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Executive Vice Chancellor
and Chief Financial Officer

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October 1, 2024

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RE: Campus Climate Notifications pursuant to the State Budget Act of 2024

The California State University (CSU) is committed to free expression as an essential component of its educational mission. To support and achieve that mission, the CSU must maintain an environment where its work can be conducted without disruption, in accordance with the highest standards of institutional integrity, and with recognition of the rights, privileges and responsibilities of university community members and members of the public.

The attached report is submitted in compliance with the State Budget Act of 2024 (SB 108) and provides extensive information on the [Interim Systemwide Time, Place and Manner Policy](#) that was issued on August 15, 2024 and the campus notifications that were distributed prior to the start of the fall semester.

Should you have any questions about this report, please contact Nathan Dietrich, Assistant Vice Chancellor, Advocacy and State Relations at (916) 445-5983.

CSU Campuses
Bakersfield
Channel Islands
Chico
Dominguez Hills
East Bay

Fresno
Fullerton
Humboldt
Long Beach
Los Angeles
Maritime Academy

Monterey Bay
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Pomona
Sacramento
San Bernardino
San Diego

San Francisco
San José
San Luis Obispo
San Marcos
Sonoma
Stanislaus

CSU Report: SB 108 Campus Climate Notification

October 1, 2024

Page 2

Sincerely,


Bradley Wells (Sep 30, 2024 14:37 PDT)

on behalf of

Steve Relyea
Executive Vice Chancellor and
Chief Financial Officer

SR:dr

Full report posted to <https://www.calstate.edu/impact-of-the-csu/government/Advocacy-and-State-Relations/Pages/legislative-reports.aspx>

c: Chancellor Mildred García
Members, California State Legislature
Members, Joint Legislative Budget Committee
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Jeni Kitchell, Assistant Vice Chancellor for Finance and Budget Administration
Ray Murillo, Interim Assistant Vice Chancellor, Student Affairs, Equity, and Belonging
Jeanne Tran-Martin, Interim Director, Student Affairs Programs

Campus Climate Notification Report Pursuant to the State Budget Act of 2024 (SB 108)

**The California State University
Office of the Chancellor**

October 1, 2024

Background

The State Budget Act of 2024 (SB 108), required the California State University (CSU) develop a “systemwide framework to provide for consistency with campus implementation and enforcement” of regulations governing free speech activities and how students, staff and faculty shall be able to safely access educational activities. This report submitted by the CSU complies with the Budget Act of 2024, which included the following section:

It is the intent of the Legislature that the California State University foster freedom of expression and the free exchange of ideas that comply with state and federal law and campus policies while also protecting student, staff, and faculty safety and access to educational opportunities. Each campus of the university shall prepare a campus climate notification by the beginning of the Fall 2024 term. The California State University Chancellor’s Office will develop a systemwide framework to provide for consistency with campus implementation and enforcement.

- (a) Each campus shall provide notification of the following to students before the start of each academic year:
1. The campus’s time, place, and manner policy, which identifies the allowable parameters of free speech activities and the campus.
 2. The Student Code of Conduct, which identifies acceptable student behavior, and relevant state and federal laws, which delineate legal and illegal activities.
 3. The systemwide Nondiscrimination Policy, which ensures compliance with Title VI and Title VII of the Civil Rights Act of 1964.
 4. The process by which the campus will resolve any complaint of a violation of relevant institutional policies, state law, or federal law, including complaints against individuals not affiliated with the campus.
 5. The range of consequences possible for students, faculty, or staff who violate relevant institutional policies, state law, or federal law, including, but not limited to, discrimination based on shared ancestry under Title VI of the Civil Rights Act of 1964.
 6. How the campus may respond to activities that threaten the safety of students, faculty, or staff, and disrupt their ability to access the campus or buildings, the

educational process, or activities on campus. The notification will include strategies consistent with current law for how the university intends to ensure students can safely access buildings and activities on campus.

7. How the campus intends to foster healthy discourse and bring together campus community members, and viewpoints that are ideologically different, in order to best promote the educational mission of the institution and the exchange of ideas in a safe and peaceful manner.
8. Educational programs and activities for faculty, staff, and students to support the balance between free speech activities, educational mission, and student safety.
9. A list of the resources available on campus for faculty, staff, and students to receive mental health and trauma support.

(b) The Chancellor's Office of the California State University shall submit a report to the Legislature by October 1, 2024, in compliance with Section 9795 of the Government Code, describing the campus climate notifications and any and all efforts to ensure consistent enforcement of institutional policies, and state and federal law, that protect safety and access to educational opportunities and campus spaces and buildings.

Implementation

In response to the language in the Budget Act of 2024, Chancellor Mildred García appointed an interdisciplinary policy work group to draft a systemwide Time, Place and Manner policy. This policy aims to serve as a framework to provide consistency across the CSU as it relates to all activities on university property. The systemwide framework was drafted utilizing existing university policies and Free Speech statements across the twenty-three universities. The CSU provided an opportunity for all twenty-three universities, the Academic Senate of the CSU, and the Cal State Student Association to provide feedback on the policy. Additionally, listening sessions to receive feedback on the policy were conducted with several university stakeholders including presidents, vice presidents for student affairs, vice presidents for academic affairs, vice presidents of human resources and faculty affairs, chief diversity officers, university chiefs of police, and student conduct administrators and others.

On August 15, 2024, the CSU issued an [Interim Systemwide, Time, Place and Manner Policy](#) (Attachment A). The policy is effective immediately for all students, non-represented employees, and non-affiliates. However, it is considered interim policy because it will not be effective for represented employees until the meet and confer process is complete. During that time, the previously negotiated campus Time, Place and Manner policy will continue to apply to represented employees for that campus. Following the conclusion of the meet and confer process, the systemwide Time, Place and Manner policy will apply to all employees in all respects.

The policy includes the following articles:

- Statement of values
- Purpose
- Scope
- Public, limited and non-public areas
- Assemblies, marches, demonstrations and protests
- Scheduled events and demonstrations
- Spontaneous activities, unscheduled events and demonstrations

- Prohibited activities and uses on university property
- Activities and uses on university property requiring written permission
- Non-affiliates on university property
- University response to activities that violate this policy, threaten safety or disrupt university activities
- Educational programs and activities to support the balance between free speech activities, educational mission and student safety
- Resources for mental health and trauma support for employees and students
- Designated university official with oversight, implementation and enforcement responsibility, and designated university law enforcement liaison
- Policy definitions

The policy required that each university complete a template Campus Addendum (Attachment B) setting forth additional campus-specific time, place and manner regulations and other important information. Each addendum also includes information on:

- A Designated University Official who is responsible for the oversight and implementation of the policy
- A Designated University Law Enforcement Liaison to serve as the liaison between students and university law enforcement
- A University Response Team to support implementation of the policy
- Information on university-based educational activities to support the balance between free speech activities, educational mission and student safety
- Resources for mental health and trauma support
- Information on recognized student organizations

The unfettered exchange of information and ideas is critical in learning and in a free society and the CSU is committed to ensuring that individuals and groups have wide latitude to lawfully exercise the right of free expression and that their constitutionally protected right to free expression is not abridged. Freedom of expression, however, is not an absolute right. It coexists with other rights and the need for public order and safety. The exercise of freedom of expression and assembly rights must comply with all applicable federal, state, and local laws, and University policies, including CSU's [Interim Nondiscrimination Policy](#). Prohibited activity not protected by the First Amendment nor permitted by the Interim Time, Place and Manner Policy includes, but is not limited to:

- Unlawful discrimination
- Harassment
- Defamation
- Terrorist threats
- False advertising
- Vandalism
- Property damage
- Trespass
- Occupation of a building or facility
- Refusal to disperse during an unlawful assembly, riot or unsafe condition
- Promotion or incitement of actual or imminent violence or harm

The CSU Interim Systemwide Time, Place and Manner Policy outlines how the university will respond to activities that violate its policy, threaten safety or disrupt university activities for students, employees and non-affiliates. To ensure consistency in enforcement and implementation of the policy, the division of Academic and Student Affairs is leading an interdisciplinary Training and Education team that has implemented several training sessions for informing university-level administrators and staff about systemwide procedures for the Interim Systemwide Time, Place and Manner Policy. To date, the following meetings and training sessions have been held:

- September 17, 2024: Training and Discussion session for Designated University Officials
- September 26, 2024: Training Session for University Presidents, University Police Chiefs and Designated University Officials with input and guidance from Chief Donald O'Keefe (California Office of Emergency Services)
- October 3, 2024: Training and Discussion session for Designated University Officials

These meetings are intended to provide timely guidance and resource sharing among the universities. The Training and Education team will be hosting biweekly Lunch and Learn sessions on relevant topics with guest speakers and weekly check-in meetings to answer questions and provide policy guidance to support the universities. Both of these sessions will be hosted throughout the fall 2024 term.

Notifications

To comply with the law and raise awareness of these important policies, a notification to all students and employees was sent about the requirements of Budget Act of 2024. The CSU polices that were sent out all students and employees included the CSU's [Interim Systemwide Time, Place and Manner Policy](#), [Interim Nondiscrimination Policy](#) (which incorporates Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and other state and federal laws; Attachment C) and the [Student Conduct Process Policy](#) (Attachment D).

Identical notifications were sent to all students before the start of the fall 2024 term. The notifications were signed by the Chancellor and all twenty-three presidents (Attachment E). An employee notification was also sent at the start of the fall 2024 term (Attachment F). The notification and campus addendum addressed all elements that were requested in SB 108.

On August 28, 2024, Chancellor García issued a [Chancellor's Directive on Prohibited Activities](#) to the university community. Employees were notified of this directive via university presidents (Attachment G).

The Chancellor's Office has created a systemwide website (www.calstate.edu/tpm) that includes a [frequently asked questions](#) page, links to all relevant systemwide policies, and direct links to each campus addenda. An [informational video](#) was also created to accompany the student notification to provide the information in various communication methods.

Conclusion

The CSU is committed to ensuring members of our university community have ample opportunities to express their views on issues important to them. In recognition of this systemwide commitment and framework, the Chancellor's Office is distributing \$2,000,000 to universities to develop or enhance educational plans that support free and expressive activities

at each university. Examples of such activities from each university are included in Attachment H. The CSU remains engaged in ongoing education and training efforts at the system level and at each university.

The CSU has an unwavering commitment to fostering robust discourse and exchange of ideas without disruption and in a safe and peaceful manner. The CSU will sustain a learning environment that supports the free and orderly exchange of ideas, values, and opinions, recognizing that individuals grow and learn when confronted with differing views, alternative ways of thinking, and conflicting values. The Interim Systemwide Time, Place and Manner Policy, adherence to state and federal laws and regulations and university-wide notifications will ensure university communities are safe and can thrive.

Attachment A: Interim Systemwide Time, Place and Manner Policy

Status **Active** PolicyStat ID **16412929**



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Effective 8/15/2024
Reviewed 8/15/2024
Next Review 8/15/2025

Owner Dilcie Perez:
Deputy Vice
Chancellor ASA
Area Academic and
Student Affairs

Interim Systemwide Time, Place and Manner Policy

I. Statement of Values

The California State University (CSU) seeks to foster healthy discourse and exchange of ideas in a safe and peaceful manner, by sustaining a learning environment that supports the free and orderly exchange of ideas, values, and opinions, recognizing that individuals grow and learn when confronted with differing views, alternative ways of thinking, and conflicting values. The search for knowledge requires the freedom to speak openly about concerns and issues. All members of the University¹ community and the public are free to lawfully exercise their right to freedom of expression on University Property within the rules and regulations established by this Policy.

Freedom of expression is a cornerstone of a democratic society and is essential to the educational process. Institutions of higher education have a special obligation to encourage and support the free expression of ideas, values, and opinions, even where they may be unpopular or controversial. The University accepts and embraces this obligation, recognizing that such expression may take a variety of forms, including, but not limited to, speeches, signs, written materials, assemblies, parades, marches, demonstrations, protests, and artistic representation.

Acknowledging the significant role the unfettered exchange of information and ideas plays in learning and in a free society, the University shall ensure that individuals and groups have wide latitude to lawfully exercise the right of free expression and that their constitutionally protected right to free expression is not abridged. Freedom of expression, however, is not an absolute right. It coexists with other rights and the need for public order and safety. The exercise of freedom of expression and assembly rights must comply with all applicable federal, state, and local laws, and University policies, including CSU's [Nondiscrimination Policy](#). Prohibited activity not protected by the First Amendment nor permitted by this Policy includes but is not limited to unlawful discrimination, harassment, defamation, terrorist threats, false advertising, vandalism, property damage, trespass, occupation of a building or facility, refusal to disperse, or the promotion or incitement of actual or imminent violence or harm.

All members of the University community should recognize that causing discomfort or causing offense

is not a basis for the University to limit free expression. At the same time, we must recognize that freedom of expression includes a responsibility to respect the dignity of others, to acknowledge the right of others to express differing opinions, and to do so in a lawful manner. Sometimes, freedom of expression activities (including posted or published materials) direct hurtful and/or hateful messages toward an individual or group. While there will be disagreements over what may constitute acceptable or appropriate comment, there can be no question, particularly in a university setting, that freedom of expression, as guaranteed by the First Amendment, is a cherished and protected right. Accordingly, the University promotes expression of differing points of view and the right to express oneself. While one may find certain expressions or materials to be quite offensive or even insulting, the appropriate way to counteract such materials is through discourse, criticism, and the expression of contrary points of view. Freedom of expression is allowed and supported as long as it does not violate other laws or University policies and procedures.

CSU's [Academic Freedom Policy](#) sets forth the meaning of Academic Freedom and is incorporated into this Policy. It is the policy of the CSU to support Academic Freedom, and the CSU will ensure that instructional faculty are entitled to full freedom in research and in the publication of the results. Instructional faculty are entitled to academic freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matter which has no relation to their subject. Faculty should be clear that when they are expressing their views as private citizens they are not acting as an institutional spokesperson and should show proper restraint and respect for the opinions of others, which may differ from their own.

II. Purpose

To support and achieve its educational mission and educational access for all, the CSU has an obligation to maintain an environment in which the operations of the University can be conducted without disruption, in accordance with the highest standards of institutional integrity, academic freedom, freedom of expression, and recognition of the rights, privileges and responsibilities of University community members and Non-Affiliates. The purpose of this systemwide Policy is to facilitate academic freedom, freedom of expression, and CSU's educational mission while protecting the right to learn and work in a safe environment.

The CSU may establish rules and regulations for the government and maintenance of the buildings and grounds of the CSU (Cal. Education Code § 89031). This Policy establishes these rules and regulations and governs the use of all University Property throughout all Universities and the Chancellor's Office and applies to all persons and groups accessing or using University Property, including all Students, Employees, recognized CSU auxiliary organizations and their employees, and Non-Affiliates. This Policy applies to all forms of expressive activity conducted on University Property and sets forth time, place, and manner regulations to ensure that persons and groups engaging in lawful expressive activities are protected and do not disrupt University operations or infringe on the rights of others. All persons and groups accessing or using University Property must abide by all applicable CSU policies and the law.

The CSU recognizes that some actions will disrupt the orderly operations of the University and/or raise significant security or safety concerns. While the University may not limit the content or viewpoints of what is expressed on University Property, including at assemblies, marches, protests and

demonstrations, the University may limit when, where and how these activities take place through Content and Viewpoint Neutral time, place, and manner restrictions.

This Policy will be enforced to ensure the safety and wellbeing of the University community while protecting lawful free expression activities and sets forth the consequences for those who violate this Policy, related policies, or applicable federal, state, or local laws. All criteria for assessing events, activities, incidents, and violations under this Policy shall be applied in a Content and Viewpoint Neutral manner. Every person who violates or attempts to violate these rules and regulations is guilty of a misdemeanor (Cal. Education Code § 89031).

The Chancellor's Office and each University will publish a [Campus Addendum](#) (included with this Policy) setting forth additional Campus-specific time, place, and manner regulations and other information. Except where noted or where other policies are incorporated by reference, this Policy and each [Campus Addendum](#) are the controlling documents regarding the CSU's systemwide time, place, and manner policy and regulations, and supersede all previous time, place and manner policies and regulations.

This Policy is not intended to interfere with the statutory rights provided by the Higher Education Employer-Employee Relations Act (HEERA) or the terms of an applicable Collective Bargaining Agreement and does not prohibit CSU unions from communicating with their members regarding union-related activities or engaging in protected or concerted activities otherwise allowed under HEERA or an applicable Collective Bargaining Agreement.

III. Scope

This Policy applies to all persons and groups who access and use University Property, including Non-Affiliates:

- A. All use and activities must be conducted in conformance with all applicable federal, state, and local laws, as well as all University policies, procedures, and regulations.
- B. All use and activities must not disrupt University operations and events, or academic classes and activities.
- C. Conduct and/or statements that constitute unlawful discrimination, harassment, retaliation, or stalking are not protected by academic freedom or freedom of expression and may be actionable under CSU's [Nondiscrimination Policy](#), as well as applicable civil or criminal laws. The University must provide a nondiscriminatory educational and working environment.
- D. During certain University events (e.g., commencement, open house, orientation, convocation, and homecoming), priority will be given to those event-related activities over other activities that are not related to prioritized University events.
- E. Access to and use of certain University Property must be scheduled and/or registered in advance, as more fully set forth in each [Campus Addendum](#). Certain uses of University Property may be subject to fees, require liability insurance, and/or an indemnity agreement which must be provided by those who seek to engage in such uses. The University reserves the right to charge reasonable fees (e.g., security, rent, custodial, insurance) for activities and events on a Content and Viewpoint Neutral basis.
- F. All users assume responsibility for all damage they cause to University Property. Failure to pay

for damage to University Property may jeopardize future access to and/or use of University Property and can result in discipline for Students and Employees, and sanctions for Non-Affiliates, as well as civil or criminal action.

- G. Each University's President and Chief of Police or designee will determine the type of security or mutual aid necessary for all activities and events based on the public safety needs of any event or incident on or around University Property. Each event or incident will be considered on a case-by-case basis to determine appropriate staffing and other security and safety measures.

IV. Public, Limited, and Non-Public Areas

For purposes of the time, place, and manner regulations set forth in this Policy and each [Campus Addendum](#), the following terms shall apply:

A. Public Areas

A Public Area is University Property that is available for assemblies, marches, demonstrations, and protests. Right of access and equality of access are provided in these areas, so long as activities are lawful and do not disrupt University operations. Content-based restrictions are prohibited, but reasonable time, place and manner regulations will be applied. Spontaneous activities may take place in Public Areas without pre-scheduling or reservations except when Public Areas are reserved for specific uses and not available for general public use or spontaneous activities, as determined by the University. **See the applicable [Campus Addendum](#) for details regarding Campus-specific Public Areas.**

B. Limited Areas

A Limited Area is University Property that is available to the public but due to business operations, safety concerns, or other important University interests, is not open for purposes of assembling, marching, demonstrating or protesting. Activities in these areas may require scheduling and/or reservations with the University, and are available on a limited basis, subject to campus regulations that are narrowly tailored to address the University's legitimate business interests. **See the applicable [Campus Addendum](#) for details regarding Campus-specific Limited Areas.**

C. Non-Public Areas

Except for areas designated as Public Areas and Limited Areas, all remaining University Property, including the interiors of buildings and facilities are Non-Public Areas. These areas are not open to the public and the University can restrict access to Non-Public Areas on a Content and Viewpoint Neutral basis. **See the applicable [Campus Addendum](#) for details regarding Campus-specific Non-Public Areas.**

V. Assemblies, Marches, Demonstrations and Protests

Individuals and groups may assemble, march, demonstrate, and protest on University Property in Public Areas at all times **except** outside the posted operating hours for each University (see [Campus](#)

[Addendum](#)), when reserved by other users, or as otherwise prohibited by this Policy, to engage in speech and expression, including the solicitation of signatures on noncommercial petitions, provided such activities do not disrupt the functions, operations, and events of the University or interfere with the rights of others, including, but not limited to, compelling persons to be an involuntary audience or jeopardizing the safety of persons or property. Those engaged in the exercise of free speech and assembly rights shall not:

- A. Disrupt class instruction or other scheduled academic, educational, or cultural/arts programs, speakers or performers on University Property, or the use of University libraries, other approved University Property uses and reservations, or other University resources or operations.
- B. Obstruct pedestrian or vehicular traffic, or otherwise endanger persons or property.
- C. Conduct their activity in or on University parking lots, parking structures, driveways, crosswalks, exits, fire lanes, streets, roadways, and/or obstruct walkways, doorways, passageways, or otherwise deny a person access to normally unrestricted University Property, or in any manner that blocks paths of vehicular or pedestrian travel.
- D. Employ sound amplification (including but not limited to bullhorns or electronic speakers) that disrupts University activities, academic instruction, or interferes with the exercise of free speech by others or create noise in violation of local noise ordinances. See the applicable [Campus Addendum](#) for more information regarding sound amplification and local noise ordinances.
- E. Engage in removal, relocation, theft, damage, or destruction of any University Property.
- F. Harass or intimidate any person, or impede or restrict the free movement of any person.
- G. Create or cause unsafe conditions or congestion around doorways, entrances or exits, stairways, elevator lobbies, and escalators.
- H. Fail to comply with directives of a University official acting in the performance of their duties. A "directive of a University official" includes an order to disperse because of an unlawful assembly, riot or unsafe condition. Failure to obey such an order may result in a determination that participants are engaging in an unlawful assembly, riot or unsafe condition and will result in the University exercising its authority to invoke emergency incident response tactics. These tactics could include the use of law enforcement resources, and could result in arrests, Employee and Student discipline, and appropriate sanctions against those participating in the unlawful assembly or riot.
- I. Picket, rally, protest, parade, patrol, or otherwise demonstrate in the interior, indoor, or private portions of any University *housing* facility, including the residence of any University Employee on University Property when it is serving as a private residence and no public events are taking place.

VI. Scheduled Events and Demonstrations

Scheduled events and demonstrations may be held in Public Areas and in certain Limited Areas of the University. University Students, Employees, Recognized Student Organizations, and recognized CSU auxiliaries have priority over Non-Affiliates in scheduling events and demonstrations. **See the applicable [Campus Addendum](#) for details regarding Campus-specific scheduling and registration procedures.**

VII. Spontaneous Activities, Unscheduled Events and Demonstrations

Spontaneous Activities, unscheduled events and demonstrations may be held in Public Areas and certain Limited Areas (as provided by the applicable [Campus Addendum](#)), without scheduling or reservations, so long as they do not disrupt scheduled events, violate University policies or applicable federal, state, or local laws, and do not disrupt University operations. It is the intent of this Policy to ensure that all activities, events, and demonstrations occur with no risk or threat to the safety and security of persons or University Property.

It is a violation of this Policy to circumvent these time, place, and manner regulations by falsely claiming that an event or demonstration is spontaneous. In deciding whether an event or demonstration is spontaneous or planned, the University may consider factors that include but are not limited to (a) whether signs or placards used at the demonstration were commercially produced, (b) whether participants used amplified sound equipment, (c) whether media was contacted, substantially in advance of the demonstration, or (d) whether other factors or circumstances, including social media communications or advertising, demonstrate advance planning by one or more individuals and/or organizations.

In the event of multiple groups or individuals attempting to use Public Areas at the same time and place, priority shall be given in the following order: (1) previously scheduled (in compliance with this policy) events and demonstrations; (2) events and demonstrations conducted by recognized University organizations, Students, Recognized Student Organizations, current Employees, CSU Employee unions, and CSU auxiliaries; and (3) on a first-come, first-served basis.

VIII. Prohibited Activities and Uses on University Property

A. No Disruption or Interference with the Speech of Others (Heckler's Veto Prohibited)

Individuals or groups may not suppress the speech of another individual by shouting down or otherwise drowning out or preventing the individual from being heard, otherwise known as a "heckler's veto." Individuals may protest speakers on Campus with whom they disagree, but they may not do anything that prevents the speaker from expressing their views or prevents members in the audience from hearing or seeing the speaker. This prohibition also applies to the removal or erasure of written or printed expressive activities that are otherwise in compliance with this Policy and the applicable [Campus Addendum](#).

B. No Camping, Overnight Demonstrations, Overnight Loitering, Furniture, or Large Household Items

To ensure the health and safety of the entire University community, and to protect University Property, encampments of any kind, overnight demonstrations (e.g., outside the operating hours of each University), and overnight loitering are not permitted in or on any University Property, whether indoors or outdoors. No one may camp, occupy camping facilities (including recreational vehicles or any other similar vehicles), use camping paraphernalia, or store personal property on University Property for these purposes. No one may bring a tent or other housing structure on University Property or occupy any tent or housing structure. No one may set up a campsite on University Property. Other than as allowed in University residential housing or as permitted for Employees in their University workspaces, no one may bring, leave, or maintain furniture or other large household items on University Property, or bring or maintain large personal belongings or copious amounts of personal belongings without University authorization. For purposes of this section, "large household items," "large personal belongings," and "copious amounts of personal belongings," means anything that cannot be carried on the person. "Storage of personal possessions" means leaving items unattended that are not in the owner's immediate personal custody and control. Such unauthorized activities, including overnight activities utilizing vehicles, will be considered trespassing and a violation of this Policy. *This prohibition does not apply to overnight activities authorized by the University for official University business and academic activities, or University business operations.*

C. No Temporary or Permanent Structures, Walls, Barriers, Barricades, Furniture, or Other Objects

Except as authorized by the University, no one shall build, construct, erect, place, set up, move, deliver or maintain any temporary or permanent tent, platform, booth, bench, building, building materials (such as bricks, pallets, etc.), wall, barrier, barricade, fencing, structure, sculpture, bicycle rack or furniture on University Property. This prohibition does not apply to activities allowed under a [Campus Addendum](#) and subject to time, place, and manner regulations set forth in this Policy. Any unauthorized item is subject to immediate removal.

D. No Unauthorized Vehicles

Unauthorized commercial vehicles, moving vans or trucks, carts, carriages, trailers, wagons, buses, or other vehicles of conveyance designed for or used to transport persons or property and/or used in violation of this Policy are prohibited.

E. University Operating Hours

No one shall enter or otherwise remain on University Property between the hours specified in each University's [Campus Addendum](#), or at such other times as published or posted by University housing and residential programs, and other similarly specialized University programs. This prohibition shall not apply to persons with valid written authorization from a University official, persons on legitimate University

business, or persons attending a specific University sponsored event. Those persons with legitimate University business reasons, possessing a valid written authorization, or attending a University sponsored event, shall be allowed to remain and access the facilities as allowed in their authorization or through the duration of the specific event, after which time they shall leave University Property without any appreciable delay. This prohibition shall not apply to persons transiting on a roadway or path designated as open to the public. **See each [Campus Addendum](#) for designated University Property.**

F. No Disguises or Concealment of Identity

Wearing masks or face coverings is permissible for all persons who are complying with University policies and applicable laws. **However, no person, while on University Property, may wear a mask, personal disguise, or otherwise conceal their identity with the intent of intimidating and harassing any person or group, or for the purpose of evading or escaping discovery, recognition, or identification in the commission of violations of applicable University policy or local, state, or federal laws.** No person shall refuse to identify themselves while on University Property to University officials who are acting in the performance of their duties in situations where assistance or intervention is needed. For all persons who in the judgment of a University official are in violation of a University policy or the law, the University reserves the right to require such persons, including Students, Employees, and Nonaffiliates, to show identification when requested to do so by a University official. Failure to provide identification in this circumstance is itself a violation of this Policy and may also be a criminal violation (see e.g., Cal. Pen Code section 185).

G. No Firearms or Weapons

While on University Property, no person (with the exception of authorized law enforcement officers) shall possess, carry or have control of any firearm, gun, or replica, whether loaded or not, unless it is with the written permission of the University President or designee, such as the University Chief of Police, or equivalent University official. All weapons are prohibited on University Property by California Penal Code sections 626.9 and 626.10. No person while on University Property shall possess, carry, or have control of any weapon defined as:

1. Any knife that has a blade longer than two and one half inches or opens automatically (except for culinary knives used for authorized University dining or catering operations, as part of an authorized academic class or lab and only when used in those circumstances, or in a University residence for culinary purposes).
2. Any dirk, dagger, or ice pick.
3. Any razor with an unguarded blade.
4. Taser or stun gun.
5. Ammunition.
6. Any instrument that expels a metallic projectile, such as a BB or a pellet, through the force of air pressure, CO2 pressure or spring action. (Cal. Penal Code § 20170.)
7. Other items including nun chucks, brass knuckles, machetes, swords, and darts.
8. Placards or signs with any type of stick or stake that could be used as potential weapons.

H. No Fires or Fireworks

No one shall start, use or maintain campfires, portable stoves, fire pits, open fires, torches, fireworks, or any other fire or fire apparatus on University Property except as expressly authorized by the University, and subject to requirements regarding location, time, and fire safety precautions as the University, the State Fire Marshal, or local fire authority may impose.

I. No Explosive Materials

No one shall bring any explosive material (as defined in section 12000 of the California Health and Safety Code) or flammable material (as defined in section 12504 of the California Health and Safety Code) or any hazardous or flammable materials (as defined by the regulations adopted pursuant to section 2402.7 of the California Vehicle Code) onto University Property, regardless of whether or not the material is burning, except such materials that are transported in approved containers and necessary for the conduct of the operations of the University, including fuel necessary for the operation of a University vehicle or any University equipment of a vehicle.

J. No Ambushing or Lying in Wait

It is prohibited on University Property to engage in, participate in, or assist participants in any game or activity which involves the ambushing, lying-in-wait for, or following another person by means of stealth; or to participate or assist in the participation in any game or activity which would involve the firing of any device as defined in paragraph G above.

K. No Shooting of Arrows, Missiles, or Projectiles

It is prohibited on University Property to shoot any arrow, projectile, or similar missile, and/or to permit any arrow, projectile, or similar missile to be shot on or around University Property, except as part of a University course of study or official University sponsored activity.

L. No Chemical Sprays, Gas Masks, Body Armor, Shields, or Laser Pointers

No mace, pepper spray, chemical sprays or liquids, shields, body armor, gas masks, or laser pointers, except as used for legitimate academic and teaching purposes, and by law enforcement as permitted by applicable University Police Department policy. This prohibition does not apply to personal possession of mace or pepper spray devices used for the lawful purpose of personal protection (self-defense) in an emergency.

M. No Human Urination or Defecation

Human urination or defecation in any place other than a designated restroom or other facility designed for the sanitary disposal of human waste is prohibited.

N. No Unauthorized Climbing, Scaling, or Rappelling

Unauthorized climbing, scaling, or rappelling any tree, building, structure, facility, light poles, signage, fences, or walls on University Property is prohibited.

IX. Activities and Uses on University Property Requiring Written Permission

The following activities and uses are prohibited unless prior written permission from the appropriate University official is obtained, or as otherwise provided in each [Campus Addendum](#).

- A. Posters, signs, banners, and chalking. See [Campus Addendum](#).
- B. No unmanned aircraft system (UAS) (also known as a drone) may be flown from, on or around University Property without the express written approval of the University. See [Campus Addendum](#).
- C. Use of University Property for commercial purposes is prohibited unless prior written permission has been obtained from the University.
- D. University flagpoles are reserved for official University use only. Flags flown on outdoor, permanently installed flagpoles located on University Property serve as a means of expression of the University's official sentiments as determined by the University President or the Chancellor, as applicable. They are not a forum for free expression or expressive conduct by members of the University community or the public.
- E. Additional activities and uses not included above may be addressed in the applicable [Campus Addendum](#).

X. Non-Affiliates on University Property

This Policy applies to the conduct of persons who are *not* Students, Employees, or CSU recognized auxiliary organizations and their employees (Non-Affiliates), including when that conduct is a threat to the safety of persons or property or constitutes disruption or interference with functions, activities, or operations of the University. All Non-Affiliates engaging in any demonstration, protest, assembly, gathering, march, rally, or any other expressive activity in or upon University Property are subject to this Policy. This Policy will not be utilized to impinge on the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or the constitutionally protected right of personal privacy of Non-Affiliates.

Non-Affiliates shall not remain on University Property if directed to leave University Property by the University to maintain order on University Property, upon the reasonable determination of the University that the Non-Affiliate is committing an act that is likely to interfere with the peaceful conduct of the University's functions or operations or has entered University Property with the purpose of committing any such act. Non-Affiliates on University Property shall not:

- A. Knowingly and willfully interfere with the peaceful conduct of the activities of the Campus or facility by intimidating, harassing, or obstructing any University Employee, Student, or any other

- person.
- B. Delay or linger without lawful purpose for being on University Property and for the purpose of committing a crime or violation of University policy.
 - C. Use University Property not open to the public, including but not limited to, residence halls, offices, showers, storage lockers, study lounges, or recreational facilities, without authorization from the University.

XI. University Response to Activities that Violate this Policy, Threaten Safety, or Disrupt University Activities

A. Supportive Measures and Resources

Free speech rights include protecting a person's free speech rights even when their speech may cause discomfort for some individuals. As long as speech does not constitute an actual threat, an immediate incitement to violence, unlawful discrimination or harassment (as defined in CSU's [Nondiscrimination Policy](#)), or other unlawful activity, the University will protect the First Amendment rights of the speaker. Students and Employees who believe they have been subjected to harassing speech that is so severe or pervasive that it limits or denies their ability to participate in or benefit from the University's programs or activities, should report their concerns to the University's official charged with enforcing [CSU's Nondiscrimination Policy](#). The University will assess the matter pursuant to the procedures set forth in the CSU's [Nondiscrimination Policy](#) and will provide reasonable supportive resources to the affected Students and Employees.

Even if the activity is deemed protected speech and does not violate CSU's [Nondiscrimination Policy](#), or applicable laws, the University's official charged with enforcing CSU's [Nondiscrimination Policy](#) as well as other applicable University officials will work with Students and Employees to provide reasonable supportive services and resources. In those circumstances, although there may be no sanction or action taken against the individuals engaged in the protected speech activity, reasonable supportive and other measures will be provided.

Whether harassing conduct creates an unlawful hostile environment must be determined from the totality of the circumstances. Relevant factors for consideration may include, but are not limited to, the context, nature, scope, frequency, duration, and location of the harassment based on race, color, or national origin, as well as the identity, number, age, and relationships of the persons involved. The less pervasive the harassing conduct, the more severe it must be to establish an unlawful hostile environment. For example, in most cases, a single isolated incident would not be sufficient to establish a policy or legal violation. However, in some cases, a hostile environment requiring appropriate responsive action may result from a single severe incident.

B. Violations, Enforcement, Sanctions, and Discipline

The University aims to foster open and rigorous debate, to protect academic freedom and free speech,

and to promote discourse, even on the most challenging, sensitive, and controversial issues. While fostering the free exchange of ideas, the University must also pursue and protect its core functions – to teach, engage in research and scholarship, promote the arts and athletics, convene the community, and perform its everyday operations. This includes ensuring that University community members are protected from physical injury and unlawful behaviors, and that University Property is protected from property damage.

Violations of this Policy, and/or applicable federal, state, or local laws, will lead to intervention by the University and, if safety to persons or property is at stake, law enforcement. Each member of the University community is expected to know and follow this Policy and the applicable Campus Addendum. Disrupting University operations is not permitted, including but not limited to, conduct that unreasonably interferes with the activities of other persons; causes injury to persons or property or threatens to cause such injury; holding meetings, events, or demonstrations under circumstances where health and safety is endangered; or knowingly interfering with unimpeded movement on University Property or with University operations.

In the event of violation, those found in violation will be directed to comply with applicable University regulations by appropriate University authorities. When enforcing this Policy, an officer or Employee authorized to maintain order on University Property will make a reasonable attempt to warn and advise those violating this Policy or the law to cease the prohibited conduct or activity before citing and/or arresting them, except where the violating conduct appears to create a threat or imminent threat to the health and safety of persons, or to University Property, and immediate law enforcement action is necessary.

If a violation persists or is repeated, or if the activity or assembly poses an imminent danger to public safety or University Property, those involved in the activity may be required to disperse immediately. Violations of this Policy may result in arrest, Code of Conduct disciplinary measures for Students, discipline for Employees, and subsequent legal action by the University. If a violation occurs at a scheduled and permitted event, permission for the event may be summarily withdrawn.

1. Withdrawal of Consent and Removal from University Property

For Students and Employees: To maintain order on University Property, when a Designated University Official has reasonable cause to believe that a Student or Employee has willfully disrupted the orderly operation of the University, the Designated University Official may notify that Student or Employee that consent to remain on University Property has been withdrawn. The University shall follow the notification and procedure requirements set forth in Cal. Penal Code section 626.4.

For Non-Affiliates: To maintain order on University Property, when a Designated University Official has reasonable cause to believe that a Non-Affiliate has willfully disrupted the orderly operation of the University, the Designated University Official may notify the Non-Affiliate that consent to remain on University Property has been withdrawn. The University shall follow the notification and procedure requirements set forth in Cal. Penal Code section 626.6.

2. Student Discipline

Students charged with violating this Policy may be subject to discipline pursuant to CSU's [Standards for Student Conduct](#) (Student Conduct Code) as set forth in Title 5, California Code of Regulations, section 41301, and CSU's [Student Conduct Process](#). Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate sanctions. The procedure for all student conduct violations is set forth in CSU's [Student Conduct Process](#). Sanctions may include restitution, loss of financial aid, educational and remedial sanctions, denial of access to Campus or persons, disciplinary probation, suspension, and expulsion, and can include multiple sanctions. A Campus President may also impose an interim suspension pursuant to Title 5, California Code of Regulations, section 41302 where there is reasonable cause to believe that separation of a Student is necessary to protect the personal safety of persons within the University community or University Property, and to ensure the maintenance of order.

Alleged violations of the Student Conduct Code may include, but not be limited to, the following:

- a. Unauthorized entry into, presence in, use of, or misuse of University property.
- b. Willful, material, and substantial disruption or obstruction of a University-related activity, or any on-Campus activity.
- c. Participating in an activity that substantially and materially disrupts the normal operations of the University or infringes on the rights of members of the University community.
- d. Willful, material, and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to Campus property or an off-Campus University related activity.
- e. Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the University community.
- f. Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, or sexual misconduct.
- g. Unauthorized destruction, or damage to University property or other property in the University community.
- h. Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals (without the prior authorization of the Campus president) on Campus or at a University related activity.
- i. Violation of any published University policy, rule, regulation, or presidential order.
- j. Failure to comply with directions or, or interference with, any University official or any public safety officer while acting in the performance of his/her duties.
- k. Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or wellbeing of members of the University community, to property within the University community or poses a significant threat of disruption or interference with University operations.

Students charged with violating the Student Conduct Code will be referred to the University's Student

Conduct Administrator who will follow CSU's [Student Conduct Process](#).

Recognized Student Organizations comprise a vital part of the Student experience and can contribute to Student success and engagement. Participation in these organizations affords Students the opportunity to develop organizational and leadership skills, foster capacities for effective teamwork, and promote civil engagement and community services, while connecting with peers, faculty, and staff. A University's recognition of a Student organization in accordance with CSU policy or administration of funds generated by the Student organization does not express or signify that the University approves or endorses the organization's goals, activities, or points of view, or that the University supervises or otherwise controls the organization and its activities. Nevertheless, and provided that a Student organization meets and maintains University requirements for recognition, Universities provide these organizations certain benefits and privileges (e.g., use of designated on-Campus facilities free of charge, funding opportunities, support for on-Campus program planning, and information regarding basic event management). Each University establishes and publishes its own procedures for formal chartering and recognition of Student organizations in compliance with CSU's [Student Activities Policy](#). **See the [Campus Addendum](#) for information regarding a specific University's Recognized Student Organization policies and procedures.**

Official recognition of Student organizations that fail to abide by the open membership policy or that discriminate in violation of applicable University policy shall be withdrawn. In addition, official recognition of a Student organization may be withdrawn for hazing or conspiracy to haze, as well as any violation of any CSU policy. Each University has established standards for Recognized Student Organizations and procedures for imposing consequences for organizations found to be in violation of University standards. Consequences are intended to be educational in nature, and may include, but are not limited to, withdrawal of recognition, suspension for a specified period of time, probation (warning that might lead to a more severe consequence), restriction of University privileges, reprimand, and restitution for losses caused. Further, Campuses may stipulate conditions on how a Recognized Student Organization may regain recognition (if permitted under the circumstances). Each University retains authority to include additional requirements for recognition and/or to make the requirements listed here more limiting.

Students may also be individually disciplined under the [Student Conduct Process](#) for misconduct engaged in as part of a Recognized Student Organization.

3. Employee Discipline

Employees charged with violating this Policy may be subject to discipline, up to and including termination, in accordance with the applicable Collective Bargaining Agreement and University policies for represented Employees, or the applicable University policies and standards for non-represented Employees, and Cal. Education Code section 89535 which provides that any permanent or probationary CSU Employee may be dismissed, demoted, or suspended for (a) immoral conduct, (b) unprofessional conduct, and/or (c) failure or refusal to perform the normal and reasonable duties of the position, among other causes as set forth in statute or applicable University policies.

4. Non-Affiliates

Non-Affiliates who violate this Policy or applicable laws will be held accountable to the full extent of the University's authority under existing laws, regulations, and University policies, including, but not limited to removal from University Property pursuant to applicable Cal. Penal Code provisions, including but not limited to Cal. Penal Codes sections 626.4 and 626.6.

C. Withholding or Withdrawal of Approval

The University may withhold or withdraw approval for any events or activities on University Property under this Policy if they are deemed inconsistent with:

1. Federal, state, or local laws.
2. Existing University policies.
3. Preservation of public safety.
4. Maintenance and protection of University Property.
5. Free flow of pedestrian and vehicular traffic.

D. CSU Emergency Management and Law Enforcement

The Chancellor, for the Chancellor's Office, and the President, for each University, is delegated the responsibility for the development, implementation, and maintenance of an emergency management program and for ensuring compliance with CSU's [Emergency Management Policy](#) and CSU's [Emergency Operating Status Policy](#). All activities and events on University Property are subject to these policies. All CSU law enforcement activities are governed by [CSU Law Enforcement Policies](#) published by each University. Each situation is unique and may warrant involvement of law enforcement and/or activation of the Emergency Operations Center, as determined by Employees designated by the Chancellor or the President for these purposes.

XII. Educational Programs and Activities to Support the Balance Between Free Speech Activities, Educational Mission, and Student Safety

See applicable [Campus Addendum](#).

XIII. Resources for Mental Health and Trauma Support for Employees and Students

See applicable [Campus Addendum](#).

XIV. Designated University Official with Oversight, Implementation and Enforcement Responsibility, and Designated University Law Enforcement Liaison

A. Designated University Official

For the Chancellor's Office, the Chancellor, and for each University, the President, will designate an administrative Employee to serve as the Designated University Official with responsibility for oversight, implementation and enforcement of this Policy, including oversight of a training program for responsible Employees assigned to the response team, as well as communications and information for the broader University community (Students and Employees). The Designated University Official shall be a direct report to the University President, or to the Chancellor for the Chancellor's Office, or directly report to the Chancellor or President (as applicable) for purposes of oversight, implementation, and enforcement of this Policy.

This Designated University Official shall create and oversee an implementation process whereby a response team of responsible Employees is in place and able to mobilize on short notice. When members of the team are unavailable, they will designate a replacement Employee and let the Designated University Official with oversight responsibility know, and all responsible Employees will be trained and familiar with this Policy and applicable university rules and processes for responding to violations of this Policy. The Designated University Official will have an action plan in place that explains the various levels of responsible Employees to be mobilized in response to activities governed by this Policy. Agreements will be in place with local law enforcement and other agencies needed to come to the aid of the University to enforce this Policy, including arresting individuals who elect to disrupt the orderly operations of the University, refuse to disperse, and/or engage in trespass, vandalism, and/or violation of applicable criminal laws.

Oversight will also include reviewing after action information from incidents where this Policy was violated to improve processes, review the provision of support services to Students and Employees who may have been harmed by violations of this Policy, as well as reviewing disciplinary actions and sanctions brought against those who violate this Policy.

B. Designated University Law Enforcement Liaison

Additionally, pursuant to Cal. Education Code section 66303, for purposes of promoting peaceful demonstrations, each University is required to designate an individual to serve as the Designated University Law Enforcement Liaison between law enforcement and Students exercising rights guaranteed by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution, or both. The Designated University Law Enforcement Liaison shall be an administrative Employee with applicable knowledge and expertise and shall be a member of the response team described above.

XV. Definitions

"Campus Addendum" means each addendum incorporated with this Policy setting forth additional Campus-specific time, place, and manner regulations and other information related to this Policy applicable to the Chancellor's Office and each University. Along with this Policy, each **Campus Addendum** is intended to be the controlling document regarding the specific Campus's time, place, and manner regulations, and will supersede all previous time, place and manner regulations published by each Campus.

"Campus" shall mean any of the institutions included within the CSU, as specified in Cal. Educ. Code section 89001. "Campus" and "University" are used interchangeably throughout this Policy.

"Chancellor" means the Chancellor of the California State University and includes their official designees.

"Content and Viewpoint Neutral" means assessment and application to all expressive activities without regard to substance or message, and that the University cannot favor one speaker's message over another's.

"Designated University Law Enforcement Liaison" means the Campus official designated to serve as the liaison between Campus law enforcement and Students exercising rights guaranteed by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution, or both. The Designated Law Enforcement Liaison shall be an administrative Employee and shall be a member of the response team.

"Designated University Official" means the Campus official delegated authority by the Chancellor for the Chancellor's Office and the University President for each University, as designated in each Campus Addendum, for implementation and oversight over this Policy.

"Employee" means a person legally holding a position in the CSU. This term includes full-time, part-time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions.

"Limited Area" means University Property that is available to the public but due to business operations, safety concerns, or other important University interests, is not open for purposes of assembling, marching, demonstrating or protesting. Activities in these areas may require scheduling and reservations with the University, and are available on a limited basis, subject to Campus regulations that are narrowly tailored to address the University's legitimate business interests. **See the applicable [Campus Addendum](#) for details regarding Campus-specific Limited Areas.**

"Non-Affiliate" means any person who is *not* any of the following: a Student, Employee, officer, trustee, auxiliary employee, official University volunteer, or member of a household authorized to reside on University Property.

"Non-Public Area" means, except for areas designated as Public Areas and Limited Areas, all remaining University Property, including the interiors of all buildings and facilities. These areas are not open to the public and the University can restrict access to Non-Public Areas on a Content and Viewpoint Neutral basis. **See the applicable [Campus Addendum](#) for details regarding Campus-specific Non-Public Areas.**

"Public Area" means University Property that is available for assembly, marches, demonstrations,

protests, and debate. Right of access and equality of access are provided in these areas, so long as activities are lawful and do not disrupt University operations. Content-based restrictions are prohibited, but reasonable time, place and manner regulations will be applied. Spontaneous activities may take place in Public Areas without pre-scheduling or reservations. **See the applicable Campus Addendum for details regarding Campus-specific Public Areas.**

"**Recognized Student Organizations**" are Student organizations addressed and defined in CSU's [Student Activities Policy](#), and does not include Student groups or clubs not officially chartered and recognized pursuant to CSU's [Student Activities Policy](#).

"**Student**" means applicants, enrolled Students, Students between academic terms, graduates awaiting degrees, Students on authorized leave, and Students who withdraw from school while a disciplinary matter is pending.

"**University**" means the Board of Trustees of the California State University (CSU), the Chancellor's Office, and each University within the CSU system, collectively and individually. "University" and "Campus" are used interchangeably throughout this Policy.

"**University President**" and "**President**" means those persons referred to as "Campus President" in California Code of Regulations, Title 5, Section 42355, and includes their official designees.

"**University Property**" means all land, buildings, facilities, or other grounds or structures, and any item, equipment, or property in possession of or owned, used, leased, maintained, or controlled by the University, by a recognized CSU auxiliary, or designated by the University as subject to this Policy, including property leased or licensed to University auxiliaries or others (including satellite campuses or other secondary locations). University Property also includes University and recognized CSU auxiliary services, resources, names, branding, trademarks, logos, computers, computing devices, websites, and network systems owned, maintained, or controlled by the University, funded by University funds, or recognized CSU auxiliary funds, or designated by the CSU as subject to this Policy.

XVI. Authority

This policy is issued pursuant to [Section II of the Standing Orders of the Board of Trustees of the California State University](#), as further delegated by the [Standing Delegations of Administrative Authority](#). The Campus president may delegate authority and responsibility described in this policy to other Campus officials pursuant to [Section VI of the Standing Orders of the Board of Trustees of the California State University](#).

Cal. Education Code section 89031.

CSU Standards for Student Conduct, 5 California Code of Regulations, sections 41301-41302.

Use of CSU Buildings and Grounds, 5 California Code of Regulations, sections 42350-42356.

XVII. Campus Addenda

[California State University Bakersfield](#)

[California State University Channel Islands](#)

[California State University Chico](#)

[California State University Dominguez Hills](#)

[California State University East Bay](#)

[California State University Fresno](#)

[California State University Fullerton](#)

[California State Polytechnic University Humboldt](#)

[California State University Long Beach](#)

[California State University Los Angeles](#)

[California State University Maritime Academy](#)

[California State University Monterey Bay](#)

[California State University Northridge](#)

[California State Polytechnic University, Pomona](#)

[California State University Sacramento](#)

[California State University San Bernardino](#)

[San Diego State University](#)

[San Francisco State University](#)

[San José State University](#)

[California Polytechnic State University San Luis Obispo \(updated 9/23/2024\)](#)

[California State University San Marcos](#)

[Sonoma State University](#)

[California State University Stanislaus](#)

[Office of the Chancellor](#)

XVIII. Related Documents and Policies

CSU [Nondiscrimination Policy](#)

[CSU Academic Freedom Policy](#)

[CSU Student Conduct Process](#)

[CSU Student Activities Policy](#)

[CSU Collective Bargaining Agreements](#)

[CSU Law Enforcement Policies](#)

[CSU Emergency Operating Status Policy](#)

[CSU Emergency Management Policy](#)

XIX. Endnotes

¹All capitalized terms are defined in the [Definitions](#) section.

All Revision Dates

8/15/2024

Attachments

[Campus Addendum Template.docx](#)

Approval Signatures

Step Description	Approver	Date
Chancellor	Mildred García: Chancellor of the CSU [SH]	8/15/2024
EVC	Nathan Evans: Acting President of SSU	8/15/2024
Area Manager	Christina Cruz: Comm Spclst, Acad & Sdnt Affrs	8/15/2024
Owner	Dilcie Perez: Deputy Vice Chancellor ASA	8/15/2024

Attachment B: Systemwide Policy – Campus Addendum Template

**[INSERT CO OR UNIVERSITY NAME] Addendum
To CSU Systemwide Time, Place, and Manner Policy**

University Designee with Oversight and Enforcement Responsibility

[ENTER NAME AND TITLE] is the University administrative Employee designated to serve as the Designated University Official for [ENTER OFFICE OF THE CHANCELLOR OR UNIVERSITY NAME] with responsibility for oversight, implementation and enforcement of the Systemwide Time, Place, and Manner Policy, and this Addendum, including oversight of a training program for responsible Employees and the broader University community (including Students and Employees).

Designated University Law Enforcement Liaison

[ENTER NAME AND TITLE] is the University administrative Employee designated to serve as the Designated University Law Enforcement Liaison between law enforcement and Students exercising rights guaranteed by the First Amendment to the United States Constitution or Section 2 of Article I of the California Constitution, or both.

University Response Team

The response team for matters related to implementation and enforcement of this Policy and Addendum include:

Name	Title and Division	Contact Information	Policy Role
			Designated University Official
			Designated University Law Enforcement Liaison

[NAME OF CAMPUS] Operating Hours

No one shall enter or otherwise remain on University Property between the hours of [EX: 11:00 p.m. and 8:00 a.m.], or at such other times as published or posted by University housing and residential programs, and other similarly specialized University programs. This prohibition shall

not apply to persons possessing valid written authorization from a University official, persons on legitimate University related business, or persons attending a specific University sponsored event. Those persons with legitimate University business reasons, valid written authorization, or attending a University sponsored event, shall be allowed to remain and access University Property as allowed in their authorization or through the duration of the specific event, after which time they shall leave University Property without any appreciable delay. This prohibition shall not apply to persons transiting on a roadway or path designated as open to the public.

Campus Time, Place and Manner Regulations

For purposes of this Addendum the following terms shall apply, as set forth in the CSU's Systemwide Time, Place and Manner Policy:

A. Public Areas

A Public Area is University Property that is available for assembly, marches, demonstrations, protests, and debate. Right of access and equality of access are provided in these areas, so long as activities are lawful and do not disrupt University operations. Content-based restrictions are prohibited, but reasonable time, place and manner regulations will be applied. Spontaneous activities may take place in Public Areas without pre-scheduling or reservations.

B. Limited Areas

A Limited Area is University Property available to the public but due to business operations, safety concerns, or other important University interests, is not open for assembling, marching, demonstrating or protesting. Activities in these areas may require scheduling and reservations with the University, and are available on a limited basis, subject to campus regulations that are narrowly tailored to address the University's legitimate business interests.

Access to and use of *certain* designated University Property must be scheduled and registered in advance, as noted in the list of University Property set forth below. Certain uses of University Property may be subject to fees, require liability insurance, and/or an indemnity agreement which must be provided by those who seek to engage in such uses. All users assume responsibility for all damage they cause to University Property. Failure to pay for damage to University Property may jeopardize future access to and/or use of University Property and can result in discipline for Students and Employees who are responsible for the damage, as well as civil or criminal action.

C. Non-Public Areas

Except for areas designated as Public Areas and Limited Areas, all remaining University Property, including the interiors of all buildings and facilities are Non-Public Areas. These areas are not open to the public and the University can restrict access to Non-Public Areas on a Content and Viewpoint Neutral basis.

If there is a University location not listed below, please contact the University administrator responsible for implementing this Addendum.

List of University Properties

	Place	Day and Time Available	Permitted Manner of Use	Type of Place
<i>e.g.</i>	<i>Paved pedestrian walkways and lawns on University Property</i>	<i>6:00 a.m. to 10:00 p.m.</i>	<i>Non-amplified speech and expression, including solicitation of signatures on noncommercial petitions</i>	<i>Public</i>
<i>e.g.</i>	<i>University Student Union Room C</i>	<i>9:00 a.m. to 9:00 p.m. Reservations are required and may be made here [INSERT LINK]</i>	<i>Workshops, conferences, meetings, and trainings</i>	<i>Limited</i>
<i>e.g.</i>	<i>Administration Building A</i>	<i>N/A</i>	<i>N/A</i>	<i>Non-Public</i>
1.				
2.				
3.				
4.				
5.				

Scheduling and Registration Procedures

[May link to campus webpage or other applicable resource for this information either under this heading or in the table above for each University location but must include it in this Addendum.]

Activities and Uses on University Property Requiring Written Permission

The following activities and uses are prohibited unless prior written permission from the appropriate University official is obtained.

- A. Posters, Signs, Banners, and Chalking [DESIGNATE WHICH AREAS ALLOWED AND WHICH AREAS NOT ALLOWED]

- B. Flying of Unmanned Aircraft System (UAS) (also known as a drone) from, on or around University Property without the express written approval of the University [INSERT OFFICIAL WHO PROVIDES PERMISSION].
- C. Use of University Property for commercial purposes unless prior written permission has been obtained from the University [INSERT OFFICIAL WHO PROVIDES PERMISSION].
- D. Use of University Flagpoles. University Flagpoles are reserved for official University use only. Flags flown on outdoor, permanently installed flagpoles located on University Property serve as a means of expression of the University's official sentiments as determined by the University President or the Chancellor, as applicable. They are not a forum for free expression or expressive conduct by members of the University community or the public.
- E. Additional activities and uses [INSERT OTHER ACTIVITIES AND USES SPECIFIC TO THE CAMPUS].

Educational Programs and Activities to Support the Balance Between Free Speech Activities, Educational Mission, and Student and Employee Safety

[TO BE INSERTED BY THE CAMPUS; LIST ALL THAT APPLY AND PROVIDE GENERAL DESCRIPTION FOR EACH]

Resources for Mental Health and Trauma Support for Employees and Students

[TO BE INSERTED BY THE CAMPUS; LIST NAMES, ROLES, CONTACT INFORMATION FOR ALL THAT PROVIDE THESE UNIVERSITY SERVICES]

Recognized Student Organizations

[ADD LINK TO CAMPUS POLICY, PROCEDURE AND INFORMATION REGARDING RSO'S AND CONSEQUENCES FOR VIOLATIONS OF RULES AND POLICIES]

Attachment C: Interim CSU Nondiscrimination Policy

Status **Active** PolicyStat ID **16328404**



Origination 1/1/2022
Effective 8/1/2024
Reviewed 8/1/2024
Next Review 8/1/2025

Owner Hayley Schwartzkopf:
Assoc VC Cvl
Rights Prog &
Svc
Area Human
Resources
Codes EO 1095

Interim CSU Nondiscrimination Policy

I. Statement of Values

The California State University (CSU) is committed to an inclusive and equitable community that values diversity and fosters mutual respect. We embrace our community differences in Age, Disability (physical and mental), Gender, Gender Identity (including Nonbinary or Transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Pregnancy or related conditions, Race or Ethnicity (including color, caste, or ancestry), Religion or Religious Creed, Sex (including Sex Stereotyping or Sex Characteristics), Sexual Orientation, and Veteran or Military Status. All Students and Employees have the right to participate fully in CSU programs, activities, admission, and employment free from Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation.

II. Prohibited Conduct Covered Under this Policy and Applicability

This Policy is effective August 1, 2024, and is not retroactive. The definitions of Prohibited Conduct and capitalized terms below should be used for alleged misconduct that occurs on or after August 1, 2024. The definitions for alleged misconduct that occurred before August 1, 2024, can be found in the Policy in place at the time of the alleged misconduct

The CSU prohibits the following conduct, as defined in section V(A).

- A. Discrimination based on any Protected Status, including Age, Disability (physical and mental), Gender, Gender Identity (including Nonbinary or Transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Pregnancy or related conditions, Race or Ethnicity (including color, caste, or ancestry), Religion or Religious Creed, Sex

(including Sex Stereotyping or Sex Characteristics), Sexual Orientation, and Veteran or Military Status.

- B. Harassment based on any Protected Status.
- C. Sex-based Harassment, which includes Sexual Harassment and other Harassment on the basis of Sex or Gender, including:
 - 1. Hostile environment or Quid Pro Quo Harassment (e.g., when a person conditions a benefit on the Complainant's participation in unwelcome sexual conduct);
 - 2. Dating Violence, Domestic Violence, Sexual Exploitation, and Stalking; and/or
 - 3. Sexual Misconduct.
- D. Prohibited Consensual Relationships.
- E. Retaliation.

III. Policy Implementation

This Nondiscrimination Policy is established in compliance with:

- A. Title VI and Title VII of the Civil Rights Act of 1964;
- B. Title IX of the Education Amendments of 1972, Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance (34 C.F.R. 106.);
- C. The California Equity in Higher Education Act;
- D. The Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Security and Campus Crimes Statistics Act, commonly known as the Clery Act) (VAWA) under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act);
- E. Section 504 of the Rehabilitation Act of 1973;
- F. Title II of the Americans with Disabilities Act of 1990;
- G. The Age Discrimination Act of 1975; and
- H. Other applicable state and federal laws which prohibit Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation.

IV. Applicable Complaint Procedures

The CSU has adopted grievance procedures that provide for the prompt and equitable resolution of Complaints made by Students, Employees, designated officials, or other individuals who are participating or attempting to participate in its education programs, activities, or employment and allege any action that would be prohibited by this Nondiscrimination Policy. **The following describes the appropriate procedures for investigating or resolving Complaints that fall under this Nondiscrimination Policy for Complaints that allege conduct that occurred on or after August 1, 2024.**

- A. For Complaints against a Student, the [Interim CSU Nondiscrimination Policy – Student Procedures](#) apply.
- B. For Complaints by Students against Employees, Third Parties, and/or Student–Employees

involving allegations of **Sex-based Harassment**, the [Interim CSU Nondiscrimination Policy – Student Procedures](#) apply. For all other Complaints against Employees, Third Parties, and/or Student–Employees (where the alleged conduct arose out of their status as an Employee and not their status as a Student), the [Interim CSU Nondiscrimination Policy – Employee or Third-Party Procedures](#) apply.

- C. Complaints against a President, Title IX Coordinator/DHR Administrator, the Chancellor, or member of the Board of Trustees.
 1. Complaints against a President, Title IX Coordinator/DHR Administrator, the Chancellor, or member of the Board of Trustees will be processed under the [Interim CSU Nondiscrimination Policy – Employee or Third-Party Procedures](#). However, if the Complaint is made by a Student and involves allegations of Sex-based Harassment, then the [Interim CSU Nondiscrimination Policy – Student Procedures](#) will apply.
 2. Complaints against the Chancellor or member of the Board of Trustees shall be made to the Title IX Coordinator/DHR Administrator at the Chancellor’s Office.
 - a. If it is alleged that the Chancellor or a member of the Board of Trustees directly engaged in conduct that violates this Nondiscrimination Policy, the Title IX Coordinator/DHR Administrator at the Chancellor’s Office shall inform the chair or vice chair of the Board.
 - b. Any other Complaints against the Chancellor or a member of the Board of Trustees (for example, that the Chancellor or member of the Board of Trustees had no substantial involvement in other than to rely on or approve a recommendation made by another administrator) will be made to and addressed by the Office of Civil Rights Programming & Services at CO-Complaints@calstate.edu.
 3. Complaints alleging violations of this Nondiscrimination Policy against a President or Title IX Coordinator/DHR Administrator shall be made to the Office of Civil Rights Programming & Services at CO-Complaints@calstate.edu.
 - a. If the President or Title IX Coordinator/DHR Administrator’s role in the alleged incident was limited to a decision on a recommendation made by another administrator, and the President or Title IX Coordinator/DHR Administrator had no other substantial involvement in the matter, the Complaint shall be processed by the Campus.
 4. When circumstances warrant, the Chancellor, Vice Chancellor for Human Resources, or Associate Vice Chancellor for Civil Rights Programming & Services may determine in other cases that a Complaint will be addressed by the Office of Civil Rights Programming & Services at the Chancellor’s Office rather than the Campus.

V. Policy Definitions

The Policy Definitions are not intended to be identical to legal requirements, and in some cases, conduct may be determined to violate this Policy even though it does not necessarily violate federal or state law.

References to the singular in the policy definitions include the plural, as applicable.

A. **Prohibited Conduct** This Nondiscrimination Policy prohibits Discrimination, Harassment, Sex-based Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, Prohibited Consensual Relationships, and Retaliation as defined below.

1. **Discrimination** is conduct that causes harm to a Complainant based on their actual or perceived Protected Status within the CSU's educational programs, activities, or employment which results in the denial or limitation of services, benefits, or opportunities provided by the CSU. Under this Nondiscrimination Policy, the definition of Discrimination includes:
 - a. **Different Treatment Discrimination:** Different Treatment Discrimination occurs when the Complainant is: 1) treated less favorably; 2) than other similarly situated individuals under similar circumstances; 3) because of the Complainant's actual or perceived Protected Status; and 4) not for a legitimate, nondiscriminatory reason. Insignificant or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant do not constitute "Different Treatment Discrimination."
 - Under this Nondiscrimination Policy, discrimination in employment includes any adverse employment action or conduct that is reasonably likely to impair the Employee's job performance or prospects for advancement or promotion.
 - An allegation that an Employee is receiving unequal pay because of their Protected Status (for example, under the California Equal Pay Act) constitutes a Discrimination Complaint under this Nondiscrimination Policy.
 - b. **Disparate Impact Discrimination:** Disparate Impact Discrimination occurs when a policy or practice that is neutral on its face has a disproportionate, adverse effect on individuals of a particular Protected Status.
 - Note: Disparate Impact Discrimination cases will follow the Procedures outlined in Attachment I.
2. **Harassment** means unwelcome verbal, nonverbal or physical conduct engaged in because of an individual Complainant's Protected Status. Harassment includes, but is not limited to, verbal harassment (e.g., epithets, derogatory comments, or slurs), physical harassment (e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement), and visual forms of harassment (e.g., derogatory posters, cartoons, drawings, symbols, or gestures.). Single, isolated incidents will typically be insufficient to rise to the level of Harassment.

Harassment may occur when:

- a. Submitting to, or rejecting, the verbal, nonverbal or physical conduct is explicitly or implicitly a basis for:
 - i. Any decision affecting a term or condition of the Complainant's employment; or
 - ii. Any decision affecting a Complainant's academic status or

progress, or access to benefits and services, honors, programs, or activities available at or through the University.

OR

- b. The conduct is sufficiently severe or pervasive so that its effect, whether intended or not, could be considered by a reasonable person under similar circumstances and with similar identities, and is in fact considered by the Complainant, as creating an intimidating, hostile, or offensive work or educational environment that denies or substantially limits an individual's ability to participate in or benefit from employment and/or educational, services, activities, or other privileges provided by the CSU.

Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- i. The frequency, nature, and duration of the conduct;
 - ii. Whether the conduct was physically threatening;
 - iii. Whether the conduct arose in the context of other discriminatory conduct or other misconduct;
 - iv. The degree to which the conduct affected the Complainant's ability to access the CSU's educational programs, activities or employment;
 - v. The Parties' ages, roles within the CSU's educational programs or activities, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct; and
 - vi. Other Harassment in the CSU's educational programs, activities, or employment.
3. **Sex-based Harassment** is a form of sex discrimination and means Sexual Harassment and other Harassment on the basis of Sex or Gender, including Gender Expression, Gender Identity, Pregnancy or related conditions, Sex Stereotypes, Sex Characteristics, or Sexual Orientation, including:
 - a. Hostile environment or Quid Pro Quo Harassment (e.g., when an Employee conditions a benefit on a Complainant's participation in unwelcome sexual conduct);
 - b. Specific offenses (e.g., Dating Violence, Domestic Violence, Sexual Exploitation, and Stalking); and/or
 - c. Sexual Misconduct.
 4. **Sexual Misconduct** means engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity, whether or not the conduct violates any civil or criminal law. All sexual activity between members of the CSU community must be based on Affirmative Consent.

- a. Sexual Misconduct includes, but is not limited to, the following conduct:
- i. **Sexual Assault**, which includes:
 - **Rape** is the penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant. Rape also includes the attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.
 - **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.
 - **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.
 - ii. an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or Sex,
 - iii. the intentional touching of another person's private body parts without Affirmative Consent,
 - iv. intentionally causing a person to touch the private body parts of another without Affirmative Consent,
 - v. using a person's own private body part to intentionally touch another person's body without Affirmative Consent,
 - vi. any unwelcome physical sexual acts, such as unwelcome sexual touching,
 - vii. using physical force, violence, threat, or intimidation to engage in sexual activity,
 - viii. ignoring the objections of the other person to engage in sexual activity,
 - ix. causing the other person's incapacitation through the use of drugs or alcohol to engage in sexual activity,
 - x. taking advantage of the other person's incapacitation to engage

in sexual activity

- Private body part means the sexual organ, anus, groin, buttocks, or breasts of any person.
- Sexual activity between a Minor 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. The existence of Affirmative Consent and/or the type of sexual activity may be relevant to the determination of an appropriate Disciplinary Sanction.
- Persons of all Genders, Gender Identities, Gender Expressions, and Sexual Orientations can be victims of these forms of Sexual Misconduct. Sexual Misconduct can be committed by an individual known to the victim including a person the Complainant may have just met, i.e., at a party, introduced through a friend, or on a social networking website.
- California law requires the CSU to describe how it will respond to instances of stranger and non-stranger Sexual Assault. The CSU applies the same policies and sanctions for both stranger and non-stranger Sexual Assault. For the purposes of this Policy, a non-stranger is someone known to the Complainant, whether through a casual meeting or through a longstanding relationship, including a dating or domestic relationship. A stranger is someone unknown to the Complainant at the time of the Sexual Assault.

b. Sexual activity includes, but is not limited to:

- i. kissing,
- ii. touching private body parts
- iii. fondling,
- iv. intercourse,
- v. penetration, no matter how slight, of the vagina or anus with any part or object,
- vi. oral copulation of a sex organ by another person.

c. **Affirmative Consent** means an agreement to engage in sexual activity that is informed, affirmative, conscious, voluntary, and mutual. Affirmative Consent must be given freely and without coercion, force, threats, intimidation, or by taking advantage of another person's incapacitation. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) prior

to engaging in the sexual activity.

- i. Affirmative consent is given by clear words or actions. Affirmative consent includes knowledge and agreement to engage in the specific sexual activity.
 - ii. Affirmative Consent must be ongoing throughout a sexual activity and can be withdrawn or revoked at any time, including after sexual activity begins. Once consent is withdrawn or revoked and clearly communicated, the sexual activity must stop immediately.
 - iii. Consent to one form of sexual activity or one sexual act does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion.
 - iv. Affirmative Consent cannot be inferred from an existing or previous dating, social, or sexual relationship between the Parties.
 - v. Silence does not mean there is Affirmative Consent.
 - vi. Lack of protest or resistance does not mean there is Affirmative Consent.
 - vii. A request for someone to use a condom or birth control does not, in and of itself, mean there is Affirmative Consent.
 - viii. Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious, or incapacitated due to the influence of drugs, alcohol, or medication.
- d. **Incapacitation:** A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions about whether or not to engage in sexual activity. A person with a medical or mental disability may also lack the capacity to give consent. Incapacitation exists when a person could not understand the fact, nature, or extent of the sexual activity.
- i. It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
 - The person was asleep or unconscious;
 - The person was incapacitated due to the influence of drugs, alcohol, or medication, so that the person could not understand the fact, nature, or extent of the sexual activity; or
 - The person was unable to communicate due to a physical or mental condition.

- ii. It shall not be a valid excuse that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:
- The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent;
 - The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.
- iii. Whether an intoxicated person (as a result of using alcohol, drugs, or medication) is incapacitated will require an individualized determination about the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed judgments. The level of intoxication may change over a period of time based on a variety of individual factors, including the amount of substance consumed, speed of intake, body mass, height, weight, tolerance, food consumption, drinking patterns, and metabolism. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.
- iv. Incapacitation due to alcohol, drugs or medication is a state of intoxication that is so severe that it interferes with a person's capacity to make informed and knowing decisions. A person who is incapacitated may not be able to understand where they are, whom they are with, how they got there, or what is happening. Signs that a person may be incapacitated due to the influence of drugs, alcohol, or medication include, but are not limited to, the following:
- slurred speech or difficulty communicating clearly;
 - clumsiness or lack of physical coordination (e.g., difficulty standing or walking without assistance);
 - impaired motor skills (e.g., eating, drinking, texting);
 - disorientation regarding time and place;
 - difficulty concentrating;
 - vomiting;
 - combativeness or emotional volatility; or
 - sleeping, unconsciousness, or going in and out of consciousness.
- v. Incapacitation may also include memory impairment or an

inability to recall entire or partial events (sometimes referred to as “black-out” or “brown-out”). A person may experience this symptom while appearing to be functioning “normally,” including communicating through actions or words that can reasonably and objectively be interpreted as communicating consent to engage in sexual activity. Total or partial loss of memory, alone, may not be sufficient, without additional evidence, to prove that an individual was incapacitated under this Policy. Whether sexual activity under these circumstances constitutes Prohibited Conduct depends on the presence or absence of the outwardly observable factors indicating that an individual is incapacitated, as described above.

- vi. In evaluating Affirmative Consent in cases involving incapacitation, the CSU considers the totality of available information in determining whether a Respondent knew or reasonably should have known that the Complainant was incapacitated.

5. **Sexual Harassment** means unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, offering employment benefits or giving preferential treatment in exchange for sexual favors, or any other conduct of a sexual nature. There are two kinds of Sexual Harassment:

- a. **Quid pro quo:** Quid pro quo is Latin for “this for that” and occurs when an Employee, agent, or other person in a position of power conditions an employment or educational benefit or service on submission to sexual advances or other conduct based on sex. Quid pro quo harassment exists when submitting to, or rejecting, the verbal, nonverbal or physical conduct is explicitly or implicitly a basis for:
 - i. Any decision affecting a term or condition of the Complainant's employment; or
 - ii. Any decision affecting a Complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University.

OR

- b. **Hostile environment harassment** is unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and so severe, persistent, or pervasive that it limits or denies the Complainant's ability to participate in or benefit from the CSU's educational programs, activities, or employment. Hostile environment harassment must either:
 - i. Create an intimidating, hostile or offensive work environment; or
 - ii. Limit a Student's ability to participate in or benefit from the services, activities, or opportunities offered by the

University. Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- The frequency, nature, and duration of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct arose in the context of other discriminatory conduct or other misconduct;
- The degree to which the conduct affected the Complainant's ability to access the CSU's educational programs, activities or employment;
- The Parties' ages, roles within the CSU's educational programs or activities, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct; and
- Other Sex-based Harassment in the CSU's educational programs, activities, or employment. Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization or in exchange for a raise or promotion; being subjected to video exploitation or a campaign of sexually explicit content; or frequently being exposed to unwanted images of a sexual nature in a work environment, or in a classroom where the images are unrelated to the coursework. Claiming that the conduct was not motivated by sexual desire is not a defense to a Complaint of Sexual Harassment.

6. **Sexual Exploitation** means a person taking sexual advantage of another person for the benefit of anyone other than that person without that person's consent, including, but not limited to, any of the following acts:
 - a. The prostituting of another person.
 - b. The trafficking of another person, defined as the inducement of a person to perform a commercial sex act, or labor of services, through force, fraud, or coercion.
 - c. The recording of images, including video or photograph, or audio of another person's sexual activity or intimate parts, without that person's consent.
 - d. The distribution of images, including video or photographs, or audio of another person's sexual activity or private body parts, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to the disclosure. This includes distribution of digitally altered or artificial-intelligence-generated images, video, and audio.
 - e. The viewing of another person's sexual activity or private body parts, in a

place where that other person would have a reasonable expectation of privacy, without that person's consent, for the purpose of arousing or gratifying sexual desire.

7. **Dating Violence** means Physical Violence or threat of Physical Violence committed by a person:
 - a. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; **and**
 - b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - i. The length of the relationship.
 - ii. The type of relationship.
 - iii. The frequency of interaction between the individuals involved in the relationship.
8. **Domestic Violence** means Physical Violence or threat of Physical Violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant. Domestic violence also includes acts against a Minor or adult victim who is protected from those acts under the family or domestic laws of the state.
9. **Stalking** means engaging in a Course of Conduct directed at a specific person that would cause a reasonable person to fear for the safety of self or others' safety or to suffer Substantial Emotional Distress. For purposes of this definition
 - a. Course of Conduct means two or more acts, including but not limited to, acts in which one party directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the other party, or interferes with the other party's property.
 - b. Substantial Emotional Distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
10. **Prohibited Consensual Relationships** include consensual sexual or romantic relationships between an Employee and any Student or Employee over whom they exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority.
 - a. A consensual relationship means a sexual or romantic relationship between two individuals who voluntarily enter into such a relationship.
 - b. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking subject to this Nondiscrimination Policy.

- c. It is a violation of this Nondiscrimination Policy for an Employee to enter into a Prohibited Consensual Relationship.
 - d. Examples of Prohibited Consensual Relationships include, but are not limited to, a supervisor and an employee in their chain of command; a faculty member and a student enrolled in their class; a counselor and a student they are advising; a resident advisor and a student in their building; a club advisor and club member.
11. **Retaliation** is intimidation, coercion, or discrimination against any individual for the purpose of interfering with their exercise of any rights under this Nondiscrimination Policy by:
- a. Reporting or filing a Complaint;
 - b. Participating or refusing to participate in any manner in any Policy-related investigation or proceeding, including a hearing;
 - c. Opposing conduct which was reasonably and in good faith believed to be in violation of this Nondiscrimination Policy;
 - d. Assisting or participating in an investigation or proceeding under this Nondiscrimination Policy, regardless of whether the Complaint was substantiated; or
 - e. Assisting someone else in reporting or opposing a violation of this Nondiscrimination Policy or assisting someone else in reporting or opposing Retaliation under this Nondiscrimination Policy.
 - For purposes of this definition, Retaliation includes conduct that would discourage a reasonable person from reporting or participating in a process provided for in this Policy, including threats, intimidation, coercion, reprisals, discrimination, and adverse employment or educational actions.
 - Peer Retaliation, which is defined as Retaliation by one Student against another Student, is also prohibited.
 - Retaliation may occur even when there is not a power or authority differential between the individuals involved.
 - The exercise of rights protected under the First Amendment does not constitute Retaliation prohibited under this definition.
 - Good faith actions lawfully pursued in response to a Complaint, such as gathering evidence, providing Supportive Measures, or disciplining Students or Employees found to be in violation of this Nondiscrimination Policy, without more, are not considered Retaliation.

B. Definitions of Capitalized Terms

1. **Advisor:** An individual chosen by a Party to a Complaint (Complainant or Respondent) to provide support and guidance throughout the process. The Complainant and the Respondent may each elect to be accompanied by one Advisor to any meeting or interview regarding the allegations. 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. The Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent. However, the Advisor may observe and consult with the Complainant or Respondent.

2. **Age:** With respect to Discrimination or Harassment, Age refers to the chronological age of any individual who is 40 years old or older. Age Discrimination in employment may include hiring, promotion, job assignments, training opportunities, compensation, layoffs, or termination decisions. Age Discrimination in non-employment programs and activities may include admissions, access to programs and activities, treatment in the classroom, or disciplinary action. Age based stereotypes refer to generalized opinions about matters including the qualifications, job performance, health, work habits, and productivity of individuals over 40. With respect to discrimination in non-employment programs and activities, Age means how old a person is, or the number of years from the date of a person's birth. **Age** is a Protected Status.
3. **California State University (CSU) or University** means the university campus system of the California State University and the Chancellor's Office.
4. **Campus** means any one of the university campuses of the CSU or the Chancellor's Office.
5. **Complainant** means a person alleged to have been subjected to conduct that could constitute a violation of this Nondiscrimination Policy, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator/DHR Administrator initiates a Complaint consistent with the requirements of this Nondiscrimination Policy. It also includes any person who is reported to have been impacted by a violation of this Nondiscrimination Policy in cases where some other person has made a report on that person's behalf (this person may be referred to as the "Impacted Party"). A Complainant may also be called a Party to the Complaint.
6. **Complaint** means an oral or written report to the Title IX Coordinator/DHR Administrator that objectively can be understood as a request for an investigation and determination about an alleged violation of this Nondiscrimination Policy. The Title IX Coordinator/DHR Administrator will respond to the Complaint in accordance with the Procedures accompanying this Nondiscrimination Policy.
7. **Consolidation** means the joining or combining the investigation and hearing process for Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one Party against another Party, when the allegations arise out of the same facts or circumstances. The Consolidation process is subject to the Family Educational Rights and Privacy Act (FERPA) and other applicable privacy laws.
8. **Disability** means:
 - a. Having a physical or mental condition that limits a major life activity. "Limits" means making the achievement of a major life activity difficult without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the

mitigating measure itself limits a major life activity. A "major life activity" is broadly construed and includes physical, mental, and social activities (such as walking, talking, seeing, hearing, thinking) and working; or

- b. Having a known history of a qualifying impairment; or
- c. Being regarded or treated as having or having had a qualifying impairment; or
- d. Being regarded or treated as having or having had such an impairment that has no presently disabling effects but may become a qualifying impairment in the future.

Disability includes both visible and invisible disabilities, temporary or permanent disabilities, and disabilities that are apparent at birth or develop later in life. **Disability** includes HIV and AIDS.

Disability is a Protected Status.

9. **Disciplinary Sanctions** means consequences imposed on a Respondent following a determination that they violated this Nondiscrimination Policy.

10. **Employee** means a person legally holding a position in the CSU. This term includes full-time, part-time, permanent, tenured, probationary, temporary, intermittent, casual, and per-diem positions. This term does not include auxiliary or foundation Employees or other Third Parties. Employee also includes individuals who were employed by the CSU at the time the Complaint was filed and have since left the employ of the CSU.

11. **Gender** encompasses the social and cultural attributes, roles, behaviors, and identities associated with individuals based on their perceived or assigned sex. Important aspects of Gender include Gender Identity and Gender Expression. **Gender Identity** refers to a person's innate, deeply felt psychological identification of Gender, which may or may not correspond to the person's sex assigned at birth (the sex originally listed on a person's birth certificate).

Nonbinary is a Gender Identity which falls outside of the Gender binary, meaning an individual does not identify as strictly male or female. A nonbinary person can identify as both or neither male and female, or sometimes one or the other. There are several other terms used to describe Gender Identities outside of the male and female binary such as genderqueer, gender non-conforming, agender, and bigender. Though these terms have slightly different meanings, they refer to an experience of Gender outside of the binary.

Transgender (sometimes shortened to Trans or TG) people are those whose Gender Identity differs from the sex they were assigned at birth. A Transgender person may or may not medically transition and may identify as male, female, nonbinary, or another Gender.

Gender Expression refers to external characteristics and behaviors that are socially defined as either masculine or feminine, such as dress, grooming, mannerisms, speech patterns, and social interactions. Social or cultural norms can vary widely and some characteristics that may be accepted as masculine, feminine, or neutral in one culture may not be assessed similarly in another.

Gender is a Protected Status.

12. **Genetic Information** means:

- a. The person's genetic tests.
- b. The genetic tests of the person's family members.
- c. The manifestation of a disease or disorder in the person's family members.
- d. Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a person or any person's family member.

Genetic Information does not include information about the sex or age of any person.

Genetic Information is a Protected Status

13. **Investigator** means the person tasked by a Campus with investigating a Complaint. An investigator interviews the Parties and relevant witnesses, reviews documents and physical evidence, analyzes information, makes credibility determinations in appropriate cases, and prepares reports summarizing their findings and conclusions. The Investigator may be the Title IX Coordinator/DHR Administrator or their designee, provided that any designee shall be an MPP Employee or an external consultant. An investigator shall not have any conflicts of interest in the matter under investigation.

14. **Marital Status** means an individual's state of marriage, non-marriage, divorce or dissolution, separation, widowhood, annulment, or other marital state, including domestic partnership.

Marital Status is a Protected Status.

15. **Medical Condition** means either of the following:

- a. Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer; or
- b. Genetic characteristics. For purposes of this section, "genetic characteristics" means either of the following:
 - i. Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder; or
 - ii. Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder. **Medical Condition** is a Protected Status.

16. **Management Personnel Plan (MPP) Employee** means an employee designated as a "management" or "supervisory" employee under the provisions of the Higher Education Employer-Employee Relations Act.
17. **Minor** means a person younger than 18 years old.
18. Nationality includes citizenship, country of origin, and national origin. It also includes language use restrictions and holding or presenting a driver's license issued under section 12801.9 of the Vehicle Code.
Nationality is a Protected Status.
19. **Party** means a Complainant or Respondent.
20. **Physical Violence** means physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.
21. **Pregnancy or related conditions** mean:
 - a. Pregnancy, childbirth, termination of pregnancy, or lactation;
 - b. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
 - c. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.**Pregnancy** is a Protected Status.
22. **Preponderance of the Evidence** is a standard of proof that determines whether alleged conduct more likely than not occurred based on the evidence presented or facts available at the time of the decision. It means that the evidence presented by one Party is more convincing or has greater weight than the evidence presented by the other Party.
23. **Protected Status** includes Age, Disability (physical or mental), Gender, Gender Identity (including Nonbinary or Transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Pregnancy or related conditions, Race or Ethnicity (including color, caste, or ancestry), Religion or Religious Creed, Sex (including Sex Stereotyping or Sex Characteristics), Sexual Orientation, and Veteran or Military Status.
24. **Race or Ethnicity** includes shared ancestry, color, caste, ethnic group identification or characteristics, ethnic background, and citizenship or residency in a country.
Race or Ethnicity is a Protected Status.
25. **Relevant** means related to the allegations under investigation as part of the procedures in this Nondiscrimination Policy. Questions are Relevant when they seek evidence that may aid in showing whether or not the alleged conduct occurred, and evidence is Relevant when it may aid a decisionmaker in determining whether or not the alleged conduct occurred.
26. **Religion or Religious Creed** includes all aspects of religious belief, observance, and practice, including religious dress and grooming practices (such as wearing religious clothing, head or face covering, jewelry, and artifacts), and includes agnosticism and atheism.
Religion or Religious Creed is a Protected Status.

27. **Remedies** are individualized services offered after the conclusion of the investigation or hearing process where the Respondent has been found responsible. Remedies are provided as appropriate, when reasonably available, and without fee or charge to the Complainant or any other person identified as having equal access to an educational program, activity, or employment limited or denied under this Nondiscrimination Policy. Remedies may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, Campus escorts, 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 Administrator is responsible for determining the reasonableness of the requested Remedy and coordinating the effective implementation of Remedies.
28. **Reporting Party** means any individual, whether they are mandated or not, who files a report of a possible violation of the Nondiscrimination Policy on behalf of a Complainant. A Reporting Party is not entitled to information about the complaint resolution process. A Reporting Party does not assume the role of the Complainant when the Complainant elects not to participate in the complaint resolution process.
29. **Respondent** means a person who is alleged to have violated this Nondiscrimination Policy. A Respondent may include the CSU, an Employee, Student, or Third Party.
30. **Sex** refers to the biological category (male, female, intersex) a person is assigned at birth based on a combination of factors. Sex includes, but is not limited to pregnancy, childbirth, termination of pregnancy, lactation, any related medical conditions, or recovery.
Sex Characteristics refer to the outward and inward biological traits and attributes that are typically associated with being male, female, or intersex. These characteristics are determined by a combination of genetic, hormonal, and anatomical factors, such as reproductive or sexual functions.
Sex Stereotype means an assumption about a person's appearance or behavior or about an individual's ability or inability to perform certain kinds of work based on a myth, social expectation, or generalization about the individual's sex.
Sex is a Protected Status.
31. **Sexual Assault Victim's Advocate** refers to Employees or third-party professionals designated to support Complainants reporting Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking. They must be certified and have received specialized training to provide options and assistance, including but not limited to the provision of information about available options in the Complaint, law enforcement, legal, and medical processes, and with emotional and decision-making support. **Sexual Assault Victim's Advocates** may serve as the Complainant's Support Advisor and assist in seeking services. They are committed to maintaining the highest possible level of confidentiality permissible under state and federal law in their communications with the individuals they assist.
32. **Sexual Orientation** means a person's identity in relation to the Gender or Genders to which they are sexually or romantically attracted and includes but is not limited to heterosexuality, gay, lesbian, bisexuality, and queer.

Sexual Orientation is a Protected Status.

33. **Student** means an applicant for admission to the CSU, an admitted CSU Student, an enrolled CSU Student, a CSU extended education Student, a CSU Student between academic terms, a CSU graduate awaiting conferral of a degree, a CSU student currently serving a suspension or interim suspension, and a CSU Student who withdraws from the University while a disciplinary matter (including investigation) is pending.
34. **Supportive Measures** are individualized services offered to the Complainant or Respondent, as appropriate, when reasonably available, not for punitive or disciplinary reasons, and without fee or charge, regardless of whether a Complaint is filed. Supportive Measures are designed to restore or preserve equal access to CSU education programs, 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 provide support to the Complainant or Respondent during the complaint or informal resolution process. Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, Campus escorts, no-contact directives (unilateral or mutual, depending on the circumstances) or restrictions on contact with the other Party, 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 to the greatest extent possible.
35. **Support Person** means a person who provides emotional support to a Party and may accompany the Party to a hearing as described in the [Interim CSU Nondiscrimination Policy – Student Procedures](#).
36. **Third-Party** means a person other than an Employee or a Student. Examples include employees of auxiliary organizations, unpaid interns, volunteers, applicants for employment, independent contractors, vendors, and their employees, and visitors.
37. **Title IX** means Title IX of the Education Amendments of 1972.
38. **Title IX Coordinator/DHR (Discrimination, Harassment, and Retaliation) Administrator** means the Management Personnel Plan (MPP) Employee at each Campus who is responsible for administering this Nondiscrimination Policy and coordinating compliance with Title IX, VAWA/Campus SaVE Act, and other related state and federal laws prohibiting Discrimination, Harassment and Retaliation. The Title IX Coordinator/DHR Administrator may delegate tasks to one or more designees, provided that any designee shall be an MPP Employee or an external consultant, and the Title IX Coordinator/DHR Administrator retains overall responsibility and authority.
39. **VAWA** means the Violence Against Women Reauthorization Act of 2013 (which amends the Jeanne Clery Disclosure of Campus Crimes Statistics Act, commonly known as the Clery Act) (20 U.S.C. 1092(f)), under its Campus Sexual Violence Elimination Act provision (Campus SaVE Act).
40. **Veteran or Military Status** means service in the armed forces.

Veteran or Military Status is a Protected Status.

41. **Working Days** are defined as Monday through Friday, excluding all official holidays or Campus closures where the Complaint originated or at the Chancellor's Office where an Appeal is reviewed.

VI. Academic Freedom and Freedom of Speech

Freedom of expression is a cornerstone of a democratic society and is essential to the educational process. Universities have an obligation to create space that encourages and supports the free expression of ideas, values, and opinions, even when unpopular or controversial. Not every act that may be offensive or insulting constitutes Discrimination or Harassment, as defined by law and this Nondiscrimination Policy.

All members of the Campus community should recognize that the manner in which they choose to express themselves has consequences and that freedom of expression includes a responsibility to acknowledge and respect the right of others to express differing opinions. Freedom of expression is not an absolute right. It coexists with other rights and the need for public order and safety. The exercise of freedom of expression and assembly must comply with all applicable federal, state, and local laws and CSU policy. Conduct that violates this Nondiscrimination Policy, including statements that constitute Discrimination, Harassment, Sexual Harassment, Retaliation or Stalking, is not protected by academic freedom or freedom of expression. When speech activity includes terrorist threats or the promotion of actual or imminent physical violence or bodily harm, it is not protected by the First Amendment to the U.S. Constitution or by this Nondiscrimination Policy.

VII. Duty to Report

Individuals impacted by Discrimination, Harassment, Sex-based Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, or Retaliation have a right to receive support and are strongly encouraged to talk to someone in order for the Campus to respond appropriately.

To help individuals make an informed decision about who they would like to share information with, the information below explains which CSU employees have a duty to report information they learn and which can keep such information confidential.

- A. **Employees Who Have a Duty to Report:** Except as provided below, any Employee who knows or has reason to know of incidents that may violate this Nondiscrimination Policy has a duty to promptly report to the Title IX Coordinator/DHR Administrator, who are the Campus officials designated to receive these reports. These Employees are known as Responsible Employees and are required to disclose all information available, including the names of the Parties involved, even where the person has requested anonymity. Responsible Employees include, but are not limited to, Employees who have responsibilities for administrative leadership, teaching, or advising in any education program or activity for the CSU or who have the authority to take corrective actions in responding to Complaints from Students.
- B. **Employees Who Do Not Have a Duty to Report:** Except as required by law (described in section C), the Employees identified below generally do not have a duty to report to the Title IX

Coordinator/DHR Administrator. Employees covered by this section are required to explain to persons reporting Discrimination, Harassment, Sex-based Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, or Retaliation their rights and options with respect to confidentiality, how to contact the Title IX Coordinator/DHR Administrator, how to make a Complaint, and how the Title IX Coordinator/DHR Administrator can help, and provide the specific reporting resources outlined in Attachment D. This obligation extends to incidents that occur on or off Campus.

1. Physicians, psychotherapists, professional licensed counselors, licensed clinical social workers, and clergy who work on or off Campus, acting solely in those roles or capacities as part of their employment, in the provision of medical or mental health treatment or counseling (and those who act under their supervision, including all individuals who work or volunteer in these centers and offices).
2. Sexual assault and domestic violence counselors and advocates who work or volunteer on or off Campus in sexual assault centers, victim advocacy offices, women's centers, and health centers and who are acting solely in that role (including those who act in that role under their supervision, along with non-professional counselors or advocates who work or volunteer in sexual assault centers, victim advocacy offices, women's centers, gender equity centers, or health centers) in the provision of counseling or advocacy services.
3. A CSU union representative is not required to report a possible violation of this Nondiscrimination Policy if the information is provided to the union representative, acting in that role, in a confidential setting by a union member seeking advice about a possible violation or representation in a matter within the scope of representation. However, CSU union representatives are strongly encouraged to report the information to the Title IX Coordinator/DHR Administrator.

The Campus will be unable to investigate a particular incident or pursue disciplinary action if an individual chooses to: (1) speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate; and, (2) maintain complete confidentiality. Even so, these individuals will receive assistance in obtaining other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, and information regarding their right to make a Complaint to the Campus and a separate Complaint with local or University Police.

C. Exceptions to Duty to Report:

1. Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a person who they know or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury where the injury is the result of assaultive or abusive conduct (including Rape, Sexual Assault, and Dating and Domestic Violence). This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception, if applicable.

2. Additionally, under California law, all professionals described above (physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters and are required to report incidents involving Minors to local law enforcement in accordance with the *CSU's Policy on Mandatory Reporting of Child Abuse and Neglect*.¹ **These professionals will explain this limited exception, if applicable.**
3. Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger,² or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to Sexual Misconduct, Dating or Domestic Violence, or Stalking.³ If applicable, these professionals will explain this limited exception.

D. Other Matters Related to the Duty to Report:

1. **Athletic Trainers.** Where matters involving Discrimination (based on any Protected Status), Harassment (based on any Protected Status), Sex-based Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, Prohibited Consensual Relationships, or Retaliation are reported to an Athletic Trainer, the Athletic Trainer must report such incidents to the Title IX Coordinator/DHR Administrator.
2. **Campus Ombuds.** Where matters involving Discrimination (based on any protected status), Harassment (based on any protected status), Sex-based Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, Prohibited Consensual Relationships, or Retaliation are reported to a Campus Ombuds, the Ombuds must report such incidents to the Title IX Coordinator/DHR Administrator.
3. **Student Employees, including Residential Advisors.** Residential Advisors, and other Employees who are also Students, have a duty to report knowledge of misconduct when they learn about such information while they are performing their duties of employment for the institution.
4. **University Police.** Employees of the University Police Department have a duty to report to the Title IX Coordinator/DHR Administrator any time they know or have reason to know of incidents that may violate this Nondiscrimination Policy, so that the Title IX Coordinator or DHR Administrator can carry out their duties under the law and under this Nondiscrimination Policy. At a minimum, the information to be reported includes all the information authorized to be disclosed under the law in response to records requests, but without requiring a formal request.⁴ Such information includes but is not limited to the time, substance, and location of all complaints or requests for assistance received by University Police and the time and nature of the response thereto, including, to the extent the information regarding crimes alleged or committed or any other incident investigated is recorded, the time, date, and location of occurrence, the time and date of the report, the name and age

of the victim, the factual circumstances surrounding the crime or incident, the identity of the alleged perpetrator, and a general description of any injuries, property, or weapons involved.⁵

- a. For certain sex offenses⁶ the victim has the right to affirmatively request from University Police, after being informed of their options, that the victim's identity remain confidential. However, even if the victim requests confidentiality of identity, the University Police should specifically ask the victim if the victim's name can be provided to the Title IX Office so that the Title IX Coordinator can contact the victim to discuss supportive measures that can be offered. And in all cases, even when the victim requests confidentiality, the identity of the alleged perpetrator (if known) must be reported to the Title IX Coordinator.
- b. If Campus management designees identified in CSU Clery policy determine that the Respondent poses a discernible serious or ongoing threat to the Campus community, a timely warning will be issued in accordance with the Clery Act. Any such warning will not include any information that identifies the victim.
- c. University Police are strongly encouraged to have regular meetings with the Title IX Coordinator/DHR Administrator to discuss strategies to ensure that victims are fully apprised of their rights and options under the law and under this Nondiscrimination Policy.

VIII. Authority

This policy is issued pursuant to [Section II of the Standing Orders of the Board of Trustees of the California State University](#), and as further delegated by the [Standing Delegations of Administrative Authority](#).

IX. Endnotes

1. See Cal. Penal Code §§ 11164-11174.3; see also CSU Policy on Mandatory Reporting of Child Abuse and Neglect.
2. See Cal. Evid. Code § 1024.
3. See Cal. Evid. Code § 1035.4.
4. See Government Code 7923.615
5. See Government Code 7923.615.
6. See Penal Code Sections 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6.

All Revision Dates

8/1/2024, 1/22/2023, 12/24/2021

Attachments

[Attachment A - Additional Information on Implementing the Legal Requirements Prohibiting Sex Discrimination](#)

[Attachment B - Campus Title IX Coordinators Role and Responsibilities](#)

[Attachment C - Confidential Sexual Assault Victim Advocates](#)

[Attachment D - Rights and Options for Victims of Sexual Misconduct, Sexual Assault, Sexual Exploitation, Dating and Domestic Violence, and Stalking](#)

[Attachment E - Myths and Facts About Sexual Misconduct](#)

[Attachment F - Complaint Form](#)

[Attachment G - Systemwide Prevention Policy](#)

[Attachment H - Compliance Review](#)

[Superseded Policy \(Nondiscrimination Policy\) Dated 01-01-2023.pdf](#)

[Superseded Policy \(EO 1045\) Dated 01-27-2010](#)

[Superseded Policy \(EO 1072\) Dated 04-06-2012](#)

[Superseded Policy \(EO 1074\) Dated 04-06-2012](#)

[Superseded Policy \(EO 1089\) Dated 10-23-2013](#)

[Superseded Policy \(EO 1095,1096,1097\) Dated 01-01-2022](#)

[Superseded Policy \(EO 1095\) Dated 06-03-2014](#)

[Superseded Policy \(EO 1095\) Dated 06-23-2015](#)

[Superseded Policy \(EO 1096 Revised\) Dated 03-29-2019](#)

[Superseded Policy \(EO 1096 Revised\) Dated 06-23-2015](#)

[Superseded Policy \(EO 1096 Revised\) Dated 08-14-2020](#)

[Superseded Policy \(EO 1096 Revised\) Dated 08-24-2021](#)

[Superseded Policy \(EO 1096 Revised\) Dated 10-05-2016](#)

[Superseded Policy \(EO 1096\) Dated 06-03-2014](#)

[Superseded Policy \(EO 1097 Revised\) Dated 03-29-2019](#)

[Superseded Policy \(EO 1097 Revised\) Dated 06-23-2015](#)

[Superseded Policy \(EO 1097 Revised\) Dated 08-14-2020](#)

[Superseded Policy \(EO 1097 Revised\) Dated 08-24-2021](#)

[Superseded Policy \(EO 1097 Revised\) Dated 10-05-2016](#)

[Superseded Policy \(EO 1097\) Dated 06-03-2014](#)

[Superseded Policy \(EO 340\) Dated 04-21-1981](#)

[Superseded Policy \(EO 345\) Dated 05-29-1981](#)

[Superseded Policy \(EO 419\) Dated 07-01-1983](#)

[Superseded Policy \(EO 675\) Dated 01-21-1998](#)

[Superseded Policy \(EO 774\) Dated 05-17-2001](#)

[Superseded Policy \(EO 883\) Dated 10-31-2003](#)

[Superseded Policy \(EO 927\) Dated 01-06-2005](#)

[Superseded Policy \(EO 928\) Dated 01-16-2005](#)

[Superseded Policy \(EO 993\) Dated 10-23-2006](#)

Approval Signatures

Step Description	Approver	Date
VC	Leora Freedman: Interim Vice Chancellor for HR	8/1/2024
Area Manager	Andy Alvarez: Assoc Dir, SW Emp & Plcy Admin	8/1/2024
Owner	Hayley Schwartzkopf: Assoc VC Cvl Rights Prog & Svc	8/1/2024

Attachment D: Student Conduct Process Policy

Status **Active** PolicyStat ID **14075291**



Origination 6/23/2015
Effective 10/6/2023
Reviewed 10/6/2023
Next Review 10/5/2025

Owner Ray Murillo: Asst
VC for SA, Equi &
Belong
Area Academic and
Student Affairs
Codes EO 1098

Student Conduct Process

Article I. Authority, Scope and Purpose

This Procedure is established pursuant to California Code of Regulations, Title 5, Section 41301 et seq., and governs all Student disciplinary matters systemwide, except that as noted, specific Procedures apply for allegations involving Discrimination, Harassment, Retaliation, Sexual Misconduct, Sexual Exploitation, Domestic, Dating Violence, and Stalking, as set forth in Article IV of this Policy and in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#).²

Article II. General Provisions for Cases *Not* Involving Discrimination, Harassment, Retaliation, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking

A. Student Conduct Administrator

Each Campus president shall assign an MPP employee to be the Student Conduct Administrator, whose responsibilities are to perform duties as prescribed in these procedures.

1. All Student Conduct Administrators shall receive appropriate training regarding: (a) the student discipline process (including investigation skills and procedures); (b) the law governing Discrimination, Harassment and Retaliation; (c) Student and witness privacy rights; and (d) the Family Educational Rights and Privacy Act of 1974 (FERPA).
2. All Student Conduct Administrators shall also receive annual training on issues related to: (a) Title IX, VAWA/Campus SaVE Act, and other related state and federal

laws prohibiting Discrimination, Harassment and Retaliation based on Gender, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Domestic Violence, Dating Violence, and Stalking; and, (b) how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

B. Hearing Officers

1. Each Campus president shall appoint one or more persons to serve as Hearing Officers. They may be University employees with MPP appointments (current or retired); managers or directors (current or retired) of a recognized campus auxiliary organization; attorneys licensed to practice in California; or administrative law judges from the Office of Administrative Hearings. Student Conduct Administrators and all persons working under or reporting to them, persons with a conflict of interest in the matter, and percipient witnesses to the events giving rise to the matter are ineligible to serve as Hearing Officers.
2. Except as provided in Article IV, the Hearing Officer conducts the hearing, determines whether a Student has violated the Student Conduct Code, and prepares a report that includes findings and conclusions about whether the Student violated the Student Conduct Code and any recommended sanctions.
3. All Hearing Officers shall receive appropriate training regarding: (a) the student discipline process; (b) the law governing Discrimination, Harassment and Retaliation; (c) student and witness privacy rights; and (d) FERPA.
4. All Hearing Officers shall also receive annual training on issues related to: (a) Title IX, VAWA/Campus SaVE Act, and other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Domestic Violence, Dating Violence, and Stalking; and (b) the duties of the Hearing Officer (including impartiality, confidentiality and the duty to conduct hearings in a manner that protects the safety of victims and promotes accountability).

C. Advisors

Both the Complainant and the Student charged may elect to be accompanied by an Advisor of their choice, subject to the limitations set forth in this section, to any meetings, conferences, interviews or hearings.

Any witnesses who are alleged to be victims of the Discrimination, Harassment, Retaliation, Sexual Misconduct, Sexual Exploitation, Domestic Violence, Dating Violence, or Stalking at issue may likewise elect to be accompanied by an Advisor of their choice.

In cases involving Discrimination, Harassment and Retaliation based on Gender, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Domestic Violence, Dating Violence, and Stalking, the Complainant may elect to have a Sexual Assault Victim's Advocate or an attorney as an Advisor. Likewise, in such matters, the Student charged may elect to have an attorney as an Advisor.

Student conduct proceedings are not meant to be formal court-like trials. Although University-related sanctions may be imposed, the process is intended to provide an opportunity for learning. Whoever is selected as an Advisor is limited to observing and consulting with, and providing support to, the Complainant, witness, or Student charged. An Advisor may not speak on a Student's or Complainant's behalf.

In proceedings that do not involve allegations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking, each Campus president determines by Campus directive whether attorneys are permitted to be present in all or some Student conduct proceedings.

Notwithstanding any Campus directive, attorneys may attend hearings as Advisors: (a) where there are pending criminal charges arising out of the same facts that are the subject of the disciplinary proceeding; or (b) where expulsion is a possible sanction.

The Advisor may not be a person with information relevant to the allegations who may be interviewed or called upon to testify during any related investigation or hearing.

Any person who wishes to have an attorney present at the hearing as an Advisor must notify the Student Conduct Administrator in writing of the attorney's name, address and phone number at least **5 Working Days** prior to the hearing.

D. Correspondence

The Student Conduct Administrator (who may act through designees) shall deliver all correspondence to Students (including the Student charged) at the University-assigned, or other primary email address linked to the Student's account in the Office of the Registrar.

E. Interpretation of the Student Conduct Code and this Student Conduct Process

All issues regarding the hearing described in Article III. D or Article IV. G except those specifically noted are within the purview of the Hearing Officer for final determination. Questions of interpretation of the Student Conduct Code or this Student Conduct Procedure are outside the purview of the Hearing Officer and are determined by the Campus vice president for Student Affairs or designee.

F. Delegation of Duties

The duties of the president in these proceedings may be delegated to an appropriate vice president but not be further delegated.

G. Timelines

The Campus may (but is not required to) extend timelines set forth in this Executive Order. Extensions shall be determined by the Campus president, vice president for Student Affairs, or a designee. The Student Conduct Administrator shall notify the Student charged, Complainant, and involved Campus administrators of any revised timeline.

H. Parallel Judicial Proceedings

Student Conduct Code proceedings are independent from court or other administrative proceedings. Discipline may be instituted against a Student also charged in civil or criminal courts based on the same facts that constitute the alleged violation of the Student Conduct Code. The Campus may proceed before, simultaneously with, or after any judicial or other administrative proceedings, except in cases involving Discrimination, Harassment, Retaliation, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking. In such cases, the Campus shall proceed without delay pursuant to Article IV below.

I. Cases Involving Academic Dishonesty

Academic dishonesty cases that occur in the classroom shall be handled by faculty members according to applicable Campus procedures. After action has been taken in any such case, the faculty member shall promptly notify the vice president for Student Affairs (or designee) and the Student Conduct Administrator of the matter so that the circumstances of the misconduct can be considered in their totality. A department's procedure for responding to cases of academic dishonesty is, by its nature, limited to the instance presented in a particular class.

The Student Conduct Code process provides the Campus with an opportunity to consider the Student's entire circumstances, including whether the reported instance is part of a larger pattern of misconduct.

Article III. Proceedings In Cases *Not* Involving Discrimination, Harassment, Retaliation, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking

This Article sets forth the procedures that govern all student disciplinary matters systemwide not involving allegations of Discrimination, Harassment, Retaliation, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking, as those capitalized terms are defined in the [Nondiscrimination Policy](#).

A. Complaint Intake/Investigation

1. Whenever it appears that the Student Conduct Code has been violated, an oral or written complaint should be directed to the Student Conduct Administrator as soon as possible after the event takes place.
2. The Student Conduct Administrator shall promptly: investigate each complaint submitted; determine whether it is appropriate to charge a Student with violation of the Student Conduct Code; and consider whether the University should implement an interim suspension (pursuant to Article VI), withdrawal of consent to remain on Campus³, or no contact orders concerning one or more members of the University community.
3. Investigations shall be concluded within **40 Working Days** after a complaint has been made.

B. Notice of Conference and Conference

1. Within **10 Working Days** after the investigation is complete, the Student Conduct Administrator shall notify the Student in writing that a conference has been scheduled or that the Student is directed to promptly schedule a conference with the Student Conduct Administrator.
2. The Notice of Conference shall include the following information:
 - a. The sections of the Student Conduct Code and other Campus policies that are the subject of the charges;
 - b. A factual description of the Student's alleged conduct that forms the basis for the charges;
 - c. The proposed sanction or range of sanctions;
 - d. The location on the Campus where the Student can view his or her discipline file, including the location (or copies) of the Campus policies that were violated;

- e. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on Campus⁴;
 - f. Notification of the Student's right to be accompanied at the conference by an Advisor and the Campus policy regarding use of attorneys; and
 - g. A copy of this Student Conduct Process or notice of where the Student may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Conference is sent, a copy of this Student Conduct Process shall be enclosed, along with any other Campus policy referenced in the Notice of Conference.
3. The conference with the Student shall be conducted as follows:
 - a. The conference shall not be recorded.
 - b. The Student Conduct Administrator controls the conference and may exclude any Advisor who materially disrupts the conference.
 - c. The conference requirement is waived if the Student fails to attend the conference or otherwise declines to cooperate.
 4. The Student shall respond to the charges of misconduct at the conference. The Student Conduct Administrator shall determine which cases are appropriate for resolution (via written resolution agreement), taking into consideration the results of the investigation and any additional information provided by the Student during any conferences. If agreement can be reached with the Student as to an appropriate disposition, the matter shall be closed, and the terms of the disposition shall be put in writing and signed by the Student and the University after the Student has been given a reasonable opportunity to review the proposed resolution agreement with an Advisor of the Student's choice. Suspension of one academic year or more, expulsion, withdrawal in lieu of suspension or expulsion, 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 any resolution agreement.
 5. If the Student admits violating the Student Conduct Code, but no agreement can be reached with respect to the sanction, the Student may request a hearing on the sanction only.
 6. Nothing in this Student Conduct Process shall prevent the Student and the University from entering into a voluntary resolution of an actual or anticipated student disciplinary case at any time, provided that the Student is first given a reasonable opportunity to review any proposed resolution agreement with an Advisor of their choice.

C. Notice of Hearing

1. The Student Conduct Administrator shall issue a Notice of Hearing within **10 Working Days** after the conference has concluded.
2. The Notice of Hearing shall be issued under the following circumstances:

- a. If the Student fails to attend the conference or otherwise declines to cooperate;
 - b. If the matter is not closed or the disposition is not memorialized in writing promptly after the conference; or
 - c. If the Student admits violating the Student Conduct Code, but no agreement can be reached with respect to the sanction.
3. The Notice of Hearing shall include the following information:
- a. The sections of the Student Conduct Code and other Campus policies that are the subject of the charges;
 - b. A factual description of the Student's alleged conduct that forms the basis for the charges;
 - c. The proposed sanctions;
 - d. Notification that neither the Hearing Officer nor the president is bound by the proposed sanction, and that the Hearing Officer may recommend, and/or the president may set, a more severe sanction;
 - e. The date, time and place of the hearing;
 - f. The location on the Campus where the Student may view his or her discipline file, including the location (or copies) of the Campus policies that were violated and any related investigation report;
 - g. Notification that the Student may be accompanied at the hearing by an Advisor, and the Campus policy regarding use of attorneys. If attorneys are allowed, notification shall be given that any person who intends to bring an attorney as their Advisor must inform the Student Conduct Administrator of the attorney's name, address and phone number at least **5 Working Days** before the hearing. Failure to provide this notice in a timely manner will result in exclusion of the attorney from the hearing;
 - h. Notification that the Student can waive the right to a hearing by accepting the proposed sanction;
 - i. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on Campus⁵; and,
 - j. A copy of this Student Conduct Process or notice of where the Student may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Hearing is sent, a copy of this Student Conduct Process shall be enclosed, along with any other Campus policy referenced in the Notice of Hearing.
4. The Student Conduct Administrator shall schedule the hearing promptly, but in any event no sooner than **10 Working Days** after, and no later than **20 Working Days** after, the date of the Notice of Hearing.
5. A notice to appear at hearing shall be sent to any University-related witnesses at least **5 Working Days** before the hearing at the University-assigned or other primary e-mail addresses linked to these persons' University accounts.

6. The Notice of Hearing may be amended at any time, and the Student Conduct Administrator may (but is not required to) postpone the hearing for a reasonable period of time. If the notice is amended after a hearing is underway, the Hearing Officer may (but is not required to) postpone the hearing for a reasonable period of time.

D. Hearing

1. The hearing is closed to all persons except the Student Conduct Administrator; the Student charged; an Advisor; the Hearing Officer; and one person to assist the Hearing Officer in recording the hearing. Any party or witnesses who will be testifying shall attend the hearing in person unless the Student Conduct Administrator permits an exception (e.g., participation via videoconference or telephone). A police or security officer may also be present if deemed appropriate or necessary by the vice president for Student Affairs or Hearing Officer. The University will cooperate in providing University witnesses wherever possible, provided that they are identified at least **5 Working Days** before the hearing.
2. Hearings are intended to be educational rather than adversarial. The Hearing Officer controls the hearing. The Student Conduct Administrator and the Student charged each put on the evidence in their case and may each ask questions of the witnesses in whatever manner the Hearing Officer deems appropriate.
3. The Hearing Officer may ask questions of any witness, the Student charged, the Complainant, or the Student Conduct Administrator.
4. Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing. All information that responsible persons are accustomed to rely upon in the conduct of serious affairs is considered. Hearsay may be considered and will be given the weight appropriate under all of the circumstances. Unduly repetitive information may be excluded.
5. The Hearing Officer shall make an official audio recording of the hearing (with assistance, at the Hearing Officer's discretion). The recording is University Property. No other recording of the hearing is permitted. The audio recording shall be retained by the Student Conduct Administrator in accordance with the Campus records/information retention and disposition schedule.
6. If the Student charged or Complainant fails to appear at the hearing without good cause, the hearing shall nevertheless proceed. The Student charged may not be found to have violated the Student Conduct Code solely because the Student charged failed to appear at the hearing. Nor may the Student charged be found not to have violated the Student Conduct Code solely because a Complainant or witness failed to appear at the hearing.
7. The Hearing Officer is responsible for maintaining order during the hearing and makes whatever rulings are necessary to ensure a fair hearing. Abusive or otherwise disorderly behavior that causes a material disruption is not tolerated. The Hearing Officer may eject or exclude anyone (including the Student charged and/or the Student's Advisor) whose behavior causes a material disruption.
8. The Hearing Officer's decisions regarding procedural issues are final.

9. Where there is more than one Student charged with misconduct in connection with a single occurrence or related multiple occurrences, the Student Conduct Administrator and the Students charged may agree to a single hearing. A Student may request consolidation of his or her case with others, or the Student Conduct Administrator may initiate the consolidation (subject to FERPA and other applicable privacy laws). The Student Conduct Administrator makes consolidation decisions, which are subject to review by the Hearing Officer and thereafter are final.
10. At any time during the hearing, the Student may waive the right to a hearing and accept the proposed sanction. Such a waiver must be in writing.

E. Standard of Proof; Report and Recommendations of the Hearing Officer

1. After the hearing, the Hearing Officer shall make findings of fact and conclusions about whether the Student violated the Student Conduct Code. The standard of proof the Hearing Officer shall use is whether the University's charge is sustained by a Preponderance of the Evidence. It is the University's burden to show that it is "more likely than not" that the Student violated the Student Conduct Code.
2. The Hearing Officer's report shall be based only on the information received at the hearing. The Hearing Officer shall not, prior to preparing the report, have substantive communications about the facts of the case with the Student Conduct Administrator, the Complainant, the Student charged, or the witnesses, unless both the Student Conduct Administrator and the Student charged are present.
3. The Hearing Officer shall submit a written report of findings and conclusions to the president, along with any recommended sanctions. The report shall be submitted to the Campus president within **10 Working Days** after the hearing.

F. Final Decision/Notification

The president shall review the Hearing Officer's report and issue a final decision.

1. The president may impose the recommended sanctions, adopt a different sanction or sanctions, reject sanctions altogether, or refer the matter back for further findings on specified issues. If the president adopts a different sanction than what is recommended by the Hearing Officer, the president must set forth the reasons in the final decision letter. The president's final decision letter shall be issued within **10 Working Days** after receipt of the Hearing Officer's report.
2. The president shall send his or her decision electronically to the Student at the University-assigned or other primary e-mail address linked to the Student's University account.

Article IV. Student Conduct Sanction Proceedings in Track 3 Cases: Other Complaints made against a Student not addressed in Track 1 or 2 for Discrimination, Harassment, Sexual Misconduct, Sexual

Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation

[NOTE: THIS STUDENT CONDUCT PROCEDURE'S INVESTIGATION AND RESOLUTION PROCESS IS SUPERSEDED BY TRACK 1: FEDERAL MANDATED HEARING PROCESS and [TRACK 2: STATE MANDATED HEARING PROCESS](#)]

This Article sets forth the procedures that govern all student disciplinary matters systemwide involving Track 3 allegations of Discrimination, Harassment, or Retaliation. [[TRACK 3: NON-HEARING PROCESS](#)]

A. **DHR Administrator**

The DHR Administrator is responsible for investigating complaints of Discrimination, Harassment, and Retaliation based on all Protected Statuses except Gender. (See the [Nondiscrimination Policy](#)) Additionally, the DHR Administrator determines whether a Student violated the Interim CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation, and prepares a report that includes findings and conclusions in accordance with the [Nondiscrimination Policy](#). Unless the determination is appealed as provided in the [Nondiscrimination Policy](#), it is final and binding in all subsequent proceedings.

B. **Title IX Coordinator**

The Title IX Coordinator (or designee) is responsible for investigating Complaints of Gender Discrimination, Harassment and Retaliation, including Sex Discrimination and Sexual Harassment, as well as Complaints of Sexual Misconduct, Domestic and Dating Violence, and Stalking. (See the [Nondiscrimination Policy](#)). Additionally, the Title IX Coordinator determines whether a Student violated the Interim CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation, and prepares a report that includes findings of facts and conclusions in accordance with the [Nondiscrimination Policy](#). Unless the determination is appealed as provided in the [Nondiscrimination Policy](#), it is final and binding in all subsequent proceedings.

A. **Confidentiality**

Information provided to University employees in connection with any Complaint shall be considered private and may be shared with other University employees and law enforcement exclusively on a "need to know" basis. The University shall endeavor to honor any Complainant's or alleged victim's request for confidentiality; however, it must also weigh requests for confidentiality against its duty to provide a safe and nondiscriminatory environment for all members of the Campus community. Confidentiality, therefore, cannot be ensured. The Title IX Coordinator or DHR Administrator will determine whether confidentiality is appropriate given the circumstances of each incident. The [Nondiscrimination Policy](#) identifies those categories of University employees who are required by law to maintain near or complete confidentiality (for example, in connection with allegations of Sexual Misconduct). Questions about rights and options with respect to confidentiality should be directed to the Campus Title IX Coordinator or DHR Administrator.

B. **Complaint/Investigation/Findings**

1. Complaints by Students against Students shall be investigated according to the procedures set forth in the [Nondiscrimination Policy Track 3](#). The DHR

Administrator or the Title IX Coordinator shall notify the Student Conduct Administrator of the status of any such Complaint, including any appeal to the Chancellor's Office (CO), as well as the investigation results (including findings, conclusions, and any Interim Remedies afforded to the Complainant). Where the investigative report finds a violation or the finding of a violation is sustained after appeal, the Student Conduct Administrator will initiate student conduct proceedings. The Student Conduct Administrator and the DHR Administrator or Title IX Coordinator will consult with respect to appropriate sanctions and Remedies.

2. Complaints by California State University (CSU) employees or Third Parties, as defined in the Nondiscrimination Policy (e.g., vendors, auxiliary employees or Campus visitors) against Students shall be investigated according to the procedures set forth in the Nondiscrimination Policy, Track 3 . The DHR Administrator or the Title IX Coordinator shall notify the Student Conduct Administrator of the status of any such Complaint, including any appeal to the CO, as well as the investigation results (including findings, conclusions, and any Interim Remedies afforded to the Complainant). Where the investigative report finds a violation or the finding of a violation is sustained after appeal, the Student Conduct Administrator will initiate student conduct proceedings. The Student Conduct Administrator and the DHR Administrator or Title IX Coordinator will consult with respect to appropriate sanctions and Remedies.
3. Unless the CO notifies the Campus that an appeal has been filed, investigative findings pursuant to the Nondiscrimination Policy become final **11 working days** after the date of the Notice of Investigation Outcome issued pursuant to those Executive Orders. If an appeal is filed, the investigative findings do not become final until the appeal has been exhausted.

C. **Conference with Complainant**

The Student Conduct Administrator shall offer the Complainant(s) the opportunity to confer with the Student Conduct Administrator. Any conference with the Complainant(s) shall occur within **10 Working Days** after the Student Conduct Administrator receives the final investigation report – or, if an appeal was filed, the final appeal outcome. The purpose of the conference is to provide an opportunity for the Complainant to provide input concerning appropriate sanctions and Remedies in light of the investigative findings. Therefore, it should take place before the Notice of Hearing on Sanctions, described in section G, is served on the Student charged. The Complainant may be accompanied by an Advisor.

D. **Notice of Conference and Conference with the Student Charged**

1. Within **10 Working Days** after the Student Conduct Administrator receives the final investigation report – or, if an appeal was filed, the final appeal outcome, and after the Complainant has been given 10 Working Days to have a Conference with the Student Conduct Administrator, the Student Conduct Administrator shall notify the Student charged in writing that a conference has been scheduled or that the Student is directed to promptly schedule a conference with the Student Conduct Administrator.
2. The Notice of Conference shall include:
 - a. The sections of the Student Conduct Code and other Campus policies that

are the subject of the proposed discipline;

- b. The proposed sanction or range of sanctions, including sanctions designed to provide Remedies to the Complainant(s);
 - c. The location on the Campus where the Student can view his or her discipline file, including the location (or copies) of the Campus policies that were violated;
 - d. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on Campus⁷;
 - e. Notification of the Student's right to be accompanied at the conference by an Advisor; and
 - f. A copy of this Student Conduct Process or notice of where the Student may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Conference is sent, a copy of this Student Conduct Process shall be enclosed, along with any other Campus policy referenced in the Notice of Conference.
3. Conference with Student charged and/or Complainant
The conference with the Student and any conference with the Complainant(s) shall be conducted as follows:
- a. The conference shall not be recorded.
 - b. The Student Conduct Administrator controls the conference and may exclude any Advisor who materially disrupts the conference.
 - c. The conference requirement is waived if the Student or Complainant(s) fails to attend the conference or otherwise declines to cooperate.
4. The Student Conduct Administrator shall, in consultation with and agreement from the DHR Administrator or Title IX Coordinator, determine which cases are appropriate for resolution (via written resolution agreement), taking into consideration the investigation report and any additional information provided by the Student charged and the Complainant(s) during any conferences. If a proposed resolution agreement can be reached with the Student charged as to an appropriate disposition, the terms of the proposed disposition shall be put in writing and signed by the Student and the University after the Student has been given a reasonable opportunity to review the proposed resolution agreement with an Advisor of the Student's choice. The Student charged must be informed that any proposed resolution may be appealed by the Complainant and is not final until any such appeal is exhausted. Suspension of one academic year or more or expulsion, withdrawal in lieu of suspension or expulsion, and withdrawal with pending misconduct investigation or disciplinary proceedings shall be entered on the Student's transcript permanently without exception; this requirement shall not be waived in connection with any resolution agreement.
5. The Student Conduct Administrator shall promptly notify the DHR Administrator or the Title IX Coordinator of the outcome of the conferences with the Student and the

Complainant(s). If the case does not proceed to hearing, the DHR Administrator (or the Title IX Coordinator) shall at that time:

- a. Notify the Complainant(s) of the outcome of the conference, including any proposed resolution agreement as well as the Complainant's right to appeal any proposed resolution agreement to the CO pursuant to Article IV. H.
 - b. Take any appropriate further steps to address the effects of any Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking.
 - c. Identify and address any remaining systemic or other patterns of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking at the Campus.
6. Discipline cases may be resolved through the conference process. It is, however, not appropriate for a Complainant to be required to "work out the problem" directly with the Student charged, and in no event should any meeting between Complainant and the Student be required.

E. Notice of Hearing on Sanctions

1. If not resolved, the Student Conduct Administrator shall issue a Notice of Hearing promptly after the conference. Simultaneous notice shall also be provided to the Complainant and the DHR Administrator or the Title IX Coordinator. The Notice of Hearing shall be issued within **5 Working Days** after the conference has concluded.
2. The Notice of Hearing shall be issued under the following circumstances:
 - a. If the Student charged fails to attend the conference or otherwise declines to cooperate;
 - b. If the matter is not closed or the disposition is not memorialized in writing promptly after the conference; or
 - c. No agreement can be reached with respect to the sanction.
3. The Notice of Hearing shall include the following information:
 - a. The sections of the Student Conduct Code and other Campus policies that are the subject of the proposed sanctions;
 - b. The proposed sanctions, including sanctions designed to provide protection/Remedies to the Complainant(s);
 - c. Notification that neither the Hearing Officer nor the president is bound by the proposed sanction, and that the Hearing Officer may recommend, and/or the president may set, a more severe sanction;
 - d. The date, time and place of the hearing;
 - e. The location on the Campus where the Student may view his or her discipline file, including the location (or copies) of the Campus policies that were violated, and any related investigation report;
 - f. Notification that the Student charged and the Complainant each may be

accompanied at the hearing by an Advisor. Notification shall be given that any person who intends to bring an attorney must inform the Student Conduct Administrator of the attorney's name, address and phone number at least **5 Working Days** before the hearing. Failure to provide this notice in a timely manner will result in exclusion of the attorney from the hearing;

- g. Notification that the Student can waive the right to a hearing by accepting the proposed sanction, subject to the Complainant's right to appeal (subject to the approval of the DHR Administrator or Title IX Coordinator);
 - h. Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on Campus⁶; and
 - i. A copy of this Student Conduct Process or notice of where the Student and/or Complainant may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Hearing is sent, a copy of this Student Conduct Process shall be enclosed, along with any other Campus policy referenced in the Notice of Hearing.
4. The Student Conduct Administrator shall schedule the hearing promptly, but in any event no sooner than **10 Working Days** after, and no later than **20 Working Days** after, the date of the Notice of Hearing.
 5. A notice to appear at hearing shall be sent to any University-related witnesses and to the Complainant(s) at least **5 Working Days** before the hearing at the University-assigned or other primary e-mail addresses linked to these persons' University accounts.
 6. The Notice of Hearing may be amended at any time, and the Student Conduct Administrator may (but is not required to) postpone the hearing for a reasonable period of time. If the notice is amended after a hearing is underway, the Hearing Officer may (but is not required to) postpone the hearing for a reasonable period of time.
 7. The DHR Administrator or Title IX Coordinator retain ultimate authority regarding whether a proposed resolution agreement may be entered into after the Notice of Hearing has been issued, or after the Hearing has commenced. Factors to consider will vary based on the facts and circumstances of the specific case.

F. **Hearing on Sanctions**

The findings and conclusions of the investigations conducted in accordance with the [Nondiscrimination Policy](#), Track 3 once any appeals are exhausted, are final and binding. The hearing is limited to determining appropriate sanctions; the findings of the investigation are not under review.

1. The hearing is closed to all persons except the Student Conduct Administrator; the Student charged; the Complainant(s); their respective Advisors; appropriate witnesses while they are testifying; any other alleged victims while they are testifying, together with their Advisors; the Hearing Officer; and one person to assist the Hearing Officer in recording the hearing. All parties and witnesses who will testify must attend the hearing in person unless the Student Conduct Administrator permits

an exception (e.g., participation via videoconference or telephone). A police or security officer may also be present if deemed appropriate or necessary by the vice president for Student Affairs or Hearing Officer. The University will cooperate in providing University witnesses wherever possible, provided that they are identified at least **5 Working Days** before the hearing.

2. The Hearing Officer controls the hearing. Except as provided in Article IV. H, sections 6-8 below, the Student Conduct Administrator and the Student charged each put on the evidence in their case and may each ask questions of the witnesses in whatever manner the Hearing Officer deems appropriate.
3. The Hearing Officer may ask questions of any witness, the Student, the Complainant, Student Conduct Administrator, the Title IX Coordinator or the DHR Administrator.
4. The Complainant(s) may be present while evidence is being presented concerning the charges that relate to him/her, unless the Hearing Officer grants a request that the Complainant(s) be excused during certain testimony to protect privacy rights and/or pursuant to FERPA.
5. The DHR Administrator or the Title IX Coordinator may attend the hearing in its entirety.
6. Questions may not be posed to Complainants about their past sexual behaviors involving any persons other than the Student charged.
7. The Hearing Officer shall ask any questions of the Complainant and other witnesses on behalf of the Student charged (who shall give the Hearing Officer a written list of questions), unless the Complainant(s) or witness expressly waives this requirement and consents to questioning directly by the Student.
8. The Hearing Officer shall ask any questions of the Student and other witnesses on behalf of the Complainant (who shall give the Hearing Officer a written list of any such questions), unless the Complainant in question expressly waives this requirement.
9. The investigation report and any CO Appeal Response prepared pursuant to the [Nondiscrimination Policy](#), Track 3 shall be entered into evidence at the hearing, redacted as appropriate to protect private (e.g. contact) information or as otherwise required by law.
10. Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing. All information that responsible persons are accustomed to rely upon in the conduct of serious affairs is considered. Hearsay may be considered and will be given the weight appropriate under all of the circumstances. Unduly repetitive information may be excluded.
11. The Hearing Officer shall make an official audio recording of the hearing (with assistance, at the Hearing Officer's discretion). The recording is University Property. No other recording of the hearing is permitted. The audio recording shall be retained by the Student Conduct Administrator in accordance with the Campus records/information retention and disposition schedule.
12. If the Student charged fails to appear at the hearing without good cause, the hearing shall nevertheless proceed.

13. The Hearing Officer is responsible for maintaining order during the hearing and makes whatever rulings are necessary to ensure a fair hearing. Abusive or otherwise disorderly behavior that causes a material disruption is not tolerated. The Hearing Officer may eject or exclude anyone (including the Student, the Complainant, and Advisors) whose behavior causes a material disruption.
14. Where there is more than one Student facing sanctions in connection with a single occurrence or related multiple occurrences, the Student Conduct Administrator and the Students charged may agree to a single hearing. A Student may request consolidation of his or her case with others, or the Student Conduct Administrator may initiate the consolidation (subject to FERPA and other applicable privacy laws). The Student Conduct Administrator makes consolidation decisions, which are subject to review by the Hearing Officer and thereafter are final.
15. At any time during the hearing, and subject to the approval of the DHR Administrator or Title IX Coordinator, the Student charged may waive the right to a hearing and accept the proposed sanction, subject to the Complainant's right to appeal. Such a waiver must be in writing. The DHR Administrator or Title IX Coordinator retain ultimate authority regarding whether a proposed resolution agreement may be entered into after the Notice of Hearing has been issued, or after the Hearing has commenced. Factors to consider will vary based on the facts and circumstances of the specific case.
16. The Hearing Officer shall submit a written report to the president recommending sanctions, if any, as well as any recommendations regarding additional Remedies, including but not limited to restricting the Student's contact with, or physical proximity to, the Complainant or other persons. The report shall include any mitigating or aggravating factors relied upon by the Hearing Officer in reaching the recommendations. The report shall be submitted within **10 Working Days** after the hearing.
The Hearing Officer's report shall be based only on the investigative report and the information received at the hearing. The Hearing Officer shall not, prior to preparing the report, have substantive communications about the facts of the case with the Student Conduct Administrator, the Complainant, the Student, the witnesses, or DHR Administrator or the Title IX Coordinator, unless both the Student Conduct Administrator and the Student are present.

G. President's Sanction Decision/Notification

The president shall review the investigative report and the Hearing Officer's report and issue a decision concerning the appropriate sanction.

1. The president may impose the recommended sanctions, adopt a different sanction or sanctions, or reject sanctions altogether. If the president adopts a different sanction than what is recommended by the Hearing Officer, the president must set forth the reasons in the decision letter. The president's decision letter shall be issued within **10 Working Days** after receipt of the Hearing Officer's report.
2. The president shall simultaneously send the decision electronically to the Student charged and Complainant(s) at the University-assigned or other primary e-mail address linked to their University accounts. The decision shall also be sent to the Student Conduct Administrator and the Hearing Officer.

3. The decision letter shall include:
 - a. The outcome of the hearing on sanctions, including any sanction imposed and the name of the Student charged; and
 - b. A copy of the Hearing Officer's report, redacted as appropriate or as otherwise required by law.
 - c. Notice of the Complainant's and Student's right to appeal to the CO.
4. The president shall also send the decision to the DHR Administrator or the Title IX Coordinator so that they may determine whether any additional Remedies or steps shall be afforded or undertaken in order to maintain a safe and nondiscriminatory University environment.
5. Unless the CO notifies the campus that an appeal has been filed, the president's sanction decision become final **11 Working Days** after the date of the decision letter.

H. **Appeal of Sanction to the Chancellor's Office**

The Complainant and Student charged each may file an appeal of the president's decision of appropriate sanctions to the CO no later than **10 Working Days** after the date of the president's decision letter. The Complainant may also appeal any proposed sanctions agreed to as part of a proposed resolution agreement with the Student charged either in the conference procedure described above or at any time thereafter. Such an appeal must be filed within **10 Working Days** after the date of notice to the Complainant of the proposed resolution agreement.

1. The appeal request shall be in writing and shall indicate the basis of the appeal. Sanction appeals are limited to a determination as to whether the sanction is reasonable under the facts and circumstances as determined by the investigation and whether any prejudicial procedural errors occurred during the hearing. The CO may conduct an interview with the appealing party to clarify the written appeal, at the CO's discretion.
2. A sanction decision appeal shall be addressed to:
Equal Opportunity and Whistleblower Compliance Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore, 4th Floor
Long Beach, California 90802
eo-wbappeals@calstate.edu
3. Acknowledgement of Appeal. The CO shall provide prompt written acknowledgement of the receipt of the appeal to the appealing party and will provide written notification of the appeal to the other party, the campus DHR Administrator or Title IX Coordinator, and the Campus president (or designee).
4. Reasonable Accommodations. The CO will provide reasonable accommodations to any party or witness with a qualified Disability during the appeal process upon request by the person needing the accommodation. A reasonable accommodation may include an extension of time to file or respond to an appeal. The timeframe for CO response to an appeal will automatically be adjusted for the time needed, if any, to provide reasonable accommodations
5. Scope of Review. The CO appeal review shall be limited in scope to determining

whether the sanction is reasonable under the facts and circumstances as determined by the investigation and whether any prejudicial procedural errors occurred during the hearing. The CO appeal review will not involve a new investigation and will not consider evidence that was not introduced during the investigation or hearing. The record will be limited to the record at the hearing.

6. CO Appeal Response. The CO shall issue a final appeal response to the parties, the DHR Administrator or Title IX Coordinator, and the campus president (or designee) no later than **10 Working Days** after receipt of the written appeal unless the timeline has been extended under the Nondiscrimination Policy.
7. The CO Appeal Response shall include a summary of the issues raised on appeal, a summary of the evidence considered, the determination(s) reached regarding the issues identified within the written appeal, a decision about whether the president's sanction decision is reasonable, and, where applicable, a decision regarding the final sanction.
8. Notification of CO Appeal Response. A copy of the CO final appeal response shall be forwarded to the Complainant and Student charged, the DHR Administrator or Title IX Coordinator, and the president (or designee).

I. **Other Student Conduct Code Violations Related to Incidents of Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking**

Alleged victims and witnesses should not be deterred from reporting any incidents of Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies. The University's primary concern is the safety of the Campus community; therefore, a person who participates as a Complainant or witness in investigations or proceedings involving Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking shall not be subject to discipline for related violations of the Student Conduct Code at or near the time of the incident unless the University determines the violation was egregious, including but not limited to plagiarism, cheating, academic dishonesty, or conduct that places the health and safety of another person at risk.

Article V. Sanctions

- A. The following sanctions may be imposed for violation of the Student Conduct Code:
1. **Restitution.** Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.
 2. **Loss of Financial Aid.** Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, canceled or denied⁸.
 3. **Educational and Remedial Sanctions.** Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities 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.
 4. **Denial of Access to Campus or Persons.** A designated period of time during which

the Student is not permitted: (i) on University Property or specified areas of Campus⁹, or (ii) to have contact (physical or otherwise) with the Complainant, witnesses or other specified persons.

5. **Disciplinary Probation.** A designated period of time during which privileges of continuing in Student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current Student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the Student is found to violate the Student Conduct Code or any University policy during the probationary period.
6. **Suspension.** Temporary separation of the Student from Student status from the California State University system.
 - a. A Student who is suspended for less than one academic year shall be placed on inactive Student (or equivalent) status (subject to individual Campus policies) and remains eligible to re-enroll at the University or another campus (subject to individual Campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
 - b. A Student who is suspended for one academic year or more shall be separated from Student status but remains eligible to reapply to the University or another campus (subject to individual Campus application policies) once the suspension has been served. Conditions for readmission may be specified.
 - c. Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the Student's transcript permanently without exception; this requirement shall not be waived in connection with a resolution agreement.
7. **Expulsion.** Permanent separation of the Student from Student status from the California State University system. Expulsion, withdrawal in lieu of expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the Student's transcript permanently, without exception; this requirement shall not be waived in connection with a resolution agreement.

B. Multiple Sanctions

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

C. Good Standing

A Student is not considered to be in good standing for purposes of admission to the University while under a sanction of suspension or expulsion, or while his or her admission or re-admission has been qualified¹⁰.

D. Administrative Hold and Withholding a Degree

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

completion of all sanctions imposed.

E. Record of Discipline

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

Article VI. Interim Suspension

A. Grounds

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

B. Notice and Opportunity for Hearing

A Student placed on interim suspension shall be given prompt notice of the charges pending against him or her as enumerated in Title 5, California Code of Regulations, section 41302 and a factual description of the conduct alleged to form the basis for the charges. The Student may request a hearing to determine whether continued interim suspension is appropriate by filing a request with the Student Conduct Administrator. The Student Conduct Administrator will notify the Hearing Officer.

In matters subject to Article IV, the Student Conduct Administrator will also notify the Complainant and the Title IX Coordinator or DHR Administrator. The Complainant may participate in any hearing conducted pursuant to this section.

Within **10 Working Days** of the request, the Hearing Officer shall conduct a hearing to determine whether there is reasonable cause to believe that the continued interim separation of the Student is necessary to protect the personal safety of persons within the University community or University Property, and to ensure the maintenance of order¹¹.

The hearing is conducted pursuant to the provisions of Article III. D or Article IV. G of these procedures, as appropriate.

The president shall review the Hearing Officer's report and shall promptly issue a final decision regarding interim suspension. Notice to the Student charged and to the Complainant (in matters subject to Article IV) shall be sent to the University-assigned or other primary e-mail address linked to the party's University account. The final decision shall also be provided to the DHR Administrator or the Title IX Coordinator where appropriate.

If the University establishes that there is reasonable cause for the interim suspension to continue, it shall remain in effect until the University closes the disciplinary matter, whether by resolution agreement, final decision or dropped charges, but in no case longer than the president has determined is required to protect the personal safety of persons within the University community or University Property, and to ensure the maintenance of order.

C. Denial of Presence on Campus

During the period of an interim suspension, the Student charged may not, without prior written permission from the Campus president, enter any Campus of the California State University

other than to attend the hearing regarding the merits of his or her interim suspension and any disciplinary hearing. The president may also restrict the Student's participation in University-related activities on a case-by-case basis, such as attending off-Campus activities and/or participating in on-line classes. Violation of any condition of interim suspension shall be grounds for expulsion¹².

Article VII. Admission or Readmission

Applicants for admission or readmission into any University program are subject to appropriate sanctions for violations of the Student Conduct Code, including qualification, revocation or denial of admission or readmission. Any such sanction shall be determined by a hearing held pursuant to Article III or Article IV, as appropriate. For Students who withdraw while a disciplinary matter is proceeding, the Campus has discretion whether to continue proceedings or hold proceedings in abeyance.

Article VIII. Definitions

Capitalized terms in this Procedure are defined in Article VII.B of the [Nondiscrimination Policy](#).

Authority

This policy is issued pursuant to [Section II of the Standing Orders of the Board of Trustees of the California State University](#), and as further delegated by the [Standing Delegations of Administrative Authority](#).

Endnotes

² Key capitalized terms are defined in Article VIII and in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#). Terms contained within this policy are intended to be gender neutral.

³ See Cal. Penal Code § 626.4.

⁴ See Cal. Penal Code § 626.4.

⁵ See Cal. Penal Code § 626.4.

⁶ See Cal. Penal Code § 626.4.

⁷ See Cal. Penal Code § 626.4.

⁸ See Cal. Educ. Code § 69810 *et seq.*

⁹ See Cal. Penal Code § 626.2.

¹⁰ See 5 Cal. Code Regs. § 40601(g).

¹¹ See 5 Cal. Code Regs. § 41302.

¹² See 5 Cal. Code Regs. § 41302.

All Revision Dates

10/6/2023, 8/14/2020, 3/29/2019, 6/23/2015, 6/3/2014, 4/6/2012, 8/3/2009, 2/2/2006, 9/30/1994, 3/8/1972

Attachments

[Superseded Policy \(EO 0148\) Dated 03-08-1972.pdf](#)

[Superseded Policy \(EO 0628\) Dated 09-30-1994.pdf](#)

[Superseded Policy \(EO 0970\) Dated 02-02-2006.pdf](#)

[Superseded Policy \(EO 1043\) Dated 08-03-2009.pdf](#)

[Superseded Policy \(EO 1073\) Dated 04-06-2012.pdf](#)

[Superseded Policy \(EO 1098 Revised\) Dated 06-23-2015.pdf](#)

[Superseded Policy \(EO 1098 Revised\) Dated 3-29-2019.pdf](#)

[Superseded Policy \(EO 1098\) Dated 06-03-2014.pdf](#)

Approval Signatures

Step Description	Approver	Date
EVC	Nathan Evans: Deputy VC ASA ,Chief Acad Offc	10/6/2023
Area Manager/Owner	Leo Cota: Dir, Stra Org Eng & Cultur Dev	8/9/2023
Area Manager/Owner	Ray Murillo: Asst VC for SA, Equi & Belong	7/21/2023

Attachment E: Student Notification Email

Subject Line: Exercising Your Rights to Freedom of Expression

Dear Students,

Welcome to the start of a new academic year. As the leadership of the California State University (CSU), we would like to take a moment to reaffirm our commitment to fostering an inclusive CSU community.

As a part of this commitment, we uphold freedom of expression as essential to our educational mission. Institutions of higher education have a special obligation to encourage and support the free expression of ideas, values, and opinions, even where they may be unpopular or controversial. We invite and actively encourage you to learn, grow and make your voice heard on issues that matter to you. Freedom of expression, however, is not an absolute right. It coexists with other rights, the CSU educational mission, and the need for public order and safety. Freedom of expression and assembly rights must comply with all applicable federal, state and local laws, and university policies.

As you participate in the CSU community, it is important that you understand these regulations and policies, including the Systemwide Time, Place and Manner Policy, the [Student Conduct Process Policy](#) and the [CSU Nondiscrimination Policy](#). These policies outline the rights and responsibilities of students and include information on reporting, due process rights and sanctions for those found to be in violation of university policies. Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate sanctions. The procedure for all student conduct violations is set forth in CSU's Student Conduct Process. Sanctions may include restitution, educational and remedial sanctions, denial of access to Campus or persons, disciplinary probation, loss of financial aid, suspension, and expulsion, and can include multiple sanctions. Each campus addendum also contains information on specific university policies, processes and resources, including how to obtain assistance as you plan events.

The CSU's Office of the Chancellor has created a [systemwide website](#) that serves as a hub of information on these matters. This website includes all CSU campus-based policies and resources meant to foster healthy discourse and bring together community members with different viewpoints, as well as educational activities and programs that support the balance of free speech activities, our educational mission and campus safety. In addition, this short video has been created to provide additional information on the relevant policies and resources available to students: [Student Notification of the CSU Time, Place, and Manner Policy](#).

We also want to acknowledge that activities related to freedom of expression, which sometimes contain hurtful and/or hateful messages, may impact members of the CSU community. If you have been affected by current or past activities and need support, we urge you to access the various [mental health and wellness resources available for students](#).

We look forward to seeing you on campus and to the vibrant and productive year ahead of us. Thank you for choosing the CSU to be a part of your educational journey.

Sincerely,

Mildred A. García, Chancellor, California State University
Jeffrey D. Armstrong, President, Cal Poly San Luis Obispo
Erika D. Beck, President, CSUN
Soraya M. Coley, President, Cal Poly Pomona
Jane Close Conoley, President, Cal State Long Beach
Emily F. Cutrer, Interim President, Sonoma State
Adela de la Torre, President, San Diego State
Vice Admiral (Ret.) Michael J. Dumont, Interim President, Cal Maritime
Vernon B. Harper Jr., Interim President, CSU Bakersfield
Tom Jackson Jr., President, Cal Poly Humboldt
Saúl Jiménez-Sandoval, President, Fresno State
Berenecia Johnson Eanes, President Cal State LA
Lynn Mahoney, President, San Francisco State
Tomás D. Morales, President, Cal State San Bernardino
Ellen J. Neufeldt, President, Cal State San Marcos
Thomas A. Parham, President, CSU Dominguez Hills
Stephen Perez, President, Chico State
Vanya Quiñones, President, Cal State Monterey Bay
Britt Rios-Ellis, President, Stanislaus State
Ronald S. Rochon, President, Cal State Fullerton
Cathy A. Sandeen, President, Cal State East Bay
Cynthia Teniente-Matson, President, San José State
Luke Wood, President, Sacramento State
Richard Yao, President CSU Channel Islands

Attachment E (continued): Student Notification Email & Date Sent

This table outlines the start of the semester for each university and the date the student notification was issued in compliance with SB 108.

Campus	First Day of Instruction	Notification Sent
Bakersfield	August 26, 2024	August 23, 2024
Channel Islands	August 26, 2024	August 26, 2024
Chico	August 26, 2024	August 22, 2024
Dominguez Hills	August 26, 2024	August 19, 2024
East Bay	August 19, 2024	August 15, 2024
Fresno	August 19, 2024	August 19, 2024
Fullerton	August 24, 2024	August 20, 2024
Humboldt	August 26, 2024	August 19, 2024
Long Beach	August 26, 2024	August 22, 2024
Los Angeles	August 19, 2024	August 19, 2024
Maritime Academy	August 21, 2024	August 20, 2024
Monterey Bay	August 26, 2024	August 20, 2024
Northridge	August 24, 2024	August 23, 2024
Pomona	August 22, 2024	August 20, 2024
Sacramento	August 26, 2024	August 22, 2024
San Bernardino	August 24, 2024	August 20, 2024
San Diego	August 26, 2024	August 21, 2024
San Francisco	August 26, 2024	August 23, 2024
San Jose	August 21, 2024	August 19, 2024
San Luis Obispo	September 23, 2024	September 19, 2024
San Marcos	August 26, 2024	August 23, 2024
Sonoma	August 20, 2024	August 20, 2024
Stanislaus	August 21, 2024	August 20, 2024

Attachment F: Template Employee Notification

Subject: Interim Time, Place and Manner Policy

Dear Colleagues,

I hope this email finds you well. The Office of the Chancellor has created systemwide standards to determine the “time, place, and manner” in which free speech activities may be conducted on university property. Individual universities have provided Addenda to the policy that identify the specific time, place and manner regulations for their respective campus. This interim systemwide policy fulfills a new requirement enacted by the California Legislature and is in effect immediately for all students and non-represented employees. The university’s existing campus time, place and manner policy will continue to apply to represented employees until bargaining is complete for the interim time place, and manner policy and campus addendum.

The CSU is committed to fostering an inclusive CSU community. As a part of this commitment, we uphold freedom of speech and expression as essential to our educational mission. Institutions of higher education have a special obligation to encourage and support the free expression of ideas, values, and opinions, even where they may be unpopular or controversial. Freedom of expression, however, coexists with other rights such as the need to preserve public order and safety and to maintain the ability of the CSU to fulfill its educational mission. The exercise of freedom of expression and assembly rights must still comply with all applicable federal, state and local laws, and university policies.

The Office of the Chancellor has created a systemwide website that serves as a hub of information on these matters. This website includes all CSU campus-based policies and resources meant to foster healthy discourse and bring together community members with different viewpoints, as well as educational activities and programs that support the balance of free speech activities, our educational mission and campus safety.



BAKERSFIELD

August 27, 2024

CHANNEL ISLANDS

CHICO

Dear CSU Presidents:

DOMINGUEZ HILLS

On August 15, 2024, I wrote to you regarding the requirements of California's Budget Act of 2024 ([Senate Bill 108](#)) regarding campus climate and safety expectations set forth in the law and required notification of these expectations to all students by the beginning of the fall 2024 term. The CSU must submit a report to the legislature on how it has met these requirements by October 1, 2024.

EAST BAY

FRESNO

FULLERTON

HUMBOLDT

Among other things, this legislation requires that the California State University foster freedom of expression and the free exchange of ideas that complies with state and federal law and CSU policies *while always protecting student, staff, and faculty safety and access to educational opportunities*. It also requires the CSU to develop a *systemwide* framework to provide for consistency with implementation and enforcement, by fostering healthy discourse and bringing campus community members together, even when viewpoints are ideologically different, to best promote the educational mission of the CSU in a safe and peaceful manner.

LONG BEACH

LOS ANGELES

MARITIME ACADEMY

MONTEREY BAY

NORTHRIDGE

To that end, together we developed and issued a systemwide Time, Place and Manner policy. The policy is not new and merely restates and clarifies what have always been well-established values, rules and expectations throughout the CSU for decades. Namely, to uphold the constitutionally protected rights of all students, employees and members of the community regarding free expression, speech, and assembly, and to do so in a safe and peaceful manner. The policy is effective with respect to all students and unrepresented employees and will be applicable to represented employees once the meet and confer process is complete.

POMONA

SACRAMENTO

SAN BERNARDINO

SAN DIEGO

It is important that all employees understand that, even though the recently issued systemwide policy describes certain prohibited activities, these activities are also prohibited by law and by systemwide directive.

SAN FRANCISCO

SAN JOSÉ

Making CSU's expectations understandable and clear is critical for promoting the necessary balance between free expression and the need for safety and uninterrupted university operations. Therefore, I am directing each university president to notify and remind all employees that the following activities are **strictly prohibited on university property**:

SAN LUIS OBISPO

SAN MARCOS

SONOMA

STANISLAUS

- **Encampments and camping.** No person shall camp, occupy camping facilities, use camping paraphernalia, or store personal property for camping, whether indoors or outdoors. No one may use or erect a tent or other temporary housing or occupy any tent or temporary housing structure. No person shall set up a campsite, or bring, leave or maintain furniture or other large household or camping items.
- **Unauthorized structures and barriers.** No person shall build, construct, erect, place, set up, move, deliver or maintain any temporary or permanent tent, platform, bench, building, building materials, wall, barrier, barricade, fencing, structure, sculpture, bicycle rack or furniture.
- **Restricting free movement.** No person shall restrict the movement of another person or persons by any means, including blocking or obstructing their ingress or egress, or otherwise deny a person access to normally unrestricted areas.
- **Masking to conceal identity with intent to violate laws or policies.** No person shall wear a mask or personal disguise for the purpose of concealing their identity with the intent of intimidating any person or group, or for the purpose of evading or escaping discovery, recognition, or identification in the commission of violations of the law or policy.
- **Occupation of buildings and facilities.** No person shall occupy buildings and facilities or engage in trespass or any other violation of applicable law.
- **Vandalism and other damage.** No person shall vandalize, damage or destroy university property.

This directive is in effect immediately for all students and employees, *including represented employees*. Violation of these directives (or any other illegal activity) is a violation of the law and will be enforced accordingly.

My expectation is that you will communicate this directive and enforce this directive so that we can maintain our universities where free expression and safety are equally protected. I greatly appreciate the work you have done thus far and believe that, with a consistent approach, we can achieve a welcoming and inclusive environment for all, making the California State University system a model for the state and the nation. The Chancellor's Office team stands ready to assist you in these important efforts.

Warmly,



Mildred García, Ed.D.
Chancellor

Attachment H: Campus Educational Activities

The CSU is committed to ensuring members of our university community have ample opportunities to express their views on issues important to them. Below is a brief summary of some of the educational programs that each university will be developing and/or enhancing to support the balance between free speech activities, educational mission and student safety:

California State University, Bakersfield will be developing a series on free speech and difficult dialogue events. These cross divisional events will develop a deeper understanding of free speech on college campuses and cover topics such as civil discourse, inclusive engagement, and the history of activism on university campuses.

California State University Channel Islands will be hosting a wide range of cross-divisional events with a Learning-Outcomes Based Plan. Activities will include conflict resolution and community civility skills workshops; facilitating difficult discussions; and developing comprehensive marketing and communication materials on free speech rights and responsibilities in an academic environment.

California State University, Chico will be facilitating campus programs, trainings, and workshops to enhance campus-wide learning and professional development by improving campus climate, fostering a culture of care, and advancing student development, co-curricular engagement, and teaching and learning – all within the framework of the systemwide policy.

California State University, Dominguez Hills will host Toro Talks: A Community Discussions. This series will serve as community discussions about various diversity, equity and inclusion topics with the goal of engaging in conversations and learning from each other's lived experiences.

California State University, East Bay will host forums on time, place, and manner, Freedom of Speech and engaging in difficult dialogues. These forums will emphasize deliberative democracy principles and engagement and will be offered to students, faculty and staff in virtual and in-person formats.

California State University, Fresno will be hosting a First Amendment Celebration to promote a deep understanding of the First Amendment and its importance in a diverse society. The university will also be hosting civil discourse workshops to provide skills for engaging in respectful dialogue with diverse perspectives.

California State University, Fullerton will be collaborating with its Associated Students to host a Speaker Series that will address free speech and time, place and manner topics.

California State Polytechnic University, Humboldt will be hosting a Civility Day in partnership with Associated Students and College of the Redwoods. This event will promote respectful dialogue, mutual understanding, and constructive communication where diverse perspectives are valued.

California State University, Long Beach's Speak Boldly and Listen Bravely initiative is designed to foster an inclusive and supportive environment within the Beach community by enhancing communication, promoting active listening, and encouraging bold conversations among students, staff, and administration. The comprehensive program aims to cultivate a campus culture where open dialogue, respectful communication, and active listening are paramount.

California State University, Los Angeles will be hosting a Values, Vision, and Voice Summit to examine core values such as freedom of speech, belonging, inclusion, and community. The university will also establish an Ambassador Program of trained student ambassadors to work alongside campus administrators on free speech related activities.

California State University Maritime Academy will be launching a cross-divisional marketing campaign to raise awareness on free speech rights on campus. The university will also be coordinating workshop series on free speech and civic dialogue to foster a deeper understanding of the importance of free speech and civic engagement.

California State University, Monterey Bay is building a variety of events and presentations on the university's commitment to free speech activities.

California State University, Northridge is soliciting proposals from the campus community to support the balance among free speech activities and the educational mission of the university.

California State Polytechnic University, Pomona is hosting educational workshops for students, faculty and staff on the time, place and manner policy and conducting a comprehensive marketing campaign about free speech rights and responsibilities on a university campus.

California State University, Sacramento will be creating a Freedom of Expression course on its Canvas Module as a campus resource. The university will also host events to facilitate conversations regarding Freedom of Expression.

California State University, San Bernardino will be hosting educational workshops, seminars, and trainings on time, place and manner and Free Speech activities.

San Diego State University's One SDSU Community programs provide opportunities for members of the community with different viewpoints to engage in dialogue. This program brings together students who many not typically interact to explore issues surrounding diversity is one of the main goals of the program.

San Francisco State University will be facilitating staff, faculty, and student trainings on free speech on college campuses. These workshops will provide information and skills on hosting inclusive and impactful campus activities, develop skills to address free speech issues in co-curricular and curricular activities that contribute to student development, and develop well-rounded understanding of rights and responsibilities in the context of free speech and university life.

San Jose State University will be hosting a four-part series titled “Moving From Harm to Healthy Discomfort: The Process of Gaining Skills on Dialogue, Discourse and Expression.” This series will provide students, staff and faculty with the necessary skills to reconstruct ways to hold meaningful conversations even in the midst of difficult and divisive subjects.

California State Polytechnic University, San Luis Obispo will be launching a robust marketing campaign coupled with a workshop series on free speech and civic dialogue to raise awareness of the time, place and manner policy while encouraging informed, respectful dialogue about free speech and civic engagement across the campus community.

California State University San Marcos has a campaign called “Civil Discourse: Let’s Engage.” This campus wide initiative strives to create a culture that engages in civil discourse both inside and outside of the classroom. The campaign includes learning opportunities that emphasize building skills and providing tools for engagement. The Civility Café Series is a foundational skills-based training on civil discourse to support community members' efforts to listen to multiple perspectives and engage in conversations about social justice issues.

Sonoma State University will be hosting a constructive dialogue and conversation instruction series, reinforcing the university’s core value of pluralism through co-curricular programs. These programs will include informational workshops, keynote speakers, training, and facilitated discussions.

California State University, Stanislaus will be hosting a series of events that highlight free expression and civic engagement. An advisory group comprised of staff, faculty, and students will develop programs that include keynote speakers, panel discussions, and focused workshops tailored to the unique campus population.