflection exercises to further help support student leaders in navigating their unique role.

4. Sexual violence prevention education is provided to student members of fraternities and sororities: Building on the updated content delivered to Residential Life student leaders, HPW also worked closely with Student Activities & Events to provide hybrid education on highlighting the relationship between students' rights, protections, and practical strategies to prevent sexual violence.
  
5. Sexual violence prevention education is provided to student-athletes: In AY 2020-2021, HPW also tailored its sexual violence prevention content for student-athletes. HPW provided this education in Spring 2021 and Fall 2021 that includes affirmative consent, addressing social norms and rape myths, basic bystander intervention, power and privilege, and how to support survivors. In addition, mandatory CSU EO 1095 content was included in this training to emphasize the connections between students' rights, protections, and practical strategies to prevent sexual violence.
  
6. HPW hosted The Link-Up Series, a collaboration between HPW Alcohol, Tobacco, and Other Drugs (ATOD), Sexual Health Education, and Sexual Violence Prevention Education programs. This cross-topic workshop series is designed to foster healthy relationships, while highlighting the interconnections of AOD use, consent, and healthy sexual communication as a means to provide primary prevention education to address the Redzone, the first 6-8 weeks of the academic year where sexual assault statistically is likely to increase. The following workshops were offered from early September to mid-October in 2020 as part of this series:
  - "I Did What?!" The Power of Alcohol Over Our Decisions
  - Consent 101 Workshop
  - Sexual Communication Workshop
  - Dating During COVID Workshop
  - Healthy Relationships, Sex, & Substance Use Workshop
  - Healthy Relationships Workshop
  
7. In collaboration with AS Women's Center and The SAFE Place, HPW coordinated of Domestic Violence Awareness Month (DVAM) in October 2021. HPW planned, designed, and implemented the following activities and programs in Fall 2020:
  - October is Domestic Violence Awareness Month IG Live
  - What's Trust? workshop
  - What are Boundaries? workshop
  - What's Healthy & Unhealthy? workshop
  - Pod-Mapping & Healthy LGBTQ+ Relationships workshop
  - We Get to Have it All Pt. 1 – Planning for Pleasure, Love, and Safety workshop
  - What are Trauma-Informed Relationships? Workshop
  
8. HPW continued leading Sexual Violence Prevention Collaborative (SVPC). To build campus capacity in creating programmatic and organizational changes, the steering committee met monthly to increase membership that will help push forward set of strategies, practices, and program initiatives to prevent sexual violence.

## **EQUITY PROGRAMS & COMPLIANCE**

Educational outreach and trainings are provided and facilitated to the campus community by members of the Equity Programs & Compliance team. The following policy and procedure trainings were conducted during Academic Year 2020-21:

EPC 2020-21 Academic Year Trainings

September 9, 2020 – Associated Students – Board

September 10, 2020 – Coffee & Convo about Consent (Workshop in collaboration with the SAFE Place, hosted by HPW) – Students

September 29-30, 2020 – Biology Department Training – Title IX – Students

October 7, 2020 – Coffee & Convo about Domestic Violence (Workshop in collaboration with the SAFE Place, hosted by HPW) – Students

October 20, 2020 – Associated Students - Executive Order 1096 and 1097 Training on Addendum B – Staff

November 9, 2020 – Athletics – SF State Athletics

February 3, 2021 – Coffee & Convo: Dating Violence & Stalking (Workshop in collaboration with the SAFE Place, hosted by HPW) - Students

February 5, 2021 – Philosophy Department - Staff

March 3, 2021 – FINA Department (in conjunction with DPRC) - Staff

March 15, 2021 – Engineering Department (in conjunction with DPRC) - Staff

May 3, 2021 – Athletics Staff and Coaches Title IX Training - Staff

May 13, 2021 – Greek Organizations – Title IX – Students

### **Preservation of Evidence in Cases of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking**

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

## Reporting Options

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

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

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

## Protective Orders

You may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking. University police and your campus Title IX Coordinator can offer assistance with obtaining a protective or restraining order.

### Civil Restraining Orders

New civil restraining orders are to be obtained in the court jurisdiction of where the incident had occurred. If a new civil restraining order stems from an incident located within San Francisco, the restraining order will be obtained through the City and County of San Francisco.

The City and County of San Francisco provides a detailed [online guide](#) obtaining Civil Harassment Restraining Orders, Domestic Violence Restraining Orders, Elder or Dependent Adult Restraining Orders, Gun Violence Restraining Orders, and Workplace Violence Restraining orders.



These restraining orders all require different forms that are available from the [San Francisco Superior Court website](#) or can be physically obtained at the San Francisco Civic Center Courthouse located at 400 McAllister St (Between Polk St and Van Ness Ave).

All completed forms and copies will be filed with the appropriate clerk at the San Francisco Civic Center Courthouse. Filing fees and fee waiver information can be obtained from the Superior Court website or PH# 415-551-4000.

For additional assistance, the [San Francisco Superior Court ACCESS Center](#) offers a live help line on Monday, Tuesday, and Thursday, from 0800-1600 at: 415-551-0605. The ACCESS Center will give legal information—not legal advice— regarding Restraining Orders, as well as Family Law, Small Claims Court, and Name and Gender Change. It should be noted that the ACCESS cannot be used in lieu of legal representation and information provided directly to the ACCESS Center is not confidential. For information regarding legal counsel, contact the Bar Association of San Francisco at: 415- 989- 1616.

### Emergency Protective Orders

SFSU PD Officers have the ability to issue emergency protective orders for situations in which the protection of person from being physically or sexually abused, threatened, stalked, or harassed, is of an immediate or urgent concern. Emergency Protective Orders are temporary and are valid for five (5) business days or seven (7) calendar days and must be reviewed and approved by an San Francisco Superior Court Judge. Emergency Protective Orders cannot be renewed.

### Criminal Stay Away Orders

Criminal Stay Away Orders are issued as a protective measure in relation to a criminal court case. Criminal Stay Away Orders are requested with the San Francisco District Attorney and are issued by the Judge presiding on the case. Criminal Stay Away Orders remain active during the restrained party's involvement in the criminal justice system or until lifted by the Judge.

### Filing Active Restraining Orders

In general, the protected party should have access to a copy of the restraining order, and the restraining order should be filed with the local police stations, including San Francisco State University Police.

San Francisco State University Police will obtain and hold the copy of the restraining order in our records system. Violations of the restraining order should be reported to the police.

### Supportive Measures

Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether a Formal Complaint is filed. Supportive Measures are designed to restore or preserve equal access to CSU education programs or activities, or the workplace without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational or work environment. Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, campus escorts, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator/DHR Coordinator is responsible for coordinating the effective implementation

of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures.

### Written Notification

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

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

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

Any person interested in obtaining supportive measures should contact San Francisco State University Title IX Coordinator Heather Borlase at [hborlase@sfsu.edu](mailto:hborlase@sfsu.edu) or [equityprograms@sfsu.edu](mailto:equityprograms@sfsu.edu).

Attachment D also informs victims that disciplinary procedures for sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking will:

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

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

### Disciplinary Procedures

The following statements are excerpts from the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \("the Policy"\)](#). As required by law, the excerpts in this Annual Security Report capture the steps, decisionmakers, and anticipated timelines for both formal and informal resolution processes, as applicable. For details beyond the steps, decisionmakers, and anticipated timelines, please see the policy.

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

Heather Borlase is the Title IX Coordinator for San Francisco State University. She can be reached at [hborlase@sfsu.edu](mailto:hborlase@sfsu.edu), [equityprograms@sfsu.edu](mailto:equityprograms@sfsu.edu) and (415)338-2032. To report misconduct, please use this link: [Title IX/DHR Incident Reporting Form \(maxient.com\)](https://cm.maxient.com/reportingform.php?SFStateUniv&layout_id=3). URL: [https://cm.maxient.com/reportingform.php?SFStateUniv&layout\\_id=3](https://cm.maxient.com/reportingform.php?SFStateUniv&layout_id=3)

Complaints against a Chancellor's Office employee, or a campus Title IX Coordinator/ Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator") will be made to the Chancellor's Office at [eo-wbappeals@calstate.edu](mailto:eo-wbappeals@calstate.edu).<sup>4</sup>

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

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

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

All persons involved in implementing these procedures (e.g., the campus Title IX Coordinator and any Deputy Title IX Coordinator(s), Investigators, Human Resource Directors and Hearing Officers presiding over hearings) shall have relevant annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking. Such annual training shall include the CSU complaint processes, as well as the handling,

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<sup>4</sup> Complaints against a President should be made to the Chancellor's Office, but only if it is alleged that the president directly engaged in conduct that violates the Policy. Any other Complaints against a president (for example, that the president had no substantial involvement other than to rely on or approve a recommendation made by another administrator) will be made to and addressed by the campus.

investigation, and analysis of complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking. The annual training shall also address applicable confidentiality issues, especially with respect to the Title IX Coordinator's duty to weigh any victim's request for confidentiality against the duty to provide a safe and nondiscriminatory environment for all members of the campus community. For matters involving Sexual Misconduct, Sexual Exploitation, Dating and Domestic Violence, and Stalking, the training shall also include how to conduct an investigation and hearing process that protects the safety of the person(s) involved and promotes accountability.

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

### Applicable Procedures

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

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

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

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

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

## The Track System

There are three possible sets of procedures ("tracks") for formal resolution of Complaints against a Student <sup>5</sup>(Track 1, Track 2, Track 3) as required by federal and state law. There are two sets of procedures ("Tracks") for formal resolution of Complaints against an Employee or a Third-Party (Track 1 or Track 3) as required by federal and state law. The remaining track, track 2: State Mandated Hearing Process, is not applicable to Complaints against Employees or Third-Parties, as it applies only to certain Complaints against Students. Which procedure applies to any given Complaint will depend on a variety of factors described below. Questions about which procedures apply to any specific case should be directed to the campus Title IX Coordinator and/or the Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator").

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

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

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

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

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<sup>5</sup> A Complaint against a Student-Employee where the alleged conduct arose out of the Respondent's status as an Employee and not their status as a student, should be made using the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-Party.

## Standard of Evidence

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

## Dismissal/Referral

When the Title IX Coordinator receives a Formal Complaint under Track 1, or where new information or events arise under this Track, the Title IX Coordinator will assess whether the Formal Complaint meets the requirements of the Federal Regulations to move forward under the process under Track 1. A determination that allegations in a Formal Complaint do not meet the requirements of the Federal Regulations will result in a mandatory dismissal of the allegations in the Formal Complaint that do not meet the requirements and, in some cases, a referral of the allegations to another process as the campus may have an obligation to address the matter under other laws and policies. The Title IX Coordinator will determine whether allegations in a Formal Complaint must be dismissed for purposes of the Federal Regulations. If a Formal Complaint is dismissed it may still be referred, if appropriate, to be addressed under the processes in Track 2 or Track 3, CSU Executive Order 1098, or other applicable policies.

At any time after a Complaint has been accepted for investigation, it is within the discretion of the Title IX Coordinator/DHR Administrator to dismiss a Complaint, or any part of a Complaint, if the Complainant notifies the Title IX Coordinator/DHR Administrator in writing that they would like to withdraw the Complaint or any part of it, or if the specific circumstances prevent the campus from gathering evidence necessary to reach a determination as to the Complaint or part of the Complaint.<sup>6</sup>

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

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

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

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

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

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<sup>6</sup> Formal complaints under track 1 may be discretionarily dismissed for the additional reason that the Respondent is no longer a student or Employee

Equal Opportunity and Whistleblower Compliance Unit

Systemwide Human Resources

Office of the Chancellor

401 Golden Shore

Long Beach, California 90802

[eo-wbappeals@calstate.edu](mailto:eo-wbappeals@calstate.edu)

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

### Informal Resolution

The CSU recognizes some Parties may desire resolution of their matter through an Informal Resolution process ("Informal Resolution"), instead of through the formal resolution process (described below). Accordingly, Parties may mutually agree, with the agreement of the Title IX Coordinator, to resolve a Complaint through an Informal Resolution process, instead of undergoing the formal resolution process<sup>7</sup>. The Informal Resolution process is entirely voluntary and will not occur unless both Parties agree in writing to participate in an Informal Resolution process.

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

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

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

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<sup>7</sup> Track 1, a Formal Complaint must be filed before the informal resolution process may take place and that under Track 1, informal resolution cannot be used to resolve allegations that an employee sexually harassed a student.

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

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

## Investigation and Hearing for Track 1

### *Supportive Measures*

After receiving a report of Sexual Harassment, the Title IX Coordinator will contact the Complainant promptly to discuss the availability of Supportive Measures. The Title IX Coordinator will conduct an intake meeting with any Complainant who responds to outreach communication, or otherwise makes a report of a potential Policy violation to discuss the Complainant's options, explain the process, and provide information about Supportive Measures. During the discussion, the Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint<sup>8</sup>, and explain the process for filing a Formal Complaint.

### *Notice of Allegations*

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

### *Investigation of a Formal Complaint*

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

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

The Complainant and the Respondent may each elect to be accompanied by an Advisor to any meeting, interview, or proceeding regarding the allegations that are the subject of a Formal

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<sup>8</sup> Formal Complaint means a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature<sup>15</sup> or a document signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting an investigation of the allegation of Sexual Harassment. At the time that the Formal Complaint is filed, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the CSU.



Complaint. The advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or, in the case of the Complainant, a Sexual Assault Victim's Advocate.

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

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

#### *Review of Evidence*

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

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

- Meet again with the investigator to further discuss the allegations.
- Identify additional disputed facts.
- Respond to the evidence in writing.
- Request that the investigator ask additional specific questions to the other Party and other witnesses.
- Identify additional relevant witnesses.
- Request that the investigator gather additional evidence.

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

#### *Final Investigation Report*

After the review of evidence phase is concluded, the Parties will receive a final investigation report that will summarize all Relevant evidence (inculpatory and exculpatory), including additional Relevant evidence received during the review of evidence. Any Relevant documentary or other tangible evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator

will be attached to the final investigation report as exhibits. The final investigation report shall be sent to the Parties and their respective advisors, if any, in electronic format (which may include use of a file sharing platform that restricts the Parties and any Advisors from downloading or copying the evidence) or hard copy. The Parties and their advisors will be provided 10 Working Days to review and provide a written response to the final investigation report.

#### *Timeframe*

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

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

#### *Track 1 Hearing*

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

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

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

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

The hearing will begin with an overview of the hearing process given by the hearing officer, after which the Parties will be given an opportunity to ask questions about the hearing process. Each

Party will be given an opportunity to make an opening statement that may not last longer than 10 minutes. Only the Parties themselves will be permitted to make opening statements. The hearing advisor and any advisor are not permitted to make the opening statement. The advisor may not speak during the hearing. Closing arguments will not be made.

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

#### *Determination Regarding Responsibility Under Track 1*

After the hearing, the hearing officer will make written findings of fact and conclusions about whether the Respondent violated the Policy with respect to the definition of Sexual Harassment<sup>9</sup>. The hearing coordinator will Simultaneously send the hearing officer's report promptly to the Parties, the Title IX Coordinator, and the appropriate campus administrator, usually within 15 Working Days of the close of the hearing.

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

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

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

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

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<sup>9</sup> See definition of Sexual Harassment in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#)

The president (or designee) will simultaneously send the decision letter electronically to the Respondent and Complainant at the campus-assigned or other primary email address linked to their campus accounts.<sup>10</sup> The decision letter will include:

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

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

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

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

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

In matters where a hearing is not required (Track 3 cases)<sup>11</sup>, a final investigation report will be provided to the Parties along with a notice of investigation outcome. The final investigation report will include a summary of the allegations, the investigation process, the Preponderance of the Evidence standard, a detailed description of the evidence considered, analysis of the evidence including relevant credibility evaluations, and appropriate findings. Relevant exhibits and

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<sup>10</sup> Communication with Parties who are neither Students nor Employees will be sent to an email address that they designate.

<sup>11</sup> Under Track 2, the process will proceed to a hearing, as outlined below, and the final investigation report will include all of the information included in the preliminary investigation report as well as additional relevant evidence received during the review of evidence. Any relevant evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator, will be attached to the final investigation report, or made available for review by the Parties. Evidence offered by the Parties or any other witnesses that the Investigator concluded is not relevant will be noted but not included in the final investigation report and should be available at the time of the hearing such that it can be provided to the hearing officer if requested.

documents will be attached to the written report. The final investigation report will be attached to a notice of investigation outcome. The notice may be delivered to the Parties electronically. If the notice includes a determination that the Policy was violated, the Title IX Coordinator/DHR Administrator will notify the campus student conduct administrator (where the Respondent is a student)/appropriate campus administrator (where the Respondent is an employee) of the investigation outcome and provide a copy of the final investigation report.

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

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

*Track 2 Hearing process:*

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

Prior to a hearing:

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

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

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

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

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

Days before the hearing, the Parties will submit to the hearing coordinator any objections to, or questions about, the witness list.

**At the hearing:**

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

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

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

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

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

**After the hearing:**

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

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

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

aggravating and mitigating factors no later than 5 Working Days after the hearing officer's report is sent to the Parties.

Within 5 Working Days after receiving and considering the statements described above, the hearing officer will submit the hearing officer's report to the president (or designee), including recommended sanctions (as defined in Executive Order 1098 Student Conduct Procedures<sup>12</sup>) if a Respondent has been determined to have violated university Policy.

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

## Sanctions

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

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

The following sanctions may be imposed for violation of the Student Conduct Code:<sup>13</sup>

- **Restitution.** Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.
- **Loss of Financial Aid.** Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, canceled or denied.<sup>8</sup>
- **Educational and Remedial Sanctions.** Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities and sororities), and/or University events, or other remedies intended to discourage similar misconduct or as deemed appropriate based upon the nature of the violation.
- **Denial of Access to Campus or Persons.** A designated period of time during which the Student is not permitted: (i) on University Property or specified areas of Campus,<sup>9</sup> or (ii) to have contact (physical or otherwise) with the Complainant, witnesses or other specified persons.
- **Disciplinary Probation.** A designated period of time during which privileges of continuing in Student status are conditioned upon future behavior. Conditions may

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<sup>12</sup> See Sanctions, below

<sup>13</sup> Found in Article V, Executive Order 1098 Student Conduct Procedures

include the potential loss of specified privileges to which a current Student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate the Student Conduct Code or any University policy during the probationary period.

- **Suspension.** Temporary separation of the student from active Student status or Student status.
  - A Student who is suspended for less than one academic year shall be placed on inactive Student (or equivalent) status (subject to individual Campus policies) and remains eligible to re-enroll at the University (subject to individual Campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
  - A Student who is suspended for one academic year or more shall be separated from Student status but remains eligible to reapply to the University (subject to individual Campus application policies) once the suspension has been served. Conditions for readmission may be specified.
  - Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the student's transcript permanently without exception; this requirement shall not be waived in connection with a resolution agreement.
- **Expulsion.** Permanent separation of the Student from Student status from the California State University system. Expulsion, withdrawal in lieu of expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the student's transcript permanently, without exception; this requirement shall not be waived in connection with a resolution agreement.

## Appeals

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

Equal Opportunity and Whistleblower Compliance Unit

Systemwide Human Resources

Office of the Chancellor

401 Golden Shore

Long Beach, California 90802

[eo-wbappeals@calstate.edu](mailto:eo-wbappeals@calstate.edu)

The Chancellor's Office will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the campus Title IX Coordinator/DHR Administrator. The



notice will include the right of the non-appealing Party and the campus to provide a response to the appeal within 10 Working Days of the date of the notice. The appeal response will be limited to 3,500 words, excluding exhibits. Any response to the appeal received by the Chancellor's Office will be provided to the appealing Party for informational purposes only.

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

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

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

The Chancellor's Office will respond to the appealing Party no later than 30 Working Days after receipt of the written appeal unless the timeline has been extended<sup>14</sup>

### Registered Sex Offenders

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

### Missing Student Notification Procedures for On-campus Student Housing Facilities

When a residential student is missing, students, employees or other individuals not affiliated with the University should make a report to the University Police Department within 24 hours of the student's presence being a concern. It is the policy of Residential Life at San Francisco State to investigate any report of a missing student living in one of the University's residence halls or apartments before referring the matter to the University Police Department.

All students residing in a campus residence hall or apartment have the option to register one or more individuals to be a contact strictly for missing person's purposes. All students residing in a campus residence hall or apartment are requested to complete a Confidential and/or Emergency Contact form upon completing their License Agreement. The License Agreement is collected in advance of the student checking in to University residences. This contact can be anyone. Residential Students have this option even if they have already identified a general emergency contact. This contact information is registered confidentially and is only available to authorized campus officials. The information will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation.

San Francisco State understands that students may make individual arrangements to stay outside of the University residences. As such, the location of students in the halls and apartments is not monitored by Student Leaders or other University staff. However, if there is a reason to believe a student is missing, all reasonable efforts will be made by Residential Life staff to locate the student to determine their state of health and well-being. These efforts include, but are not limited to:

- calling the student's cell phone number
- checking the student's room,
- speaking with friends and/or roommates,
- checking ID meal access, package logs, and OneCard Muni/BART access

Residential Life should expend no more than 8 hours on attempts to locate the student before referring to University Police. Upon these efforts being exhausted with no successful contact of the

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<sup>14</sup> The Chancellor's Office has discretion to extend the timelines for the appeal process for good cause or for any reasons deemed to be legitimate by the Chancellor's Office. This includes the time for filing an appeal, the time for a reopened investigation or hearing to be completed, and the time for the Chancellor's Office to respond to the appeal. The Chancellor's Office will notify the Parties and the Title IX Coordinator of any extensions of time granted pertaining to any portion of the appeal process.

student, Residential Life team members will immediately refer all official missing student reports to the University Police Department at 415-338-2222.

Further, Residential Life staff will notify the Director of Residential Life (or their designee) and write an Incident Report detailing the efforts to locate the student reported as missing. The Director of Residential Life (or their designee) will contact the Associate Vice President & Dean of Students reporting all obtained information. The Dean of Students will in turn notify the Vice President for Student Affairs & Enrollment Management.

If upon investigation by the University Police Department the student is determined missing, staff from the University Police Department and/or Student Affairs & Enrollment Management will contact the resident's designated Confidential or Emergency Contact within 24 hours.

The University Police Department will also notify the local law enforcement agency within 24 hours of the official determination that a residential student is missing. This notification can be accomplished via the Missing and Unidentified Persons (MUPS) law enforcement database.

For any non-emancipated student under the age of 18, San Francisco State University will notify a custodial parent or guardian, in addition to any other individual designated on the Confidential or Emergency Contact form, with 24 hours of the University Police Department determining that they are missing. University Police will continue to investigate, utilizing established procedures in collaboration with staff from Residential Life, other campus offices and local law enforcement agencies. University Police will make contact with the student's parents or legal guardian when a Confidential and/or Emergency Contact form cannot be located or has not been provided.

### **Fire Safety Report**

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

[https://reslife.sfsu.edu/sites/default/files/documents/Fire\\_safety\\_report2022.pdf](https://reslife.sfsu.edu/sites/default/files/documents/Fire_safety_report2022.pdf)

## Appendix A: Jurisdictional Definitions

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

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

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

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

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

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

(A) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

#### Sodomy (CA Penal Code Chapter 1 Section 286)

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

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

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

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

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

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

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

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

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim’s will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable

possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

(h) Any person who commits an act of sodomy, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by

imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding the existence of a conservatorship pursuant to the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

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

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

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

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

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

#### Oral Copulation (CA Penal Code Chapter 1 Section 287)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Was unconscious or asleep.

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



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

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

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

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

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

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

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

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

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

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

### Section 285

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

### Section 289

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

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

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

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

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

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

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital

for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

(k) As used in this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Sexual assault.

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

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

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

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

- (a) A spouse or former spouse.
- (b) A cohabitant or former cohabitant, as defined in Section 6209.
- (c) A person with whom the respondent is having or has had a dating or engagement relationship.
- (d) A person with whom the respondent has had a child, where the presumption applies that the male parent is the father of the child of the female parent under the Uniform Parentage Act (Part 3 commencing with Section 7600) of Division 12).
- (e) A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.
- (f) Any other person related by consanguinity or affinity within the second degree.

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

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

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

- (1) The offender’s spouse or former spouse.
- (2) The offender’s cohabitant or former cohabitant.
- (3) The offender’s fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship.
- (4) The mother or father of the offender’s child.

#### CA Penal Code 243(e)

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

#### Stalking: CA Penal Code, Chapter 2, Section 646.9

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

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

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

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

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

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

In prosecutions under Section 261, 286, 287, or 289, or former Section 282 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.