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November 5, 2024

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Chief Clerk of the Assembly
State Capitol, Room 319
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Re: California State University: Annual Report on Nondiscrimination Policy

In accordance with Education Code section 89033, the California State University is submitting its annual report on the text of all policies and procedures relating to discrimination, harassment, and retaliation.

The attached [Nondiscrimination Policy](#), [Student Procedures](#), and [Employee Procedures](#) were adopted by the CSU on August 1, 2024. They incorporate recommendations from the California State Auditor and align with state and federal laws and regulations. The Nondiscrimination Policy and Procedures are labeled “Interim” as the CSU and our labor partners continue to meet and confer over employee working conditions impacted by the new policies.

The Nondiscrimination Policy and Procedures were reviewed by a wide variety of stakeholders across the CSU, including Title IX Coordinators / DHR Administrators,

CSU Campuses
Bakersfield
Channel Islands
Chico
Dominguez Hills
East Bay

Fresno
Fullerton
Humboldt
Long Beach
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Maritime Academy

Monterey Bay
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San Marcos
Sonoma
Stanislaus

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Student Conduct Administrators, Vice Presidents for Human Resources, Faculty Affairs and Student Affairs, California State Student Association, Academic Senate leadership, labor partners, confidential advocates, Senior Diversity Officers, Police Chiefs, Clergy Directors, and the Office of General Counsel.

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

Sincerely,



Steven Relyea (Nov 5, 2024 13:54 PST)

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: Members, California State Legislature
Natalie Gonzalez, Fiscal & Policy Analyst, Legislative Analyst Office
Nathan Evans, Deputy Vice Chancellor, Academic and Student Affairs
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Greg Saks, Vice Chancellor, External Relations & Communications
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Jeni Kitchell, Assistant Vice Chancellor, Finance and Budget Administration/Controller
Nathan Dietrich, Assistant Vice Chancellor, Advocacy and State Relations
Hayley Schwartzkopf, Associate Vice Chancellor for Civil Rights



Origination 2/27/1981
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 1096

Interim CSU Nondiscrimination Policy – Employee Third-Party Procedures

I. Statement of Values

The California State University ("the CSU" or "the University") provides procedures to ensure the prompt and equitable resolution of Complaints made by Students, Employees, or other individuals who are participating or attempting to participate in its education programs, activities, or employment, or by the Title IX Coordinator/DHR Administrator, alleging any action that would be prohibited by Title IX, the Title IX regulations, Title VI, Title VII, and other applicable state and federal laws.

Any questions about these Procedures should be directed to the Title IX Coordinator/DHR Administrator.

II. Terminology

Capitalized Terms: Capitalized terms in these Procedures are defined in Article V of the CSU Nondiscrimination Policy. For brevity, the following terms below are used throughout these Procedures:

- A. **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:
 1. Hostile environment or Quid Pro Quo Harassment (e.g., when an Employee conditions a benefit on a Complainant's participation in unwelcome sexual conduct);
 2. Specific offenses (e.g., Dating Violence, Domestic Violence, Sexual Exploitation, and Stalking); and/or

3. Sexual Misconduct.

- B. **Discrimination, Harassment, Retaliation.** For brevity, the phrase "Discrimination, Harassment, or Retaliation" used throughout these Procedures to mean all forms of Prohibited Conduct outlined in the Nondiscrimination Policy, including Sex-based Harassment.

III. Procedure Scope and Applicability

These Procedures are effective August 1, 2024, and are not retroactive. The Procedures below should be used for alleged misconduct that occurs on or after August 1, 2024.

These Procedures are only used to address conduct that may violate the Nondiscrimination Policy. Alleged misconduct by Employees or Third-Parties that does not fall under the Nondiscrimination Policy should be directed to the appropriate administrator in Human Resources or Faculty Affairs. Alleged misconduct by Students that does not fall under the Nondiscrimination Policy is addressed under the [Student Conduct Procedures](#).¹

The University will respond in a timely and appropriate manner to all Complaints and will take appropriate action to prevent continuation of, and correct, Nondiscrimination Policy violations. Depending on the circumstances, the University's response may or may not include a formal investigation.

- A. **Individuals Who May Make a Complaint:** While any person may be a Reporting Party for alleged violations of the Nondiscrimination Policy, only the following people have a right to file a Complaint of Discrimination, Harassment, or Retaliation and request that the University investigate and make a determination about alleged misconduct under Title IX and the Title IX regulations, Title VI, Title VII, and other applicable state and federal laws:
1. A Student or Employee of the University;
 2. A person other than a Student or Employee of the University who is alleged to have been subjected to conduct that could constitute Discrimination, Harassment, or Retaliation, including Sex-based Harassment under Title IX at a time when that individual was participating or attempting to participate in an education program or activity of the University;
 3. An individual with the legal right to act on behalf of a Complainant; or
 4. The University's Title IX Coordinator / DHR Administrator.
- B. **When these Procedures Are Used:** The Procedures below are used for Complaints where an **Employee or Third-Party** is alleged to have engaged in Discrimination, Harassment, or Retaliation in violation of the Nondiscrimination Policy **against another Employee** ("Procedures").
- C. **When the Student Procedures Are Used:** The *Interim CSU Nondiscrimination Policy – Student Procedures* are used for Complaints:
1. Made by a Student against an Employee or Third-Party alleging Sex-based Harassment, or
 2. Made by an Employee or Third-Party against a Student alleging Sex-based

Harassment, or

3. Made by an Employee against a Student-Employee alleging Sex-based Harassment when the alleged conduct arose out of the Respondent's status as a **Student** and not as an Employee.

D. Complaints Against Public Safety Officers: All Complaints and related investigations against Respondents who are sworn University public safety officers shall be governed by these Procedures, the applicable collective bargaining agreement, and by the Public Safety Officers Procedural Bill of Rights Act (POBRA) to the extent that they do not conflict with Federal law.

E. 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 are governed by 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.

F. Applicability of Provisions to Sex-based Harassment and Other Forms of Discrimination:

There are certain sections of these Procedures that apply only to certain Sex-based Harassment Complaints, including Sexual Harassment, Sexual Misconduct, Sexual

Exploitation, Dating Violence, Domestic Violence, and Stalking, and do not apply to other Complaints. Those sections include the note "Applies only to Complaints of Sex-based Harassment."

IV. Disciplinary Sanctions and Remedies

The University will not impose discipline on a Respondent for violations of the Nondiscrimination Policy unless: 1) there is a determination at the conclusion of the formal complaint resolution process (including appeals) that the Respondent engaged in prohibited Discrimination, Harassment, or Retaliation; or 2) where discipline is agreed to as part of an informal resolution process.

Conduct that does not violate the Nondiscrimination Policy may be referred to an appropriate office on Campus for review and determination as to whether corrective and/or disciplinary action is warranted.

If there is a determination that Discrimination, Harassment, or Retaliation occurred, the Title IX Coordinator/DHR Administrator will, as appropriate:

- A. Coordinate the provision and implementation of Remedies to a Complainant and any other individuals who the University identifies as also having been deprived of equal access to the University's education programs, activities, or employment due to Discrimination, Harassment, or Retaliation;
- B. Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions;
- C. Take other appropriate prompt and effective steps to ensure that Discrimination, Harassment, or Retaliation does not continue or recur within the University's education programs, activities, or employment; and
- D. Comply with these Procedures and any applicable Collective Bargaining Agreements before the imposition of any Disciplinary Sanctions against a Respondent.

Employees who are found to have violated the Nondiscrimination Policy will be subject to discipline that is appropriate for the violation and in accordance with state and federal requirements and other CSU policies and applicable collective bargaining agreements. The possible sanctions for Employees determined to have violated the Nondiscrimination Policy are education, training, counseling, reprimand, unpaid suspension of varying lengths, demotion, and/or termination.

Students who are found to have violated the Nondiscrimination Policy will be subject to discipline in accordance with state and federal requirements, student conduct rules, and other CSU policies. Sanctions for Students determined to have violated the Nondiscrimination Policy are identified in the Student Conduct Process: restitution, loss of financial aid, educational and remedial sanctions, denial of access to campus or persons, disciplinary probation, suspension, and expulsion. The University may also temporarily or permanently withhold a degree. Other sanctions and remedies may be agreed upon through the Informal Resolution process.

Good Faith and Honesty

All Parties, witnesses, or others participating in the investigation process under these Procedures are expected to participate in good faith and provide truthful information. Submitting or providing

deliberately false or misleading information in bad faith or with a view to personal gain or intentional harm to another person in connection with the investigation process under these Procedures is prohibited and subject to Disciplinary Sanctions. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are erroneous or are not later substantiated. An unsubstantiated finding alone does not indicate that statements made in an investigation process were false or misleading.

V. Making a Report

- A. **How to Report:** The campus Title IX Coordinator/DHR Administrator is the designated administrator to receive reports of all misconduct prohibited by the Nondiscrimination Policy. The contact information for each University's Title IX Coordinator/DHR Administrator can be found on the respective Campus website and via the Systemwide Office for Civil Rights Programming & Services [website](#).
- B. **Individuals Who May Make a Report:** Any person may report an alleged violation of the Nondiscrimination Policy.
- C. **Timeframe for Making a Report:** Reports may be made at any time, and individuals are encouraged to report an alleged violation of the Nondiscrimination Policy regardless of how much time has passed. The University's ability to interview witnesses and otherwise investigate or act, however, may be limited by various factors, including the passage of time, fading witness memories, and/or preservation of evidence. In all cases, the Title IX Coordinator/DHR Administrator is available to discuss Supportive Measures with the Complainant at any time, regardless of how much time has passed since the incident described in the report.
- D. **Addressing Concerns About Reporting:** The University's primary concern is the safety of the campus community. Any person who reports an alleged violation of the Nondiscrimination Policy should discuss any concerns about safety with the Title IX Coordinator/DHR Administrator.
 1. *Concerns about Retaliation for Reporting:* The Nondiscrimination Policy prohibits Retaliation. If an Employee is reluctant to report because they fear Retaliation, they should discuss their concerns with the Title IX Coordinator/DHR Administrator as soon as possible.
- E. **Delivery Methods for Campus Communication with Parties:** Communication with the Parties regarding a Complaint or investigation will be sent to their designated CSU campus email address, unless the Party has specifically requested in writing to the Title IX Coordinator/DHR Administrator or Investigator that communication be sent to a different email address. Communication with Parties who are neither Students nor Employees will be sent to an email address that they provide. Any communications relating to the outcome of an investigation, including any changes to the outcome or when the outcome becomes final, will be provided in writing to the Complainant and the Respondent at the same time.

VI. University Procedures for Responding to a Report

Regardless of whether a Complaint has been made, when the University becomes aware of possible Discrimination, Harassment, or Retaliation, the Title IX Coordinator/DHR Administrator will investigate, or otherwise respond.

- A. **Outreach to Complainant:** After receiving a report, the Title IX Coordinator/DHR Administrator will assess the report and provide outreach to the possible Complainant named in the report. This outreach will include the following:
1. A statement that the University has received a report of conduct that may be prohibited by the Nondiscrimination Policy (e.g., Discrimination, Harassment, Sex-based Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, Prohibited Consensual Relationship, or Retaliation).
 2. A description of the role of the Title IX Coordinator/DHR Administrator.
 3. A request for the Complainant to meet with the Title IX Coordinator/DHR Administrator, or other designated employee, to discuss the Complainant's options and next steps. This includes the availability of Supportive Measures (even in the absence of a Complaint), informal resolution, and a formal complaint resolution process.
 4. A statement that the Complainant can be accompanied by one Advisor of their choice during any meeting relating to the report and any subsequent Complaint process.
 5. Information regarding counseling, resources, and potential Supportive Measures.
 6. An explanation of how the University responds to reports of Nondiscrimination Policy violations and a description of potential disciplinary consequences.
 7. A summary of the investigation procedures
 8. A statement regarding the importance of preserving evidence
 9. A statement that the Complainant may, but is not required to, report to law enforcement any allegations that could constitute criminal behavior.
 10. A statement that Retaliation for making a Complaint or participating in a Complaint process is prohibited by the Nondiscrimination Policy.
- B. **Written Information Regarding Rights and Options for Complainants Reporting Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking:** In addition to the information provided in the outreach communication, the Title IX Coordinator/DHR Administrator will provide Complainants alleging Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking, with the information in Attachment D – Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating and Domestic Violence, And Stalking.
- C. **Initial Assessment & Intake Meeting:** The Title IX Coordinator/DHR Administrator will offer to

conduct an intake meeting with any Complainant who responds to outreach communication, or otherwise makes a report of a potential Nondiscrimination Policy violation to discuss the Complainant's options, explain the available processes (including informal resolution and the formal complaint resolution process), and provide information about Supportive Measures. The Title IX Coordinator/DHR Administrator will consider the need for a follow-up meeting with the Complainant, as appropriate. Any subsequent investigation will include an interview with the Complainant conducted by the assigned investigator. The investigatory interview will be intended to build upon and clarify the information provided during intake.

D. **Advisors:** The Complainant and Respondent may choose to be accompanied by one Advisor of their choice, who may be, but is not required to be, an attorney or a union representative during meetings or any stage of the Complaint process.

1. The University will not limit the choice or presence of the Advisor for the Complainant or Respondent in any meeting or proceeding. However, the unavailability of a specific Advisor will not unreasonably delay scheduling.
2. A Party's 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.
3. The Parties also have the right to consult with an attorney, at their own expense, or a union representative at any stage of the process if they wish to do so.

E. **Confidentiality Requests and Requests Not to Investigate**

1. Confidentiality Requests: The University will maintain confidentiality of reports, Complaints, and associated processes whenever possible. When necessary, to protect the campus community and to facilitate investigations and/or Supportive Measures, certain information may be shared on a "need-to-know" basis. Therefore, the University cannot guarantee confidentiality.
2. Requests Not to Investigate: When a Complainant requests that no investigation occur, the Title IX Coordinator/DHR Administrator will balance the request against the University's duty to provide a safe and non-discriminatory environment for all members of the campus community. In cases where the Complainant does not want to pursue an investigation, the Title IX Coordinator/DHR Administrator should inform the Complainant that the ability to take corrective action may be limited. The Title IX Coordinator/DHR Administrator will consider, **at a minimum**:
 - a. The Complainant's request not to proceed with initiation of a Complaint;
 - b. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
 - c. The risk that additional acts of Discrimination, Harassment, or Retaliation would occur if a Complaint is not initiated;
 - d. The severity of the alleged Discrimination, Harassment, or Retaliation including whether the conduct, if established, would require the removal of a Respondent from campus or imposition of another Disciplinary Sanction to end the Discrimination, Harassment, or Retaliation and prevent its recurrence;
 - e. Whether the Respondent poses an imminent threat to the campus

community, which may include violence, threats of violence, use of a weapon, physical restraints, or unwanted physical contact.

- f. The age and relationship of the Parties, including power imbalance and whether the Respondent is an Employee of the University;
- g. The scope of the alleged conduct, including information suggesting a pattern (such as multiple or prior reports of misconduct against the Respondent), ongoing conduct, or conduct alleged to have impacted multiple individuals;
- h. Whether the University is able to conduct a thorough investigation and obtain relevant evidence without the Complainant's cooperation;
- i. The availability of evidence to assist a decisionmaker (Investigator) in determining whether Discrimination, Harassment, or Retaliation occurred;
- j. Whether the University could end the alleged Discrimination, Harassment, or Retaliation and prevent its recurrence without initiating the formal complaint resolution process; and
- k. For Employee Complainants, the University will also consider its obligation to maintain a safe work environment in determining whether an investigation is necessary.
 - The Title IX Coordinator/DHR Administrator will document the basis for the decision to initiate or to not initiate the investigation based on this assessment criteria.

3. *Decision to Proceed with Complaint:* Based on the assessment criteria above, the Title IX Coordinator/DHR Administrator has discretion to initiate an investigation without the Complainant's participation.

- a. When the Title IX Coordinator/DHR Administrator decides to proceed with an investigation without a Complainant's participation, the Title IX Coordinator/DHR Administrator will make the Complaint on behalf of the University. The Title IX Coordinator/DHR Administrator will remain neutral in applying the Nondiscrimination Policy and these Procedures. In these cases, the Title IX Coordinator/DHR Administrator will provide the impacted party with the same notices, updates, and opportunities to participate as the Respondent throughout the investigation, unless the impacted party confirms in writing that they do not want to receive these communications and do not wish to participate in the process. The impacted party may rescind this notice at any time in writing to the Title IX Coordinator/DHR Administrator.
- b. When the Title IX Coordinator/DHR Administrator initiates an investigation without the Complainant's participation, the Complainant will be informed in advance of the Title IX Coordinator/DHR Administrator disclosing the Complainant's identity and details of the Complaint or report to the Respondent, or initiating an investigation. The Title IX Coordinator/DHR Administrator will work with campus partners to take steps to arrange reasonable safety measures for the Complainant if appropriate. At the

Complainant's request, the Title IX Coordinator/DHR Administrator will inform the Respondent that the Complainant asked the University not to investigate or seek discipline.

4. *Decision not to proceed with investigation*: If a request for confidentiality or no investigation is granted, the Title IX Coordinator/DHR Administrator will nevertheless take reasonable steps to limit the effects of the alleged Discrimination, Harassment, or Retaliation, and prevent its recurrence without initiating formal action against the Respondent or revealing the identity of the Complainant. Examples include increased temporary monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys. Reasonable steps will be taken to provide for the safety of a Complainant while keeping the Complainant's identity confidential as appropriate and if possible. These steps may include changing work assignments, supervisors, or work schedules. The Complainant will be notified that the steps the campus will take may be limited by the request for confidentiality.

VII. Supportive Measures

The University will offer and coordinate Supportive Measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to the University's education programs, activities, employment, or to provide support during the University's formal complaint resolution process or during the informal resolution process. Supportive Measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; changes to employee reporting line; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Discrimination, Harassment, and Retaliation.

The Title IX Coordinator/DHR Administrator will describe and offer Supportive Measures to Complainants during the initial assessment (even if no Complaint is made or the Complaint is ultimately not investigated), and to Respondents during an initial meeting.

The Title IX Coordinator/DHR Administrator is responsible for coordinating the effective implementation of Supportive Measures if requested and reasonably available.

- A. **Review of Supportive Measures – Applies only to Reports or Complaints of Sex-based Harassment:** A Complainant or Respondent may request modification or reversal of a decision to provide, deny, modify, or terminate Supportive Measures applicable to them.
 1. This request will be reviewed by an appropriate and impartial Employee:
 - a. If the original decision about Supportive Measures was made by a person with authority delegated by the Title IX Coordinator/DHR Administrator, the review will be conducted by the Title IX Coordinator/DHR Administrator.
 - b. If the original decision about Supportive Measures was made by the Title IX Coordinator/DHR Administrator, the review will be conducted by a Systemwide Director for Civil Rights.

2. If the reviewer determines that the decision to provide, deny, modify, or terminate the Supportive Measure was inconsistent with the Nondiscrimination Policy's requirements, expectations, or standards for Supportive Measures, they may modify or reverse the decision. In making this determination, the reviewer should consider:
 - a. Do the Supportive Measures unreasonably burden a Complainant or Respondent?
 - b. Are the Supportive Measures punitive?
 - c. Are the Supportive Measures reasonably available and restore access to the CSU's programs, activities, or employment?
 - d. Are the Supportive Measures being offered or provided during the informal resolution process or formal complaint resolution process?
 3. A Complainant or Respondent may also seek additional modification or termination of a Supportive Measure applicable to them if circumstances change materially by contacting the Title IX Coordinator / DHR Administrator.
 4. The University will not share information about any Supportive Measures with anyone other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to arrange or provide the Supportive Measure or restore or preserve a Party's access to the CSU's education programs, activities, or employment, or when otherwise required by state or federal law.
- B. No-Contact Directives:** No-contact directives may be issued as a Supportive Measure, Remedy, or in connection with an Informal Resolution Agreement, with or without an investigation. When reasonably requested by a Complainant or otherwise needed to protect health and safety or to preserve the integrity of the investigation, the University will issue an interim no-contact directive, which may be unilateral (prohibiting the Respondent from contacting the Complainant) or mutual (prohibiting the Parties from contacting each other) while the investigation is pending.
1. No-contact directives that are not part of an Informal Resolution Agreement must meet the following requirements:
 - a. No-contact directives that limit an individual's movement on a University campus may only be issued where the conduct alleged is egregious or where an objective threat of physical harm exists.
 - b. A mutual no-contact directive (applicable to both Parties) may only be issued prior to an investigation outcome. Mutual no-contact directives will not be issued automatically. The Title IX Coordinator/DHR Administrator must consider, based on the circumstances of each case, whether a mutual no-contact directive is necessary or justifiable to protect the Respondent's safety or well-being, or to address concerns about interference with an investigation.
 - c. If there is a finding that the Nondiscrimination Policy has been violated and a mutual no-contact directive is already in effect, unless there are extenuating circumstances, the no-contact directive will promptly be converted to a unilateral no-contact directive (applicable only to the

Respondent).

- d. Any no-contact directive (whether mutual or unilateral) will be delivered to both Parties in writing and will be accompanied by a written explanation of the terms of the directive and the consequences for violating the no-contact directive. A no-contact directive is intended to be temporary and should be periodically assessed to confirm the continued need for, and appropriateness of, its specific terms (conditions), including whether it should be mutual (applicable to both Parties), or unilateral (only applicable to the Respondent).
 - e. Violations of no-contact directives will be addressed by Human Resources or Faculty Affairs. If the alleged violation of the no-contact directive is itself a violation of the Nondiscrimination Policy, the matter will be referred to the Title IX Coordinator/DHR Administrator.
2. In considering the reasonableness and terms of a requested no-contact directive, the Title IX Coordinator/DHR Administrator may consider various factors, including the need expressed by the Complainant or Respondent; the ages of the Parties involved; the nature of the allegations and their continued effects on the Complainant or Respondent; whether the Parties continue to interact directly in the University's education program or activity, including through employment, shared residence or dining facilities, class, or campus transportation; and whether steps have already been taken to mitigate the harm from the Parties' interactions, such as implementation of a civil protective order.
- C. **Criminal Complaints and Concurrent Investigations:** Complainants will be informed during the intake meeting of their right to make a criminal complaint with University police or other appropriate law enforcement agencies. The Title IX Coordinator/DHR Administrator will offer to assist the Complainant and will assure them that filing a criminal complaint will not unreasonably delay the University's investigation. The University will typically not wait until the conclusion of a criminal investigation to begin its own investigation. Although it may be necessary to temporarily delay the investigation while law enforcement is gathering evidence, once notified that law enforcement has completed the fact gathering portion of their investigation, the University will promptly resume and complete its own investigation. Individuals who first report to University police will be encouraged to also make a Complaint with the Title IX Coordinator/DHR Administrator.
 - D. **Administrative Leave:** A campus may place an Employee on Administrative Leave (sometimes referred to as Temporary Suspension) in accordance with applicable Collective Bargaining Agreements or CSU policies while the Complaint process is pending.

VIII. Complaints

When the Title IX Coordinator/DHR Administrator receives a Complaint, they will determine whether to open an investigation after making a preliminary inquiry into the allegations. An investigation may not be warranted where the reported information does not allege facts with enough specificity or include conduct that would, even if true, constitute a violation of the Nondiscrimination Policy. These determinations will be documented in writing by the Title IX Coordinator/DHR Administrator and

maintained in accordance with systemwide records retention policies.

When more than one Complainant or more than one Respondent is involved, references in these Procedures to a Party, Complainant, or Respondent include the plural, as applicable.

- A. **Complaint Accepted for Investigation:** Within 10 Working Days of the date of an intake meeting or receipt of a request for investigation from the Complainant (whichever is later), or making a determination that an investigation is necessary without a request from or participation by the Complainant, the Title IX Coordinator/DHR Administrator will send a Notice of Investigation to the Complainant and Respondent.
- B. **Complaint Not Accepted for Investigation:** If the Title IX Coordinator/DHR Administrator determines that the Complaint does not allege a violation of the Nondiscrimination Policy, the Title IX Coordinator/DHR Administrator will, within 10 Working Days of the date of the intake or receipt of a written request for investigation (whichever is later), notify the Complainant in writing that the Complaint will not be investigated without further information. The Title IX Coordinator/DHR Administrator may refer the Complaint to another campus office if appropriate and will notify the Complainant of any referral. The Title IX Coordinator/DHR Administrator will retain a record of the Complaint, the written determination and any referrals made to another campus office.
- C. **Discretionary Dismissal:** At any time after a Complaint has been accepted for investigation, it is within the discretion of the Title IX Coordinator/DHR Administrator to dismiss a Complaint, or any part of a Complaint, if:
 1. The Complainant notifies the Title IX Coordinator/DHR Administrator in writing that they would like to withdraw the Complaint or any part of it, or
 2. If the specific circumstances prevent the University from reasonably gathering evidence necessary to reach a determination as to the Complaint or part of the Complaint.
- D. **Dismissal of a Complaint - Applies only to Complaints of Sex-based Harassment:**
 1. The Title IX Coordinator/DHR Administrator may dismiss a Complaint of Sex-based Harassment if:
 - a. The University is unable to identify the Respondent after taking reasonable steps to do so;
 - b. The Respondent is not participating in the University's education program or activity and is not employed by the University;
 - c. The Complainant voluntarily withdraws any or all of the allegations in the Complaint, the Title IX Coordinator/DHR Administrator declines to initiate a Complaint, and the University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex-based Harassment even if proven; or
 - d. The University determines the conduct alleged in the Complaint, even if proven, would not constitute Sex-based Harassment. Before dismissing the Complaint, the University will make reasonable efforts to clarify the allegations with the Complainant. Complaints that are dismissed on this basis may be referred to another process or another campus office for

review under other potentially applicable policies or codes of conduct (such as through an employee grievance procedure, ADA process, as unprofessional conduct, the grade appeal process, student code of conduct, etc.).

2. When a Complaint is dismissed, the University will promptly notify the Complainant of the basis for the dismissal in writing. If the dismissal occurs after the Respondent has been notified of the allegations, then the University will also notify the Respondent of the dismissal in writing and the basis for it. When a Complaint is dismissed, the University will, **at a minimum**:
 - a. Offer Supportive Measures to the Complainant as appropriate;
 - b. If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
 - c. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator/DHR Administrator to ensure that Sex-based Harassment does not continue or recur within the University's education program or activity.
3. The University will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the University will also notify the Respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:
 - a. Procedural irregularity occurred that would have likely changed the outcome of the decision to dismiss;
 - b. New evidence that was not reasonably available at the time of the dismissal and would have likely changed the outcome of the decision to dismiss; or
 - c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.
4. Appeals will be submitted to the Civil Rights Appeals Unit at the Chancellor's Office and will be addressed to:

Civil Rights Appeals Unit
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802
CO-Appeals@calstate.edu

- a. If a Party is unable to submit an appeal or a response to an appeal electronically, they should contact the campus Title IX Coordinator/DHR Administrator for assistance.
- b. When an appeal is submitted, the Civil Rights Appeals Unit will notify the other Party and the campus Title IX Coordinator/DHR Administrator in

writing. The non-appealing Party may submit a written statement in support of or challenging the dismissal no later than 5 Working Days after the notice of appeal. Within 10 Working Days of the Civil Rights Appeals Unit's receipt of the appeal, the Civil Rights Appeals Unit will notify the Parties (via email and at the same time) of its decision.

- c. The Civil Rights Appeals Unit will not consider evidence that was not introduced to the campus during the Complaint review process unless the new evidence was not reasonably available at the time of the Complaint review.
 - d. The Civil Rights Appeals Unit has discretion to extend the timelines for the dismissal appeal process for good cause or for any reasons deemed to be legitimate by the Civil Rights Appeals Unit. This includes the time for filing an appeal and the time for the Civil Rights Appeals Unit to respond to the appeal. The Civil Rights Appeals Unit will notify the Parties and the Title IX Coordinator/DHR Administrator of any extensions of time granted pertaining to any portion of the appeal process.
 - e. The Civil Rights Appeals Unit appeal response is final and concludes the discretionary dismissal process under these Procedures.
- E. **Consolidation:** The University may consolidate Complaints of Discrimination, Harassment, or Retaliation 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 of Discrimination, Harassment, or Retaliation arise out of the same or substantially similar facts or circumstances. The Title IX Coordinator/DHR Administrator will determine whether a Complaint should be consolidated (subject to FERPA and other applicable privacy laws). In addition, during the course of the investigation, the investigation may reveal the existence of additional or different violations of the Nondiscrimination Policy, which may also be consolidated following notification to the Parties. Depending on the timing and circumstances, the Title IX Coordinator/DHR Administrator retains discretion to resolve Complaints using the same investigator or following the resolution of the initial Complaint, such as through appropriate Disciplinary Sanctions.

IX. Alternative Resolution Processes

- A. **Informal Resolution:** The Parties may voluntarily choose to participate in an informal resolution process to resolve an alleged violation of the Nondiscrimination Policy. The filing of a formal Complaint is not required to initiate the informal resolution process.

1. General Principles

- a. The Title IX Coordinator / DHR Administrator has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to allow informal resolution despite the request of one or more of the Parties. Circumstances when the Title IX Coordinator/DHR Administrator may decline to allow informal resolution include but are not limited to:
 - i. When they determine that the alleged conduct would present a future risk of harm to others.

- ii. When the Complaint involves allegations made by a Student against an Employee. Informal resolution in these cases is generally discouraged and may be permitted with the approval of the Systemwide Director for Civil Rights assigned to the University following a request by the Title IX Coordinator/DHR Administrator. In addition, any informal resolution agreement between a Student and an Employee will be reviewed by the assigned Systemwide Director for Civil Rights prior to being finalized.
- b. The Title IX Coordinator/DHR Administrator will conduct or oversee the informal resolution process, and conduct an initial and on-going assessment as to whether the process should continue.
- c. Prior to approving an informal resolution, the Title IX Coordinator/DHR Administrator will consult with the appropriate administrator responsible for discipline.
- d. The Title IX Coordinator/DHR Administrator will make the final determination on all informal resolution processes regarding whether the terms agreed to by the Parties are appropriate considering all of the circumstances of the Complaint.
- e. When the informal resolution process is offered, and to the extent necessary, the Title IX Coordinator/DHR Administrator will also take other appropriate prompt and effective steps to ensure that the alleged violations of the Nondiscrimination Policy do not continue or recur within the University's education programs, activities, or employment.
- f. Neither Party will be required or pressured to participate in an informal resolution process. The Title IX Coordinator/DHR Administrator must obtain the Parties' voluntary written consent to participate in the informal resolution process and must not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, employment or continuing employment, or exercise of any other right.
- g. The person facilitating the informal resolution process must not be the same person as the Investigator in the formal complaint resolution process. A Title IX Coordinator/DHR Administrator may facilitate the informal resolution process. When the Title IX Coordinator/DHR Administrator facilitates the informal resolution process, they cannot serve as the Investigator. In addition, any informal resolution agreements facilitated by the Title IX Coordinator/DHR Administrator must be signed by the assigned Systemwide Director for Civil Rights.
- h. Any person facilitating an informal resolution process will receive appropriate training and must be free from a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

2. Notice of Informal Resolution Process: Before beginning the informal resolution

process, the Title IX Coordinator/DHR Administrator will explain in writing to the Parties:

- a. The allegations;
 - b. The requirements of the informal resolution process;
 - c. That any Party has the right to withdraw from the informal resolution process and begin or continue with the formal complaint resolution process at any time before agreeing to a resolution;
 - d. The Parties' right to consult with an Advisor;
 - e. Any resolution must be in writing and signed by both Parties and the Title IX Coordinator/DHR Administrator;
 - f. That if the Parties agree to a resolution at the end of the informal resolution process, they cannot begin or continue with the formal complaint process in relation to the same allegations;
 - g. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
 - h. What information the University will maintain and whether and how the University could disclose such information for use in the formal complaint resolution process if such procedures begin or resume.
3. Potential Terms: Potential terms that may be included in an informal resolution agreement include, but are not limited to:
- a. Apology, written or verbal;
 - b. Relocation or removal from a residence hall or other University provided housing, subject to availability;
 - c. Changes in academic arrangements, such as changing class sections or locations;
 - d. Changes in work schedules or locations;
 - e. Limitations on or agreements related to participation in and/or presence in/at events, extracurricular activities, student organizations, recreational facilities, athletics, etc.
 - f. Participation in and/or successful completion of alcohol or drug education or counseling;
 - g. Participation in counseling services for mental or behavioral health;
 - h. Participation in specific educational opportunity or training;
 - i. Voluntary educational, mentoring, coaching, or counseling sessions, which may or may not include stipulations, such as proof of successful completion or statement of active participation from the mentor / coach / counselor;
 - j. Verbal counseling or warnings;

- k. Collaborative agreements on behavioral or institutional changes;
 - l. No-contact directives, or other restrictions on contact, communication, and/or interactions between the Parties;
 - m. Restrictions on Respondent's movement or access to specific locations at the University;
 - n. Alternative seating arrangements for graduation;
 - o. Complainant sharing of an impact statement with the Respondent;
 - p. Admission or acceptance of responsibility for causing harm and/or the alleged conduct;
 - q. Community service;
 - r. Voluntary participation in formal disciplinary action for Respondent;
 - s. Restrictions on the Respondent's participation in one or more University programs or activities or attendance at specific events, including restrictions the University could have imposed as Remedies or Disciplinary Sanctions had it determined at the conclusion of the formal Complaint resolution process that a violation of the Nondiscrimination Policy occurred; or
 - t. Other mutually agreed upon outcomes or resolutions.
 - Any agreed-upon Remedies and Disciplinary Sanctions agreed to in an informal resolution have the same effect as Remedies given and Disciplinary Sanctions imposed following an investigation.
4. Timeframe: The informal resolution process may take place at any time before a determination of responsibility is made, but no later than 60 Working Days after both Parties provide voluntary, written consent to participate in the informal resolution process. The Parties and the Title IX Coordinator / DHR Administrator may agree to one or more extensions of the 60 Working Day deadline, which will be confirmed in writing. The timeline of the formal complaint resolution process will be paused during the pendency of any informal resolution process.
5. Written Agreement: – **Not Subject to Appeal**: The terms of any informal resolution must be in writing and signed by the Parties and the Title IX Coordinator/DHR Administrator. Use of electronic signatures is permitted. A signed agreement to an Informal Resolution is final and is not appealable by either Party.
6. Mediation Between the Parties – Applies only to Complaints of Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking: Mediation between the Parties cannot be used, even on a voluntary basis, to resolve Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking Complaints.

B. **Acceptance of Responsibility**: The Respondent may, at any time during the investigation process, prior to an Investigator issuing their determination, choose to accept responsibility for the alleged conduct prohibited under the Nondiscrimination Policy.

1. Before a Respondent accepts responsibility for the alleged misconduct, the Title IX Coordinator / DHR Administrator or designee will discuss with the Respondent that the matter will be referred to the University president or designee for a decision regarding an appropriate Disciplinary Sanction, and that the acceptance of responsibility could – but will not necessarily – be regarded as a mitigating factor that results in less severe sanctions.
2. Acceptance of responsibility will only be recognized if the Respondent accepts responsibility by signing a written document prepared by the Title IX Coordinator/ DHR Administrator that describes the range of Disciplinary Sanctions that the president or designee will consider in reaching a decision about Disciplinary Sanctions.
3. If the Respondent has accepted responsibility in writing, the Title IX/DHR office will issue a brief written summary of the allegations and a statement that the Respondent has accepted responsibility. The written summary will be sent to both the Complainant and the Respondent.
4. Within 5 Working Days of receiving the written summary from the Title IX/DHR Office, each Party may submit to the Title IX Coordinator/DHR Administrator an impact statement or other statement regarding discipline that is no more than 2000 words in length. The document is an opportunity for each Party to suggest disciplinary outcomes and to provide information that they believe is important for the president or designee to consider when reaching a sanction decision. Human Resources, Faculty Affairs, and/or Title IX Coordinator/DHR Administrator will also submit a written statement regarding aggravating and mitigating factors (that is, factors that would warrant a more severe or less severe sanction), including whether the Respondent was previously found to have violated the Nondiscrimination Policy or other CSU policies and procedures. These written statements will be provided to the president or designee who will decide an appropriate sanction.
5. The Parties may appeal the sanction only on the grounds that the sanction(s) imposed was objectively unreasonable, or arbitrary based on the conduct for which the Respondent accepted responsibility. The appeal process will otherwise be in accordance with Article XI and Addendum A.
6. Where there is an acceptance of responsibility regarding some but not all of the alleged conduct, the investigation process will continue to conclusion, unless otherwise resolved through Informal Resolution.

X. Investigations – The Formal Complaint Resolution Process

- A. **Purpose of the Investigation and Resolution Process:** The investigation and resolution of Complaints under these Procedures is not intended to be an adversarial process between the Complainant, the Respondent, and witnesses. Rather, it is a process and opportunity for the University to educate students, provide an environment free from Discrimination, Harassment, and Retaliation, and comply with its obligations under law. The University will provide for adequate, reliable, and impartial investigation of Complaints. The University will treat Complainants and Respondents equitably.

1. *Cooperation in the Investigation Process*: All Employees, and Students who are not Parties to the Complaint, are required to cooperate with the investigation and other processes set forth in these Procedures, including but not limited to, attending meetings and interviews, and being forthright and honest during the process.
 2. *Written Notices*: The University will provide a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate.
 3. *Prohibition on Retaliation*: The University strictly prohibits Parties or witnesses from engaging in Retaliation against anyone for reporting or filing a Complaint, assisting or participating in an investigation, interfering with a Party's or witness's rights or privileges under the Nondiscrimination Policy, or for assisting someone else in reporting or opposing conduct prohibited by the Nondiscrimination Policy. Any acts of Retaliation are subject to disciplinary action.
- B. **Privacy**: The University will take reasonable steps to protect the privacy of the Parties and witnesses, including ensuring compliance with the Family Educational Rights and Privacy Act (FERPA) and other applicable privacy laws. During the formal complaint resolution process, beginning with the Notice of Investigation and concluding when the deadline for an appeal has passed or the Civil Rights Appeals Unit has issued its final response, the Parties and witnesses are prohibited from using or disclosing the information or records obtained through the formal complaint resolution process. This prohibition shall not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses, consulting with family members, confidential resources, or Advisors, or otherwise preparing for or participating in the formal complaint resolution process. These restrictions also do not apply to information learned through other means, such as personal experience, or to disclosures made during another administrative proceeding or through litigation. For especially sensitive materials, including but not limited to recordings and medical records, the University will provide such records for viewing or inspection only – and not for copying or possessing. The Parties and their Advisors may be asked to sign written acknowledgements agreeing to these restrictions on disclosure and re-disclosure. Whether or not such acknowledgements are signed, violations of these prohibitions, including disregarding any restrictions on the use of records (such as re-disclosing records to unauthorized individuals or copying records that are provided for viewing only), may subject a Student or Employee to discipline.
- C. **Standard and Burden of Proof**: The standard of proof for investigations under these Procedures is the Preponderance of the Evidence. 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. The responsibility is not on the Parties – but on the University – to conduct an investigation that gathers sufficient evidence to determine whether Discrimination, Harassment, or Retaliation occurred. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct. The University presumes that the Respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the formal complaint resolution process.
- D. **Role of the Title IX Coordinator/DHR Administrator in the Investigation Process**: The Title IX Coordinator/DHR Administrator will either investigate the Complaint or assign this task to an Investigator. If assigned to an Investigator, the Title IX Coordinator/DHR Administrator will

supervise and oversee the investigation, including reviewing all draft investigation reports before they are final to ensure that the investigation complies with these Procedures. If the Title IX Coordinator/DHR Administrator investigates the Complaint, a Systemwide Director or other appropriately trained administrator will review all draft investigation reports in the place of the Title IX Coordinator/DHR Administrator.

- E. **Neutrality of Process:** The University requires that any Title IX Coordinator/DHR Administrator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A decisionmaker may be the same person as the Title IX Coordinator/DHR Administrator or investigator. The Title IX Coordinator/DHR Administrator will take affirmative steps to ensure that anyone involved in conducting investigations, finding facts, and making disciplinary decisions in a matter will be impartial, neutral, and free from actual conflicts of interest. A conflict of interest exists if a person has a personal relationship with one of the Parties or witnesses, has a reporting employment relationship with a Party, or has demonstrated actual bias towards a Party or witness or towards Complainants or Respondents in general. Mere belief or opinion does not constitute evidence of bias or conflict of interest.
- F. **Investigation Where a Party Does Not Participate:** The Respondent will not be found to have violated the Nondiscrimination Policy solely because the Respondent did not participate in the investigation process. Nor will the Respondent be found not to have violated the Nondiscrimination Policy solely because a Complainant or other witness did not participate in the investigation process.
- G. **Timeframe, Extensions, and Status Updates:** The University has established the following timeframes for the major stages of the formal complaint resolution process:

Stage	Timeframe
Complaint accepted or not accepted for investigation	Within 10 Working Days of the date of the intake or receipt of a written request for investigation (whichever is later)
Investigation – Review of Evidence Response Submission	10 Working Days from date Preliminary Investigation Report sent to Parties
Investigation – Final Investigation Report	100 Working Days from the date the Notice of Investigation is sent to Parties
Appeal Submission	10 Working Days from date Notice of Investigation Outcome is sent to the Parties
Appeal Determination	30 Working Days after receipt of the written appeal

1. The University has also established the following process that allows for the reasonable extension of timeframes in these Procedures on a case-by-case basis for good cause. A Party or Investigator may request a reasonable extension of the timeframes in these Procedures at any time from the Title IX Coordinator/DHR Administrator. The Title IX Coordinator/DHR Administrator may also initiate a reasonable extension of the timeframes in these Procedures at any time. For an extension to be granted, the following process must be followed:

- a. Good cause for the extension must exist. Good cause may include:
 - i. To ensure the integrity and thoroughness of the investigation;
 - ii. The reasonable absence of a Party, Party's advisor, or witness;
 - iii. To comply with a request by law enforcement, including a concurrent law enforcement investigation;²
 - iv. Based on the need to provide language assistance, disability accommodations, or other modifications to allow the full participation of a Party or witness;
 - v. A particularly complex investigation, such as one involving multiple Complainants, multiple Respondents, a large number of witnesses, voluminous evidence, or length of the written record;
 - vi. The severity and extent of the alleged misconduct; or
 - vii. Other extenuating or unforeseen circumstances that are not within the control of the University, Party, witnesses, or Investigator.
 - b. The Title IX Coordinator/DHR Administrator is the final decisionmaker with respect to all extensions.
 - c. The Parties receive written notice from the Title IX Coordinator/DHR Administrator or designee that an extension is necessary and an explanation for the delay. The notice will indicate if the extension alters the timeframes for the major stages of the Complaint process and provide a new estimated timeline.
2. Requests for Extensions: While requests for delays by the Parties and witnesses may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a Complaint under the Nondiscrimination Policy. The fact that an Employee is off contract or between semesters, without more, does not excuse an Employee from their expected participation in the Complaint resolution process.
3. Status Updates: In addition to the communications at each major stage of the process, the University will provide a status update to the Complainant and Respondent every 30-days, beginning from the date that the Notice of Investigation is issued until the Notice of Investigation Outcome is issued to the Parties, unless a Party requests in writing not to receive these updates.
- a. For cases of Sex-based Harassment, the Title IX Coordinator/DHR Administrator shall notify the Complainant of any Disciplinary Sanctions imposed against a Respondent.
 - b. The Civil Rights Appeals Unit will provide status updates to the Parties and Title IX Coordinator/DHR Administrator as required by the timelines in these Procedures.
 - c. In addition, either Party may, at any time, request from the Title IX Coordinator/DHR Administrator a status updates regarding investigation and appeal timeframes.

- H. **Reasonable Accommodations:** Any person with a Disability who seeks reasonable accommodations to participate in the Complaint submission or investigation process will be referred to the appropriate campus administrator (the appropriate human resources administrator) who may consult with the Title IX Coordinator/DHR Administrator to determine the reasonableness of a requested accommodation.
- I. **Notices of Investigation:** The University will prepare Notices of Investigation for the Parties upon initiation of the formal complaint resolution process. The Notices of Investigation must be issued to the Parties in writing, at the same time, and with sufficient time and information for the Parties to prepare a response before any initial interview. A Notice of Investigation must include the following information:
1. An overview summary of the Complaint allegations (e.g., "who," "what," "when," and "where"), including the identities of the Parties, the conduct alleged to constitute Discrimination, Harassment, or Retaliation, and the date(s) and location(s) of the alleged incident(s);
 2. A copy of, or internet link to, these Procedures and the Nondiscrimination Policy, as well as a summary of the alleged Nondiscrimination Policy violations;
 3. A summary of the Nondiscrimination Policy formal complaint resolution process, including the right to appeal and the informal resolution process;
 4. That Retaliation is prohibited;
 5. The Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the formal complaint resolution process. Prior to such a determination, the Parties will have an opportunity to provide Relevant evidence to a trained, impartial decisionmaker (Investigator);
 6. The estimated timeline for completion of the investigation;
 7. Information regarding counseling and other Supportive Measures;
 8. The Parties may have one Advisor of their choice who may be, but is not required to be, an attorney or union representative;
 9. The Parties will have an equal opportunity to access the Relevant and not otherwise impermissible evidence used in the investigation;
 10. A statement that the Complainant and Respondent will have equal opportunities to identify Relevant witnesses and evidence in connection with the investigation, including the ability to:
 - a. Submit documentary information to the Investigator;
 - b. Submit a list of potential witnesses to the Investigator; or
 - c. Request that the Investigator attempt to collect additional relevant evidence;
 11. A statement that any evidence available, but not disclosed during the investigation might not be considered in any findings made, and likely will not be considered for purposes of appeal;
 12. A statement that the Complainant and Respondent will be provided with periodic status updates in accordance with the timelines established in these Procedures;

and

13. A statement regarding the possible range of Disciplinary Sanctions. If new but related allegations are raised during the investigation that are materially different from those described in the Notice of Investigation, the Title IX Coordinator / DHR Administrator will issue a revised Notice of Investigation to the Parties, along with a corresponding revised timeline for completion, if appropriate.

- J. **Respondent Initial Meeting:** In the Notice of Investigation, the Title IX Coordinator/DHR Administrator will offer to have an initial meeting with the Respondent. This meeting is not intended to be investigatory in nature. At this meeting, the Title IX Coordinator/DHR Administrator will explain the allegations against the Respondent, as well as the investigation process and the Respondent's rights during the process. The Title IX Coordinator/DHR Administrator will also explain that during the investigation process the Respondent and the Complainant will have the opportunity to present evidence, identify witnesses, and review evidence.
- K. **Gathering Evidence:** During the investigation, the Investigator will take reasonable steps to gather all Relevant evidence from the Parties, witnesses, or other sources, including interviews with the Complainant, the Respondent, and Relevant witnesses. The University will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory (meaning that it shows or tends to show a person's involvement in the alleged conduct) and exculpatory (meaning that it shows or tends to show that a person was not involved in the alleged conduct) evidence that is Relevant.
 1. ***Opportunity to Submit Evidence and Identify Witnesses:*** The Complainant and Respondent will be asked to identify witnesses and provide other Relevant information, such as documents, communications, and other available evidence. The Parties are encouraged to provide all Relevant information as soon as possible to facilitate a prompt resolution to the Complaint. The Investigator may receive any information presented by the Parties, but the Investigator, not the Parties, is responsible for gathering Relevant evidence. If a Party or witness declines to voluntarily provide material information or delays in doing so, the University's ability to conduct a prompt, thorough, and equitable investigation may be impacted. The University will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present Relevant evidence. Parties and witnesses must not engage in actions that could be considered Retaliation, including confronting, threatening, intimidating, attempting to influence, or otherwise taking inappropriate actions against any Party, witness, or anyone else participating in the investigation process. The Investigator will document the steps taken to gather evidence, even when those efforts are not successful.
 2. ***Bases for Declining a Request to Gather Evidence:*** The Investigator will gather evidence and ask questions proposed by the Parties, except as follows:
 - a. The Investigator determines that the questions are repetitive, irrelevant, or harassing.
 - b. The request seeks information that can be reasonably and adequately obtained by the requesting Party from other independent or publicly available sources.

- c. The burden of obtaining the information is likely to substantially outweigh the benefit that the evidence bears on a disputed issue.
 - d. The requested information can be reasonably obtained through other means less likely to intrude on a person's privacy.
- L. **Investigations Involving Allegations of Sex-based Harassment:** The University will review all evidence gathered through the investigation and determine what Relevant evidence may be considered. 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.
 - 1. Impermissible evidence is evidence that is not allowed to be accessed, considered, or otherwise used by the University, except to determine if one of the exceptions listed below applies. The following types of evidence, and questions seeking that evidence, are impermissible, regardless of whether they are Relevant:
 - a. Evidence protected by a privilege recognized by state or federal law (unless waived by the Party or witness holding the privilege);
 - b. A Party's or witness's private medical records maintained by a physician, psychologist, or other recognized professional or paraprofessional (unless the Party or witness voluntarily consents to its use in writing); or
 - c. Evidence that relates to the Complainant's or Respondent's sexual interests or prior or subsequent sexual conduct (unless offered to prove someone other than the Respondent committed the alleged conduct or offered to prove how the Parties communicated consent in prior or subsequent consensual, sexual relations).
 - i. Where the Investigator allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent, the fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.
 - ii. Prior consensual, sexual conduct between the Complainant and the Respondent does not prevent the University from finding that the conduct alleged in the Complaint constitutes Sex-based Harassment or otherwise violates the Nondiscrimination Policy.
 - 2. Before allowing the consideration of any evidence of sexual history of the Complainant or the Respondent under this section, the Investigator will provide a written explanation to the Parties as to why consideration of the evidence is permissible under this section.
- M. **Expert Witnesses:** In rare cases, an Investigator may need to consult medical, forensic, technological, or other experts when expertise on a topic is needed to achieve a fuller understanding of the issues under investigation. In such cases, the Investigator must consult with the Title IX Coordinator/DHR Administrator prior to engaging an expert witnesses.

- N. Preliminary Investigation Report and Review of Evidence:** The University will provide each Party and the Party's Advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of Discrimination, Harassment, or Retaliation and not otherwise impermissible evidence.
1. *Preliminary Investigation Report*: Before finalizing the investigation, the Investigator will share with the Complainant and Respondent a preliminary investigation report, along with all Relevant evidence gathered. The preliminary investigation report will list any evidence offered by the Parties or any other witnesses that the Investigator concluded are not Relevant. This evidence will be available for review upon request. The preliminary investigation report will:
 - a. Describe the allegations.
 - b. Describe the investigative process to date.
 - c. Set forth the relevant policy language and the Preponderance of Evidence Standard.
 - d. Describe the evidence presented and considered.
 - e. Identify the material facts – disputed and undisputed – with explanations as to why any material fact is disputed.
 2. *Access to Preliminary Investigation Report*: The Investigator, in consultation with the Title IX Coordinator/DHR Administrator, will use discretion in determining how to provide the Parties with secure access to the preliminary investigation report. The University will take reasonable steps to prevent and address the Parties' and their Advisors' unauthorized disclosure of information and evidence obtained solely through the formal complaint resolution process.
 3. *Review of Evidence*: Each Party will be given a reasonable opportunity to respond to the preliminary investigation report and any attached evidence and ask questions. The opportunity to review and respond to the preliminary investigation report is known as the "review of evidence" process. The Parties will have 10 Working Days to review the evidence. Each Party may:
 - a. Respond to the evidence in writing.
 - b. Request that the Investigator gather additional evidence or ask specific questions to the other Party and other witnesses.
 - c. Identify additional witnesses.
 4. *Conclusion of Review of Evidence*: The Investigator will share with the Parties the answers to questions posed during the review of evidence and additional Relevant evidence gathered. This will be shared with all Parties, who may then respond to any new evidence and ask questions. The Investigator determines when it is appropriate to conclude the review of evidence process.

O. Final Investigation Report

1. *Final Investigation Report*: A final investigation report will be provided to the Parties along with a Notice of Investigation Outcome.
 - a. The final investigation report will include:

- i. A summary of the allegations,
 - ii. The investigation process,
 - iii. The Preponderance of the Evidence standard,
 - iv. A detailed description of the evidence considered,
 - v. Analysis of the evidence including relevant credibility evaluations,
 - vi. Appropriate findings, and
 - vii. Relevant exhibits and documents attached to the written report.
- b. The Notice of Investigation Outcome will attach the final investigation report and include the following:
- i. A summary of the allegations and the investigative process.
 - ii. That the Preponderance of the Evidence standard was employed.
 - iii. A summary of the findings of fact.
 - iv. A determination as to whether the Nondiscrimination Policy was violated, and if so, any Remedies to be afforded to the Complainant.
 - v. Notice of Parties' right to appeal under these procedures.
- c. The notice will usually be delivered to the Parties electronically. If the notice includes a determination that there was a violation of the Nondiscrimination Policy, the Title IX Coordinator/DHR Administrator will notify the appropriate University administrator responsible for discipline of the investigation outcome and provide a copy of the final investigation report. This notice will include the appeal rights available to the Respondent prior to the initiation of any Disciplinary Sanctions.

XI. Appeal Review – Civil Rights Appeals Unit

The process for appeals allowable under these Procedures is attached as Addendum A.

XII. 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](#).

XIII. Endnotes

1. Students are also separately subject to discipline in connection with any "conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the University [...] regardless of whether it occurs on or off campus." (5 Cal. Code Regs. § 41301 (d)).

- The University will not wait for the conclusion of a law enforcement investigation or proceeding to begin its own investigation. The University will take immediate steps to provide appropriate Supportive Measures for the Complainant and Respondent.

All Revision Dates

8/1/2024, 1/3/2022, 10/12/2021, 8/14/2020, 3/29/2019, 10/5/2016, 6/23/2015, 6/3/2014, 10/23/2013, 1/6/2005, 10/31/2003, 5/17/2001, 1/19/1998, 7/1/1983, 6/1/1981, 2/27/1981

Attachments

[Nondiscrimination Policy_Employee Third Party Procedures-Addendum A.pdf](#)

Approval Signatures

Step Description	Approver	Date
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Interim CSU Nondiscrimination Policy – Student Procedures

I. Statement of Values

The California State University ("the CSU" or "the University") provides procedures to ensure the prompt and equitable resolution of Complaints made by Students, Employees, or other individuals who are participating or attempting to participate in its education programs, activities, or employment, or by the Title IX Coordinator/DHR Administrator, alleging any action that would be prohibited by Title IX, the Title IX regulations, Title VI, Title VII, and other applicable state and federal laws.

Any questions about these Procedures should be directed to the Title IX Coordinator/DHR Administrator.

II. Terminology

Capitalized Terms: Capitalized terms in these Procedures are defined in Article V of the CSU Nondiscrimination Policy. For brevity, the following terms below are used throughout these Procedures:

- A. **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:
 1. Hostile environment or Quid Pro Quo Harassment (e.g., when an Employee conditions a benefit on a Complainant's participation in unwelcome sexual conduct);
 2. Specific offenses (e.g., Dating Violence, Domestic Violence, Sexual Exploitation, and Stalking); and/or
 3. Sexual Misconduct.

- B. **Discrimination, Harassment, Retaliation.** For brevity, the phrase "Discrimination, Harassment, or Retaliation" used throughout these Procedures to mean all forms of Prohibited Conduct outlined in the Nondiscrimination Policy, including Sex-based Harassment.

III. Procedure Scope and Applicability

These Procedures are effective August 1, 2024, and are not retroactive. The Procedures below should be used for alleged misconduct that occurs on or after August 1, 2024.

These Procedures are only used to address conduct that may violate the Nondiscrimination Policy. Alleged misconduct by Students that does not fall under the Nondiscrimination Policy is addressed under the [Student Conduct Procedures](#).¹ Alleged misconduct by Employees or Third-Parties that does not fall under the Nondiscrimination Policy should be directed to the appropriate administrator in Human Resources or Faculty Affairs.

The University will respond in a timely and appropriate manner to all Complaints and will take appropriate action to prevent continuation of, and correct, Nondiscrimination Policy violations. Depending on the circumstances, the University's response may or may not include a formal investigation.

- A. **Individuals Who May Make a Complaint:** While any person may be a Reporting Party for alleged violations of the Nondiscrimination Policy, only the following people have a right to file a Complaint of Discrimination, Harassment, or Retaliation and request that the University investigate and make a determination about alleged misconduct under Title IX and the Title IX regulations, Title VI, Title VII, and other applicable state and federal laws:
1. A Student or Employee of the University;
 2. A person other than a Student or Employee of the University who is alleged to have been subjected to conduct that could constitute Discrimination, Harassment, or Retaliation, including Sex-based Harassment under Title IX at a time when that individual was participating or attempting to participate in an education program or activity of the University;
 3. An individual with the legal right to act on behalf of a Complainant; or
 4. The University's Title IX Coordinator / DHR Administrator.
- B. **When these Procedures Are Used:** The Procedures below are used for Complaints where a Student is alleged to have engaged in Discrimination, Harassment, or Retaliation in violation of the Nondiscrimination Policy. These procedures are also used for Complaints made by a Student against an Employee, Third-Party, or Student-Employee, where it is alleged that the Employee, Third-Party, or Student-Employee engaged in Sex-based Harassment (collectively "Procedures")
1. ***Complaints Against Students:*** The University will investigate or otherwise respond to reports of alleged misconduct committed **by a Student** in accordance with these Procedures if the alleged misconduct violates the Nondiscrimination Policy and:
 - a. Occurred on campus, **OR**
 - b. Involved or impacted a University program or activity, including University

- c. The alleged misconduct includes Sex-based Harassment.
 - i. If (a) and (b) above are met, but the Complaint does not involve any allegations of Sex-based Harassment, the applicable procedures are *Interim CSU Nondiscrimination Policy – Employee or Third-Party Procedures*.

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 are governed by 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.

D. Applicability of Provisions to Sex-based Harassment and Other Forms of Discrimination:

There are certain sections of these Procedures that apply only to certain Sex-based Harassment Complaints, including Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking, and do not apply to other Complaints. Those sections include the note "Applies only to Complaints of Sex-based Harassment."

IV. Disciplinary Sanctions and Remedies

The University will not impose discipline on a Respondent for violations of the Nondiscrimination Policy unless: 1) there is a determination at the conclusion of the formal complaint resolution process (including appeals) that the Respondent engaged in prohibited Discrimination, Harassment, or Retaliation; or 2) where discipline is agreed to as part of an informal resolution process.

Conduct that does not violate the Nondiscrimination Policy may be referred to an appropriate office on Campus for review and determination as to whether corrective and/or disciplinary action is warranted.

If there is a determination that Discrimination, Harassment, or Retaliation occurred, the Title IX Coordinator/DHR Administrator will, as appropriate:

- A. Coordinate the provision and implementation of Remedies to a Complainant and any other individuals who the University identifies as also having been deprived of equal access to the University's education programs, activities, or employment due to Discrimination, Harassment, or Retaliation;
- B. Coordinate the imposition of any Disciplinary Sanctions on a Respondent, including notification to the Complainant of any such Disciplinary Sanctions;
- C. Take other appropriate prompt and effective steps to ensure that Discrimination, Harassment, or Retaliation does not continue or recur within the University's education programs, activities, or employment; and
- D. Comply with these Procedures before the imposition of any Disciplinary Sanctions against a Respondent.

Students who are found to have violated the Nondiscrimination Policy will be subject to discipline in accordance with state and federal requirements, student conduct rules, and other CSU policies. Sanctions for Students determined to have violated the Nondiscrimination Policy are identified in the Student Conduct Process: restitution, loss of financial aid, educational and remedial sanctions, denial of access to campus or persons, disciplinary probation, suspension, and expulsion. The University may also temporarily or permanently withhold a degree. Other sanctions and remedies may be agreed upon through the Informal Resolution process. Employees who are found to have violated the Nondiscrimination Policy will be subject to discipline that is appropriate for the violation and in accordance with state and federal requirements and other CSU policies and applicable collective bargaining agreements. The possible sanctions for Employees determined to have violated the Nondiscrimination Policy are education, training, counseling, reprimand, unpaid suspension of varying lengths, demotion, and/or termination.

Good Faith and Honesty

All Parties, witnesses, or others participating in the investigation or hearing process under these Procedures are expected to participate in good faith and provide truthful information. Submitting or providing deliberately false or misleading information in bad faith or with a view to personal gain or intentional harm to another person in connection with the investigation or hearing process under these Procedures is prohibited and subject to Disciplinary Sanctions. This provision does not apply to reports made or information provided in good faith, even if the facts alleged in the report are erroneous or are

not later substantiated. An unsubstantiated finding alone does not indicate that statements made in an investigation or hearing process were false or misleading.

V. Making a Report

- A. **How to Report:** The campus Title IX Coordinator/DHR Administrator is the designated administrator to receive reports of all misconduct prohibited by the Nondiscrimination Policy. The contact information for each University's Title IX Coordinator/DHR Administrator can be found on the respective Campus website and via the Systemwide Office for Civil Rights Programming & Services [website](#).
- B. **Individuals Who May Make a Report:** Any person may report an alleged violation of the Nondiscrimination Policy.
- C. **Timeframe for Making a Report:** Reports may be made at any time, and individuals are encouraged to report an alleged violation of the Nondiscrimination Policy regardless of how much time has passed. The University's ability to interview witnesses and otherwise investigate or act, however, may be limited by various factors, including the passage of time, fading witness memories, and/or preservation of evidence. In all cases, the Title IX Coordinator/DHR Administrator is available to discuss Supportive Measures with the Complainant at any time, regardless of how much time has passed since the incident described in the report.
- D. **Addressing Concerns About Reporting:** The University's primary concern is the safety of the campus community. Any person who reports an alleged violation of the Nondiscrimination Policy should discuss any concerns about safety with the Title IX Coordinator/DHR Administrator
 1. **Concerns about Retaliation for Reporting:** The Nondiscrimination Policy prohibits Retaliation. If a Student or Employee is reluctant to report because they fear Retaliation, they should discuss their concerns with the Title IX Coordinator/DHR Administrator as soon as possible.
 2. **Student Concerns about Reporting – Applies only to Complaints of Sex-based Harassment:** Any Student who participates as a Complainant or witness in a Complaint process (including investigation or hearing) relating to Sex-based Harassment that falls under these Procedures will not be disciplined for related violations of the Standards for Student Conduct at or near the time of the incident, unless the University determines that the violation was egregious. The University may, however, take other appropriate action including having an educational discussion with the Student. Egregious conduct includes, but is not limited to, action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.
- E. **Delivery Methods for Campus Communication with Parties:** Communication with the Parties regarding a Complaint, an investigation, or hearing will be sent to their designated CSU campus email address, unless the Party has specifically requested in writing to the Title IX Coordinator/DHR Administrator, Investigator, or Hearing Coordinator that communication be sent to a different email address. Communication with Parties who are neither Students nor Employees will be sent to an email address that they provide. Any communications relating to the outcome of an investigation or hearing, including any changes to the outcome or when the

outcome becomes final, will be provided in writing to the Complainant and the Respondent at the same time.

VI. University Procedures for Responding to a Report

Regardless of whether a Complaint has been made, when the University becomes aware of possible Discrimination, Harassment, or Retaliation, the Title IX Coordinator/DHR Administrator will investigate, or otherwise respond.

- A. **Outreach to Complainant:** After receiving a report, the Title IX Coordinator/DHR Administrator will assess the report and provide outreach to the possible Complainant named in the report. This outreach will include the following:
1. A statement that the University has received a report of conduct that may be prohibited by the Nondiscrimination Policy (e.g., Discrimination, Harassment, Sex-based Harassment, Sexual Misconduct, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, Prohibited Consensual Relationship, or Retaliation).
 2. A description of the role of the Title IX Coordinator/DHR Administrator.
 3. A request for the Complainant to meet with the Title IX Coordinator/DHR Administrator, or other designated employee, to discuss the Complainant's options and next steps. This includes the availability of Supportive Measures (even in the absence of a Complaint), informal resolution, and a formal complaint resolution process.
 4. A statement that the Complainant can be accompanied by one Advisor of their choice during any meeting relating to the report and any subsequent Complaint process.
 5. Information regarding counseling, resources, and potential Supportive Measures.
 6. An explanation of how the University responds to reports of Nondiscrimination Policy violations and a description of potential disciplinary consequences.
 7. A summary of the investigation procedures.
 8. A statement regarding the importance of preserving evidence.
 9. A statement that the Complainant may, but is not required to, report to law enforcement any allegations that could constitute criminal behavior.
 10. A statement that Retaliation for making a Complaint or participating in a Complaint process is prohibited by the Nondiscrimination Policy.
- B. **Written Information Regarding Rights and Options for Complainants Reporting Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking:** In addition to the information provided in the outreach communication, the Title IX Coordinator/DHR Administrator will provide Complainants alleging Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking, with the information in Attachment D – Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating and

Domestic Violence, And Stalking.

- C. **Initial Assessment & Intake Meeting:** The Title IX Coordinator/DHR Administrator will offer to conduct an intake meeting with any Complainant who responds to outreach communication, or otherwise makes a report of a potential Nondiscrimination Policy violation to discuss the Complainant's options, explain the available processes (including informal resolution and the formal complaint resolution process), and provide information about Supportive Measures. The Title IX Coordinator/DHR Administrator will consider the need for a follow-up meeting with the Complainant, as appropriate. Any subsequent investigation will include an interview with the Complainant conducted by the assigned investigator. The investigatory interview will be intended to build upon and clarify the information provided during intake.
- D. **Advisors:** The Complainant and Respondent may choose to be accompanied by one Advisor of their choice, who may be, but is not required to be, an attorney or a union representative during meetings or any stage of the Complaint process.
1. The University will not limit the choice or presence of the Advisor for the Complainant or Respondent in any meeting or proceeding. However, the unavailability of a specific Advisor will not unreasonably delay scheduling.
 2. A Party's 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.
 3. The Parties also have the right to consult with an attorney, at their own expense, or a union representative at any stage of the process if they wish to do so.
- E. **Confidentiality Requests and Requests Not to Investigate**
1. Confidentiality Requests: The University will maintain confidentiality of reports, Complaints, and associated processes whenever possible. When necessary, to protect the campus community and to facilitate investigations and/or Supportive Measures, certain information may be shared on a "need-to-know" basis. Therefore, the University cannot guarantee confidentiality.
 2. Requests Not to Investigate: When a Complainant requests that no investigation occur, the Title IX Coordinator/DHR Administrator will balance the request against the University's duty to provide a safe and non-discriminatory environment for all members of the campus community. In cases where the Complainant does not want to pursue an investigation, the Title IX Coordinator/DHR Administrator should inform the Complainant that the ability to take corrective action may be limited.

The Title IX Coordinator/DHR Administrator will consider, **at a minimum:**

- a. The Complainant's request not to proceed with initiation of a Complaint;
- b. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
- c. The risk that additional acts of Discrimination, Harassment, or Retaliation would occur if a Complaint is not initiated;
- d. The severity of the alleged Discrimination, Harassment, or Retaliation including whether the conduct, if established, would require the removal of

a Respondent from campus or imposition of another Disciplinary Sanction to end the Discrimination, Harassment, or Retaliation and prevent its recurrence;

- e. Whether the Respondent poses an imminent threat to the campus community, which may include violence, threats of violence, use of a weapon, physical restraints, or unwanted physical contact.
- f. The age and relationship of the Parties, including power imbalance and whether the Respondent is an Employee of the University;
- g. The scope of the alleged conduct, including information suggesting a pattern (such as multiple or prior reports of misconduct against the Respondent), ongoing conduct, or conduct alleged to have impacted multiple individuals;
- h. Whether the University is able to conduct a thorough investigation and obtain relevant evidence without the Complainant's cooperation;
- i. The availability of evidence to assist a decisionmaker (Investigator or Hearing Officer) in determining whether Discrimination, Harassment, or Retaliation occurred;
- j. Whether the University could end the alleged Discrimination, Harassment, or Retaliation and prevent its recurrence without initiating the formal complaint resolution process; and
- k. For Employee Complainants, the University will also consider its obligation to maintain a safe work environment in determining whether an investigation is necessary.
 - The Title IX Coordinator/DHR Administrator will document the basis for the decision to initiate or to not initiate the investigation based on this assessment criteria.

3. *Decision to Proceed with Complaint:* Based on the assessment criteria above, the Title IX Coordinator/DHR Administrator has discretion to initiate an investigation without the Complainant's participation.

- a. When the Title IX Coordinator/DHR Administrator decides to proceed with an investigation without a Complainant's participation, the Title IX Coordinator/DHR Administrator will make the Complaint on behalf of the University. The Title IX Coordinator/DHR Administrator will remain neutral in applying the Nondiscrimination Policy and these Procedures. In these cases, the Title IX Coordinator/DHR Administrator will provide the impacted party with the same notices, updates, and opportunities to participate as the Respondent throughout the investigation and, where applicable, hearing process, unless the impacted party confirms in writing that they do not want to receive these communications and do not wish to participate in the process. The impacted party may rescind this notice at any time in writing to the Title IX Coordinator/DHR Administrator.
- b. When the Title IX Coordinator/DHR Administrator initiates an investigation without the Complainant's participation, the Complainant will be informed

in advance of the Title IX Coordinator/DHR Administrator disclosing the Complainant's identity and details of the Complaint or report to the Respondent, or initiating an investigation. The Title IX Coordinator/DHR Administrator will work with campus partners to take steps to arrange reasonable safety measures for the Complainant if appropriate. At the Complainant's request, the Title IX Coordinator/DHR Administrator will inform the Respondent that the Complainant asked the University not to investigate or seek discipline.

- c. A Student Complainant will not be required to participate in an investigation if they do not wish to do so.
4. *Decision not to proceed with investigation*: If a request for confidentiality or no investigation is granted, the Title IX Coordinator/DHR Administrator will nevertheless take reasonable steps to limit the effects of the alleged Discrimination, Harassment, or Retaliation, and prevent its recurrence without initiating formal action against the Respondent or revealing the identity of the Complainant. Examples include increased temporary monitoring, supervision, or security at locations or activities where the alleged misconduct occurred; providing additional training and education materials for students and employees; or conducting climate surveys. Reasonable steps will be taken to provide for the safety of a Complainant while keeping the Complainant's identity confidential as appropriate and if possible. These steps may include changing living arrangements or course schedules, assignments, or tests. The Complainant will be notified that the steps the campus will take may be limited by the request for confidentiality.

VII. Supportive Measures

The University will offer and coordinate Supportive Measures as appropriate for the Complainant and/or Respondent to restore or preserve that person's access to the University's education programs, activities, employment, or to provide support during the University's formal complaint resolution process or during the informal resolution process. Supportive Measures may include, but are not limited to: counseling; extensions of deadlines and other course-related adjustments; changes to employee reporting line; campus escort services; increased security and monitoring of certain areas of the campus; restrictions on contact applied to one or more Parties; leaves of absence; changes in class, work, housing, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to Discrimination, Harassment, and Retaliation.

The Title IX Coordinator/DHR Administrator will describe and offer Supportive Measures to Complainants during the initial assessment (even if no Complaint is made or the Complaint is ultimately not investigated), and to Respondents during an initial meeting.

The Title IX Coordinator/DHR Administrator is responsible for coordinating the effective implementation of Supportive Measures if requested and reasonably available.

- A. **Review of Supportive Measures – Applies only to Reports or Complaints of Sex-based Harassment**: A Complainant or Respondent may request modification or reversal of a decision to provide, deny, modify, or terminate Supportive Measures applicable to them.

1. This request will be reviewed by an appropriate and impartial Employee:
 - a. If the original decision about Supportive Measures was made by a person with authority delegated by the Title IX Coordinator/DHR Administrator, the review will be conducted by the Title IX Coordinator/DHR Administrator.
 - b. If the original decision about Supportive Measures was made by the Title IX Coordinator/DHR Administrator, the review will be conducted by a Systemwide Director for Civil Rights.
 2. If the reviewer determines that the decision to provide, deny, modify, or terminate the Supportive Measure was inconsistent with the Nondiscrimination Policy's requirements, expectations, or standards for Supportive Measures, they may modify or reverse the decision. In making this determination, the reviewer should consider:
 - a. Do the Supportive Measures unreasonably burden a Complainant or Respondent?
 - b. Are the Supportive Measures punitive?
 - c. Are the Supportive Measures reasonably available and restore access to the CSU's programs, activities, or employment?
 - d. Are the Supportive Measures being offered or provided during the informal resolution process or formal complaint resolution process?
 3. A Complainant or Respondent may also seek additional modification or termination of a Supportive Measure applicable to them if circumstances change materially by contacting the Title IX Coordinator / DHR Administrator.
 4. The University will not share information about any Supportive Measures with anyone other than the person to whom they apply, including informing one Party of Supportive Measures provided to another Party, unless necessary to arrange or provide the Supportive Measure or restore or preserve a Party's access to the CSU's education programs, activities, or employment, or when otherwise required by state or federal law.
- B. No-Contact Directives:** No-contact directives may be issued as a Supportive Measure, Remedy, or in connection with an Informal Resolution Agreement, with or without an investigation. When reasonably requested by a Complainant or otherwise needed to protect health and safety or to preserve the integrity of the investigation, the University will issue an interim no-contact directive, which may be unilateral (prohibiting the Respondent from contacting the Complainant) or mutual (prohibiting the Parties from contacting each other) while the investigation is pending.
1. No-contact directives that are not part of an Informal Resolution Agreement must meet the following requirements:
 - a. No-contact directives that limit an individual's movement on a University campus may only be issued where the conduct alleged is egregious or where an objective threat of physical harm exists.
 - b. A mutual no-contact directive (applicable to both Parties) may only be issued prior to an investigation outcome. Mutual no-contact directives will not be issued automatically. The Title IX Coordinator/DHR Administrator

must consider, based on the circumstances of each case, whether a mutual no-contact directive is necessary or justifiable to protect the Respondent's safety or well-being, or to address concerns about interference with an investigation.

- c. If there is a finding that the Nondiscrimination Policy has been violated and a mutual no-contact directive is already in effect, unless there are extenuating circumstances, the no-contact directive will promptly be converted to a unilateral no-contact directive (applicable only to the Respondent).
 - d. Any no-contact directive (whether mutual or unilateral) will be delivered to both Parties in writing and will be accompanied by a written explanation of the terms of the directive and the consequences for violating the no-contact directive. A no-contact directive is intended to be temporary and should be periodically assessed to confirm the continued need for, and appropriateness of, its specific terms (conditions), including whether it should be mutual (applicable to both Parties), or unilateral (only applicable to the Respondent).
 - e. Violations of no-contact directives will be addressed by the campus Student Conduct Administrator in the same manner as any violation of the Student Conduct Code if the Respondent is a Student, or by Human Resources or Faculty Affairs, if the Respondent is an Employee. If the alleged violation of the no-contact directive is itself a violation of the Nondiscrimination Policy, the matter will be referred to the Title IX Coordinator/DHR Administrator.
2. In considering the reasonableness and terms of a requested no-contact directive, the Title IX Coordinator/DHR Administrator may consider various factors, including the need expressed by the Complainant or Respondent; the ages of the Parties involved; the nature of the allegations and their continued effects on the Complainant or Respondent; whether the Parties continue to interact directly in the University's education program or activity, including through student employment, shared residence or dining facilities, class, or campus transportation; and whether steps have already been taken to mitigate the harm from the Parties' interactions, such as implementation of a civil protective order.
- C. **Criminal Complaints and Concurrent Investigations:** Complainants will be informed during the intake meeting of their right to make a criminal complaint with University police or other appropriate law enforcement agencies. The Title IX Coordinator/DHR Administrator will offer to assist the Complainant and will assure them that filing a criminal complaint will not unreasonably delay the University's investigation. The University will typically not wait until the conclusion of a criminal investigation to begin its own investigation. Although it may be necessary to temporarily delay the investigation while law enforcement is gathering evidence, once notified that law enforcement has completed the fact gathering portion of their investigation, the University will promptly resume and complete its own investigation. Individuals who first report to University police will be encouraged to also make a Complaint with the Title IX Coordinator/DHR Administrator.

- D. **Interim Suspension:** An interim suspension may be considered for a Student Respondent, where there is reasonable cause to believe that interim suspension of that Student is necessary to protect the personal safety of persons within the Campus community or Campus property, and to ensure the maintenance of order during an investigation. Such interim suspensions will be implemented in accordance with the procedures under the Student Conduct Process and will only remain in effect during the Complaint process until determined to be no longer necessary. In determining whether an interim suspension is necessary, the Title IX Coordinator/DHR Administrator will coordinate with the Student Conduct Administrator to ensure appropriate on-going assessment and implementation occurs.
- E. **Emergency Removal – Applies only to Reports or Complaints of Sex-based Harassment:** The University may remove a Respondent from its education programs or activities, including Student employment, on an emergency basis in the absence of a Complaint, before an investigation concludes or where no investigation or hearing is pending. Prior to the removal, an individualized safety and risk analysis will be conducted. The removal is referred to as an "Emergency Removal," and has the effect of an Interim Suspension, as set forth in the Student Conduct Process, including that during the period of the Emergency Removal, the Student may not, without prior written permission from the University president or designee, enter any campus of the CSU. As with Interim Suspensions in the Student Conduct Process, the president or vice president designee, in consultation with the Title IX Coordinator/DHR Administrator, will determine whether there is an imminent and serious threat to the health or safety of a Complainant or any Students, Employees, or other persons arising from the allegations of Sex-based Harassment that justifies removal.

Where a determination is made that justifies Emergency Removal, the Respondent will be provided with notice and given an opportunity to challenge the decision immediately following the removal, in accordance with the procedures in the Student Conduct Process. This includes the right to a hearing within 10 Working Days of a request by the Respondent for such a hearing to determine if there is an imminent and serious threat to the health or safety of a Complainant or any Students, Employees, or other persons arising from the allegations of Sex-based Harassment that justifies removal. The hearing will be conducted under the Student Conduct Process and not these Procedures as they relate to hearings.

- F. **Administrative Leave:** A campus may place a non-student Employee on Administrative Leave (sometimes referred to as Temporary Suspension) in accordance with applicable Collective Bargaining Agreements or CSU policies while the Complaint process is pending.
- G. **Transcript Notations and Administrative Holds:** If a Respondent withdraws, transfers, or disenrolls from the University pending an investigation or disciplinary proceeding concerning a violation of the Nondiscrimination Policy, transcript notations may be appropriate and will be addressed under the Student Conduct Process. As appropriate to the situation, the University may place an administrative hold on registration transactions, release of records, and transcripts of a Student who has been sent written notice of a pending investigation or disciplinary matter concerning that Student, and may withhold awarding a degree otherwise earned until the completion of the investigation or disciplinary process, including the

completion of all sanctions imposed.

VIII. Complaints

When the Title IX Coordinator/DHR Administrator receives a Complaint, they will determine whether to open an investigation after making a preliminary inquiry into the allegations. An investigation may not be warranted where the reported information does not allege facts with enough specificity or include conduct that would, even if true, constitute a violation of the Nondiscrimination Policy. These determinations will be documented in writing by the Title IX Coordinator/DHR Administrator and maintained in accordance with systemwide records retention policies.

When more than one Complainant or more than one Respondent is involved, references in these Procedures to a Party, Complainant, or Respondent include the plural, as applicable.

- A. **Complaint Accepted for Investigation:** Within 10 Working Days of the date of an intake meeting or receipt of a request for investigation from the Complainant (whichever is later), or making a determination that an investigation is necessary without a request from or participation by the Complainant, the Title IX Coordinator/DHR Administrator will send a Notice of Investigation to the Complainant and Respondent.
- B. **Complaint Not Accepted for Investigation:** If the Title IX Coordinator/DHR Administrator determines that the Complaint does not allege a violation of the Nondiscrimination Policy, the Title IX Coordinator/DHR Administrator will, within 10 Working Days of the date of the intake or receipt of a written request for investigation (whichever is later), notify the Complainant in writing that the Complaint will not be investigated without further information. The Title IX Coordinator/DHR Administrator may refer the Complaint to another campus office if appropriate and will notify the Complainant of any referral. The Title IX Coordinator/DHR Administrator will retain a record of the Complaint, the written determination and any referrals made to another campus office.
- C. **Discretionary Dismissal:** At any time after a Complaint has been accepted for investigation, it is within the discretion of the Title IX Coordinator/DHR Administrator to dismiss a Complaint, or any part of a Complaint, if:
 1. The Complainant notifies the Title IX Coordinator/DHR Administrator in writing that they would like to withdraw the Complaint or any part of it, or
 2. If the specific circumstances prevent the University from reasonably gathering evidence necessary to reach a determination as to the Complaint or part of the Complaint.
- D. **Dismissal of a Complaint - Applies only to Complaints of Sex-based Harassment:**
 1. The Title IX Coordinator/DHR Administrator may dismiss a Complaint of Sex-based Harassment if:
 - a. The University is unable to identify the Respondent after taking reasonable steps to do so;
 - b. The Respondent is not participating in the University's education program or activity and is not employed by the University;
 - c. The Complainant voluntarily withdraws any or all of the allegations in the

Complaint, the Title IX Coordinator/DHR Administrator declines to initiate a Complaint, and the University determines that, without the Complainant's withdrawn allegations, the conduct that remains alleged in the Complaint, if any, would not constitute Sex-based Harassment even if proven; or

- d. The University determines the conduct alleged in the Complaint, even if proven, would not constitute Sex-based Harassment. Before dismissing the Complaint, the University will make reasonable efforts to clarify the allegations with the Complainant. Complaints that are dismissed on this basis may be referred to another process or another campus office for review under other potentially applicable policies or codes of conduct (such as the grade appeal process, student code of conduct, employee grievance procedures, ADA process, to be addressed as unprofessional conduct, etc.).
2. When a complaint is dismissed, the University will promptly notify the Complainant of the basis for the dismissal in writing. If the dismissal occurs after the Respondent has been notified of the allegations, then the University will also notify the Respondent of the dismissal in writing and the basis for it. When a Complaint is dismissed, the University will, **at a minimum**:
 - a. Offer Supportive Measures to the Complainant as appropriate;
 - b. If the Respondent has been notified of the allegations, offer Supportive Measures to the Respondent as appropriate; and
 - c. Take other prompt and effective steps, as appropriate, through the Title IX Coordinator/DHR Administrator to ensure that Sex-based Harassment does not continue or recur within the University's education program or activity.
 3. The University will notify the Complainant that a dismissal may be appealed and will provide the Complainant with an opportunity to appeal the dismissal of a Complaint. If the dismissal occurs after the Respondent has been notified of the allegations, then the University will also notify the Respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:
 - a. Procedural irregularity occurred that would have likely changed the outcome of the decision to dismiss;
 - b. New evidence that was not reasonably available at the time of the dismissal and would have likely changed the outcome of the decision to dismiss; or
 - c. The Title IX Coordinator, investigator, or decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that would change the outcome.
 4. Appeals will be submitted to the Civil Rights Appeals Unit at the Chancellor's Office and will be addressed to:

Civil Rights Appeals Unit
Office of the Chancellor

401 Golden Shore
Long Beach, California 90802
CO-Appeals@calstate.edu

- a. If a Party is unable to submit an appeal or a response to an appeal electronically, they should contact the campus Title IX Coordinator/DHR Administrator for assistance.
 - b. When an appeal is submitted, the Civil Rights Appeals Unit will notify the other Party and the campus Title IX Coordinator/DHR Administrator in writing. The non-appealing Party may submit a written statement in support of or challenging the dismissal no later than 5 Working Days after the notice of appeal. Within 10 Working Days of the Civil Rights Appeals Unit's receipt of the appeal, the Civil Rights Appeals Unit will notify the Parties (via email and at the same time) of its decision.
 - c. The Civil Rights Appeals Unit will not consider evidence that was not introduced to the campus during the Complaint review process unless the new evidence was not reasonably available at the time of the Complaint review.
 - d. The Civil Rights Appeals Unit has discretion to extend the timelines for the dismissal appeal process for good cause or for any reasons deemed to be legitimate by the Civil Rights Appeals Unit. This includes the time for filing an appeal and the time for the Civil Rights Appeals Unit to respond to the appeal. The Civil Rights Appeals Unit will notify the Parties and the Title IX Coordinator/DHR Administrator of any extensions of time granted pertaining to any portion of the appeal process.
 - e. The Civil Rights Appeals Unit appeal response is final and concludes the discretionary dismissal process under these Procedures.
- E. **Consolidation:** The University may consolidate Complaints of Discrimination, Harassment, or Retaliation 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 of Discrimination, Harassment, or Retaliation arise out of the same or substantially similar facts or circumstances. The Title IX Coordinator/DHR Administrator will determine whether a Complaint should be consolidated (subject to FERPA and other applicable privacy laws). In addition, during the course of the investigation, the investigation may reveal the existence of additional or different violations of the Nondiscrimination Policy, which may also be consolidated following notification to the Parties. Depending on the timing and circumstances, the Title IX Coordinator/DHR Administrator retains discretion to resolve Complaints using the same investigator or following the resolution of the initial Complaint, such as through appropriate Disciplinary Sanctions.
- F. **Student Grade Appeals:** Grade appeals that allege a violation of the Nondiscrimination Policy proceed under the campus procedures per *CSU Grading, Repetition of Courses, Academic Renewal, and Appeals Policy* (or any superseding policy) **and** under these Procedures as follows:
1. The Student will promptly request a grade appeal and note that the grade appeal procedure should be paused until such time as the campus investigation and any

appeal process under these Procedures have concluded.

2. The determination whether a violation occurred under the Nondiscrimination Policy will be provided to the campus grade appeal committee, and the committee will be bound by the determination when the grade appeal process resumes.

IX. Alternative Resolution Processes

- A. **Informal Resolution:** The Parties may voluntarily choose to participate in an informal resolution process to resolve an alleged violation of the Nondiscrimination Policy. The filing of a formal Complaint is not required to initiate the informal resolution process.

1. General Principles

- a. The Title IX Coordinator / DHR Administrator has discretion to determine whether it is appropriate to offer an informal resolution process and may decline to allow informal resolution despite the request of one or more of the Parties. Circumstances when the Title IX Coordinator/DHR Administrator may decline to allow informal resolution include but are not limited to:
 - i. When they determine that the alleged conduct would present a future risk of harm to others.
 - ii. When the Complaint involves allegations made by a Student against an Employee. Informal resolution in these cases is generally discouraged and may be permitted with the approval of the Systemwide Director for Civil Rights assigned to the University following a request by the Title IX Coordinator/DHR Administrator. In addition, any informal resolution agreement between a Student and an Employee will be reviewed by the assigned Systemwide Director for Civil Rights prior to being finalized.
- b. The Title IX Coordinator/DHR Administrator will conduct or oversee the informal resolution process and conduct an initial and on-going assessment as to whether the process should continue.
- c. Prior to approving an informal resolution, the Title IX Coordinator/DHR Administrator will consult with the appropriate administrator responsible for discipline.
- d. The Title IX Coordinator/DHR Administrator will make the final determination on all informal resolution processes regarding whether the terms agreed to by the Parties are appropriate considering all of the circumstances of the Complaint.
- e. When the informal resolution process is offered, and to the extent necessary, the Title IX Coordinator/DHR Administrator will also take other appropriate prompt and effective steps to ensure that the alleged violations of the Nondiscrimination Policy do not continue or recur within the University's education programs, activities, or employment.

- f. Neither Party will be required or pressured to participate in an informal resolution process. The Title IX Coordinator/DHR Administrator must obtain the Parties' voluntary written consent to participate in the informal resolution process and must not require waiver of the right to an investigation and determination of a Complaint as a condition of enrollment or continuing enrollment, employment or continuing employment, or exercise of any other right.
 - g. The person facilitating the informal resolution process must not be the same person as the Investigator or the Hearing Officer in the formal complaint resolution process. A Title IX Coordinator/DHR Administrator may facilitate the informal resolution process. When the Title IX Coordinator/DHR Administrator facilitates the informal resolution process, they cannot serve as the Investigator. In addition, any informal resolution agreements facilitated by the Title IX Coordinator/DHR Administrator must be signed by the assigned Systemwide Director for Civil Rights.
 - h. The person facilitating the informal resolution process must not be the same person as the Investigator or the Hearing Officer in the formal complaint resolution process. A Title IX Coordinator/DHR Administrator may facilitate the informal resolution process. When the Title IX Coordinator/DHR Administrator facilitates the informal resolution process, they cannot serve as the Investigator. In addition, any informal resolution agreements facilitated by the Title IX Coordinator/DHR Administrator must be signed by the assigned Systemwide Director for Civil Rights.
 - i. Any person facilitating an informal resolution process will receive appropriate training and must be free from a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.
2. Notice of Informal Resolution Process: Before beginning the informal resolution process, the Title IX Coordinator/DHR Administrator will explain in writing to the Parties:
- a. The allegations;
 - b. The requirements of the informal resolution process;
 - c. That any Party has the right to withdraw from the informal resolution process and begin or continue with the formal complaint resolution process at any time before agreeing to a resolution;
 - d. The Parties' right to consult with an Advisor;
 - e. Any resolution must be in writing and signed by both Parties and the Title IX Coordinator/DHR Administrator;
 - f. That if the Parties agree to a resolution at the end of the informal resolution process, they cannot begin or continue with the formal complaint process in relation to the same allegations;
 - g. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution

agreement is binding only on the Parties; and

- h. What information the University will maintain and whether and how the University could disclose such information for use in the formal complaint resolution process if such procedures begin or resume.

3. Potential Terms: Potential terms that may be included in an informal resolution agreement include, but are not limited to:

- a. Apology, written or verbal;
- b. Relocation or removal from a residence hall or other University provided housing, subject to availability;
- c. Changes in academic arrangements, such as changing class sections or locations;
- d. Changes in work schedules or locations;
- e. Limitations on or agreements related to participation in and/or presence in/at events, extracurricular activities, student organizations, recreational facilities, athletics, etc.
- f. Participation in and/or successful completion of alcohol or drug education or counseling;
- g. Participation in counseling services for mental or behavioral health;
- h. Participation in specific educational opportunity or training;
- i. Voluntary educational, mentoring, coaching, or counseling sessions, which may or may not include stipulations, such as proof of successful completion or statement of active participation from the mentor / coach / counselor;
- j. Verbal counseling or warnings;
- k. Collaborative agreements on behavioral or institutional changes;
- l. No-contact directives, or other restrictions on contact, communication, and/or interactions between the Parties;
- m. Restrictions on Respondent's movement or access to specific locations at the University;
- n. Alternative seating arrangements for graduation;
- o. Complainant sharing of an impact statement with the Respondent;
- p. Admission or acceptance of responsibility for causing harm and/or the alleged conduct;
- q. Community service;
- r. Voluntary participation in formal disciplinary action for Respondent;
- s. Restrictions on the Respondent's participation in one or more University programs or activities or attendance at specific events, including restrictions the University could have imposed as Remedies or Disciplinary Sanctions had it determined at the conclusion of the formal complaint

resolution process that a violation of the Nondiscrimination Policy occurred; or

- t. Other mutually agreed upon outcomes or resolutions.
 - Any agreed-upon Remedies and Disciplinary Sanctions agreed to in an informal resolution have the same effect as Remedies given and Disciplinary Sanctions imposed following an investigation or hearing.
 4. Timeframe: The informal resolution process may take place at any time before a determination of responsibility is made, but no later than 60 Working Days after both Parties provide voluntary, written consent to participate in the informal resolution process. The Parties and the Title IX Coordinator / DHR Administrator may agree to one or more extensions of the 60 Working Day deadline, which will be confirmed in writing. The timeline of the formal complaint resolution process will be paused during the pendency of any informal resolution process.
 5. Written Agreement – Not Subject to Appeal: The terms of any informal resolution must be in writing and signed by the Parties and the Title IX Coordinator/DHR Administrator. Use of electronic signatures is permitted. A signed agreement to an Informal Resolution is final and is not appealable by either Party.
 6. Mediation Between the Parties – Applies only to Complaints of Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking: Mediation between the Parties cannot be used, even on a voluntary basis, to resolve Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking Complaints.
- B. **Acceptance of Responsibility**: The Respondent may, at any time during the investigation or hearing process, prior to an Investigator or Hearing Officer issuing their determination, choose to accept responsibility for the alleged conduct prohibited under the Nondiscrimination Policy.
1. Before a Respondent accepts responsibility for the alleged misconduct, the Title IX Coordinator / DHR Administrator or designee will discuss with the Respondent that the matter will be referred to the University president or designee for a decision regarding an appropriate Disciplinary Sanction, and that the acceptance of responsibility could – but will not necessarily – be regarded as a mitigating factor that results in less severe sanctions.
 2. Acceptance of responsibility will only be recognized if the Respondent accepts responsibility by signing a written document prepared by the Title IX Coordinator/ DHR Administrator that describes the range of Disciplinary Sanctions that the president or designee will consider in reaching a decision about Disciplinary Sanctions.
 3. If the Respondent has accepted responsibility in writing, the Title IX/DHR office will issue a brief written summary of the allegations and a statement that the Respondent has accepted responsibility. The written summary will be sent to both the Complainant and the Respondent.
 4. Within 5 Working Days of receiving the written summary from the Title IX/DHR Office, each Party may submit to the Title IX Coordinator/DHR Administrator an

impact statement or other statement regarding discipline that is no more than 2000 words in length. The document is an opportunity for each Party to suggest disciplinary outcomes and to provide information that they believe is important for the president or designee to consider when reaching a sanction decision. The Student Conduct Administrator and/or Title IX Coordinator / DHR Administrator will also submit a written statement regarding aggravating and mitigating factors (that is, factors that would warrant a more severe or less severe sanction), including whether the Respondent was previously found to have violated the Standards for Student Conduct or the Nondiscrimination Policy. These written statements will be provided to the president or designee who will decide an appropriate sanction.

5. The Parties may appeal the sanction only on the grounds that the sanction(s) imposed was objectively unreasonable, or arbitrary based on the conduct for which the Respondent accepted responsibility. The appeal process will otherwise be in accordance with Article XI and Addendum B.
6. Where there is an acceptance of responsibility regarding some but not all of the alleged conduct, the investigation and hearing process will continue to conclusion, unless otherwise resolved through Informal Resolution.

X. Investigations – The Formal Complaint Resolution Process

- A. **Purpose of the Investigation and Resolution Process:** The investigation and resolution of Complaints under these Procedures is not intended to be an adversarial process between the Complainant, the Respondent, and witnesses. Rather, it is a process and opportunity for the University to educate students, provide an environment free from Discrimination, Harassment, and Retaliation, and comply with its obligations under law. The University will provide for adequate, reliable, and impartial investigation of Complaints. The University will treat Complainants and Respondents equitably.
 1. Cooperation in the Investigation Process: All Employees, and Students who are not Parties to the Complaint, are required to cooperate with the investigation and other processes set forth in these Procedures, including but not limited to, attending meetings and interviews, and being forthright and honest during the process.
 2. Written Notices: The University will provide a Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the Party to prepare to participate.
 3. Prohibition on Retaliation: The University strictly prohibits Parties or witnesses from engaging in Retaliation against anyone for reporting or filing a Complaint, assisting or participating in an investigation or hearing, interfering with a Party's or witness's rights or privileges under the Nondiscrimination Policy, or for assisting someone else in reporting or opposing conduct prohibited by the Nondiscrimination Policy. Any acts of Retaliation are subject to disciplinary action.
- B. **Privacy:** The University will take reasonable steps to protect the privacy of the Parties and witnesses, including ensuring compliance with the Family Educational Rights and Privacy Act (FERPA) and other applicable privacy laws. During the formal complaint resolution process,

beginning with the Notice of Investigation and concluding when the deadline for an appeal has passed or the Civil Rights Appeals Unit has issued its final response, the Parties and witnesses are prohibited from using or disclosing the information or records obtained through the formal complaint resolution process. This prohibition shall not restrict the ability of the Parties to obtain and present evidence, including by speaking to witnesses, consulting with family members, confidential resources, or Advisors, or otherwise preparing for or participating in the formal complaint resolution process. These restrictions also do not apply to information learned through other means, such as personal experience, or to disclosures made during another administrative proceeding or through litigation. For especially sensitive materials, including but not limited to recordings and medical records, the University will provide such records for viewing or inspection only – and not for copying or possessing. The Parties and their Advisors may be asked to sign written acknowledgements agreeing to these restrictions on disclosure and re-disclosure. Whether or not such acknowledgements are signed, violations of these prohibitions, including disregarding any restrictions on the use of records (such as re-disclosing records to unauthorized individuals or copying records that are provided for viewing only), may subject a Student or Employee to discipline.

- C. **Standard and Burden of Proof:** The standard of proof for hearings and investigations under these Procedures is the Preponderance of the Evidence. 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. The responsibility is not on the Parties – but on the University – to conduct an investigation that gathers sufficient evidence to determine whether Discrimination, Harassment, or Retaliation occurred. The Complainant does not have the burden to prove, nor does the Respondent have the burden to disprove, the underlying allegation or allegations of misconduct. The University presumes that the Respondent is not responsible for the alleged conduct until a determination is made at the conclusion of the formal complaint resolution process.
- D. **Role of the Title IX Coordinator/DHR Administrator in the Investigation Process:** The Title IX Coordinator/DHR Administrator will either investigate the Complaint or assign this task to an Investigator. If assigned to an Investigator, the Title IX Coordinator/DHR Administrator will supervise and oversee the investigation, including reviewing all draft investigation reports before they are final to ensure that the investigation complies with these Procedures. If the Title IX Coordinator/DHR Administrator investigates the Complaint, a Systemwide Director or other appropriately trained administrator will review all draft investigation reports in the place of the Title IX Coordinator/DHR Administrator.
- E. **Neutrality of Process:** The University requires that any Title IX Coordinator/DHR Administrator, investigator, or decisionmaker not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. A decisionmaker may be the same person as the Title IX Coordinator/DHR Administrator or investigator. The Title IX Coordinator/DHR Administrator will take affirmative steps to ensure that anyone involved in conducting investigations, finding facts, and making disciplinary decisions in a matter will be impartial, neutral, and free from actual conflicts of interest. A conflict of interest exists if a person has a personal relationship with one of the Parties or witnesses, has a reporting employment relationship with a Party, or has demonstrated actual bias towards a Party or witness or towards Complainants or Respondents in general. Mere belief or opinion does not constitute evidence of bias or conflict of interest.
- F. **Investigation Where a Party Does Not Participate:** The Respondent will not be found to have

violated the Nondiscrimination Policy solely because the Respondent did not participate in the investigation or hearing process. Nor will the Respondent be found not to have violated the Nondiscrimination Policy solely because a Complainant or other witness did not participate in the investigation or hearing process.

- G. **Timeframe, Extensions, and Status Updates:** The University has established the following timeframes for the major stages of the formal complaint resolution process:

Stage	Timeframe
Complaint accepted or not accepted for investigation	Within 10 Working Days of the date of the intake or receipt of a written request for investigation (whichever is later)
Investigation – Review of Evidence Response Submission	10 Working Days from date Preliminary Investigation Report sent to Parties
Investigation – Final Investigation Report	100 Working Days from the date the Notice of Investigation is sent to Parties
Notice of Hearing	At least 20 Working Days prior to date of hearing
Hearing Officer’s Decision Report	15 Working Days from end of hearing
Final Decision from President or Designee	10 Working Days from receipt of Hearing Officer’s sanction recommendation
Appeal Submission	10 Working Days from date Notice of Investigation Outcome (non-hearing) or Final Decision (hearing) is sent to the Parties
Appeal Determination	30 Working Days after receipt of the written appeal

1. The University has also established the following process that allows for the reasonable extension of timeframes in these Procedures on a case-by-case basis for good cause. A Party, Investigator, and/or Hearing Officer may request a reasonable extension of the timeframes in these Procedures at any time from the Title IX Coordinator/DHR Administrator. The Title IX Coordinator/DHR Administrator may also initiate a reasonable extension of the timeframes in these Procedures at any time. For an extension to be granted, the following process must be followed:
 - a. Good cause for the extension must exist. Good cause may include:
 - i. To ensure the integrity and thoroughness of the investigation;
 - ii. The reasonable absence of a Party, Party’s advisor, or witness;
 - iii. To comply with a request by law enforcement, including a concurrent law enforcement investigation;²
 - iv. Based on the need to provide language assistance, disability accommodations, or other modifications to allow the full participation of a Party or witness;

- v. Academic breaks or exam periods;
 - vi. A particularly complex investigation or hearing process, such as one involving multiple Complainants, multiple Respondents, a large number of witnesses, voluminous evidence, or length of the written record;
 - vii. The severity and extent of the alleged misconduct; or
 - viii. Other extenuating or unforeseen circumstances that are not within the control of the University, Party, witnesses, Investigator, or Hearing Officer.
- b. The Title IX Coordinator/DHR Administrator is the final decision-maker with respect to all extensions.
 - c. The Parties receive written notice from the Title IX Coordinator/DHR Administrator or designee that an extension is necessary and an explanation for the delay. The notice will indicate if the extension alters the timeframes for the major stages of the Complaint process and provide a new estimated timeline.
2. Requests for Extensions: While requests for delays by the Parties and witnesses may be considered, the University cannot unduly or unreasonably delay the prompt resolution of a Complaint under the Nondiscrimination Policy.
- a. **Students** – As required by California law, the Title IX Coordinator/DHR Administrator will not unreasonably deny a Student Party's request for an extension during periods of examinations or academic breaks.
 - b. **Employees** – The fact that an Employee is off contract or between semesters, without more, does not excuse an Employee from their expected participation in the Complaint resolution process.
3. Status Updates: In addition to the communications at each major stage of the process, the University will provide a status update to the Complainant and Respondent every 30-days, beginning from the date that the Notice of Investigation is issued until the Notice of Investigation Outcome or Final Decision is issued to the Parties, unless a Party requests in writing not to receive these updates.
- a. For cases of Sex-based Harassment, the Title IX Coordinator/DHR Administrator shall notify the Complainant of any Disciplinary Sanctions imposed against a Respondent.
 - b. The Civil Rights Appeals Unit will provide status updates to the Parties and Title IX Coordinator/DHR Administrator as required by the timelines in these Procedures.
 - c. In addition, either Party may, at any time, request from the Title IX Coordinator/DHR Administrator a status updates regarding investigation, hearing, and appeal timeframes.

H. **Reasonable Accommodations**: Any person with a Disability who seeks reasonable accommodations to participate in the Complaint submission or investigation process will be

referred to the appropriate campus administrator (for Students, the services for students with disabilities administrator, and for Employees the appropriate human resources administrator) who may consult with the Title IX Coordinator/DHR Administrator to determine the reasonableness of a requested accommodation.

- I. **Notices of Investigation:** The University will prepare Notices of Investigation for the Parties upon initiation of the formal complaint resolution process. The Notices of Investigation must be issued to the Parties in writing, at the same time, and with sufficient time and information for the Parties to prepare a response before any initial interview. A Notice of Investigation must include the following information:
 1. An overview summary of the Complaint allegations (e.g., "who," "what," "when," and "where"), including the identities of the Parties, the conduct alleged to constitute Discrimination, Harassment, or Retaliation, and the date(s) and location(s) of the alleged incident(s);
 2. A copy of, or internet link to, these Procedures and the Nondiscrimination Policy, as well as a summary of the alleged Nondiscrimination Policy violations;
 3. A summary of the Nondiscrimination Policy formal complaint resolution process, including the right to appeal and the informal resolution process;
 4. That Retaliation is prohibited;
 5. The Respondent is presumed not responsible for the alleged conduct until a determination is made at the conclusion of the formal complaint resolution process. Prior to such a determination, the Parties will have an opportunity to provide Relevant evidence to a trained, impartial decisionmaker (Investigator or Hearing Officer);
 6. The estimated timeline for completion of the investigation;
 7. Information regarding counseling and other Supportive Measures;
 8. The Parties may have one Advisor of their choice who may be, but is not required to be, an attorney or union representative;
 9. The Parties will have an equal opportunity to access the Relevant and not otherwise impermissible evidence used in the investigation;
 10. A statement that the Complainant and Respondent will have equal opportunities to identify Relevant witnesses and evidence in connection with the investigation and at any hearing, including the ability to:
 - a. Submit documentary information to the Investigator;
 - b. Submit a list of potential witnesses to the Investigator; or
 - c. Request that the Investigator attempt to collect additional relevant evidence;
 11. A statement that any evidence available, but not disclosed during the investigation might not be considered in any findings made, including at any hearing, and likely will not be considered for purposes of appeal;
 12. A statement that the Standards for Student Conduct prohibits furnishing false information to a University official, faculty member, or campus office;

13. A statement that the Complainant and Respondent will be provided with periodic status updates in accordance with the timelines established in these Procedures; and
 14. A statement regarding the possible range of Disciplinary Sanctions. If new but related allegations are raised during the investigation that are materially different from those described in the Notice of Investigation, the Title IX Coordinator / DHR Administrator will issue a revised Notice of Investigation to the Parties, along with a corresponding revised timeline for completion, if appropriate.
- J. **Respondent Initial Meeting:** In the Notice of Investigation, the Title IX Coordinator/DHR Administrator will offer to have an initial meeting with the Respondent. This meeting is not intended to be investigatory in nature. At this meeting, the Title IX Coordinator / DHR Administrator will explain the allegations against the Respondent, as well as the investigation process and the Respondent's rights during the process. The Title IX Coordinator/DHR Administrator will also explain that during the investigation process the Respondent and the Complainant will have the opportunity to present evidence, identify witnesses, and review evidence.
- K. **Gathering Evidence:** During the investigation, the Investigator will take reasonable steps to gather all Relevant evidence from the Parties, witnesses, or other sources, including interviews with the Complainant, the Respondent, and Relevant witnesses. The University will provide an equal opportunity for the Parties to present fact witnesses and other inculpatory (meaning that it shows or tends to show a person's involvement in the alleged conduct) and exculpatory (meaning that it shows or tends to show that a person was not involved in the alleged conduct) evidence that is Relevant. The Investigator will interview the Parties and Relevant witnesses and review documents and physical evidence. As appropriate to the investigation, the Investigator may conduct follow-up interviews or request responses to questions in writing.
1. Opportunity to Submit Evidence and Identify Witnesses: The Complainant and Respondent will be asked to identify witnesses and provide other Relevant information, such as documents, communications, and other available evidence. The Parties are encouraged to provide all Relevant information as soon as possible to facilitate a prompt resolution to the Complaint. The Investigator may receive any information presented by the Parties, but the Investigator, not the Parties, is responsible for gathering Relevant evidence. If a Party or witness declines to voluntarily provide material information or delays in doing so, the University's ability to conduct a prompt, thorough, and equitable investigation may be impacted. The University will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present Relevant evidence. Parties and witnesses must not engage in actions that could be considered Retaliation, including confronting, threatening, intimidating, attempting to influence, or otherwise taking inappropriate actions against any Party, witness, or anyone else participating in the investigation or hearing process. The Investigator will document the steps taken to gather evidence, even when those efforts are not successful.
 2. Bases for Declining a Request to Gather Evidence: The Investigator will gather evidence and ask questions proposed by the Parties, except as follows:
 - a. The Investigator determines that the questions are repetitive, irrelevant, or

harassing.

- b. The request seeks information that can be reasonably and adequately obtained by the requesting Party from other independent or publicly available sources.
- c. The burden of obtaining the information is likely to substantially outweigh the benefit that the evidence bears on a disputed issue.
- d. The requested information can be reasonably obtained through other means less likely to intrude on a person's privacy.

L. **Investigations Involving Allegations of Sex-based Harassment:** The University will review all evidence gathered through the investigation and determine what Relevant evidence may be considered. 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.

1. Impermissible evidence is evidence that is not allowed to be accessed, considered, or otherwise used by the University, except to determine if one of the exceptions listed below applies. The following types of evidence, and questions seeking that evidence, are impermissible, regardless of whether they are Relevant:
 - a. Evidence protected by a privilege recognized by state or federal law (unless waived by the Party or witness holding the privilege);
 - b. A Party's or witness's private medical records maintained by a physician, psychologist, or other recognized professional or paraprofessional (unless the Party or witness voluntarily consents to its use in writing); or
 - c. Evidence that relates to the Complainant's or Respondent's sexual interests or prior or subsequent sexual conduct (unless offered to prove someone other than the Respondent committed the alleged conduct or offered to prove how the Parties communicated consent in prior or subsequent consensual, sexual relations).
 - i. Where the Investigator allows consideration of evidence about a dating relationship or prior or subsequent consensual sexual relations between the Complainant and the Respondent, the fact that the Complainant and Respondent engaged in other consensual sexual relations with one another is never sufficient, by itself, to establish that the conduct in question was consensual.
 - ii. Prior consensual, sexual conduct between the Complainant and the Respondent does not prevent the University from finding that the conduct alleged in the Complaint constitutes Sex-based Harassment or otherwise violates the Nondiscrimination Policy.
2. Before allowing the consideration of any evidence of sexual history of the Complainant or the Respondent under this section, the Investigator will provide a written explanation to the Parties as to why consideration of the evidence is permissible under this section.

- M. **Expert Witnesses:** In rare cases, an Investigator may need to consult medical, forensic, technological, or other experts when expertise on a topic is needed to achieve a fuller understanding of the issues under investigation. In such cases, the Investigator must consult with the Title IX Coordinator/DHR Administrator prior to engaging an expert witnesses.
- N. **Preliminary Investigation Report and Review of Evidence:** The University will provide each Party and the Party's Advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of Discrimination, Harassment, or Retaliation and not otherwise impermissible evidence.
1. Preliminary Investigation Report: Before finalizing the investigation, the Investigator will share with the Complainant and Respondent a preliminary investigation report, along with all Relevant evidence gathered. The preliminary investigation report will list any evidence offered by the Parties or any other witnesses that the Investigator concluded are not Relevant. This evidence will be available for review upon request. The preliminary investigation report will:
 - a. Describe the allegations.
 - b. Describe the investigative process to date.
 - c. Set forth the relevant policy language and the Preponderance of Evidence Standard.
 - d. Describe the evidence presented and considered.
 - e. Identify the material facts – disputed and undisputed – with explanations as to why any material fact is disputed.
 2. Access to Preliminary Investigation Report: The Investigator, in consultation with the Title IX Coordinator/DHR Administrator, will use discretion in determining how to provide the Parties with secure access to the preliminary investigation report. The University will take reasonable steps to prevent and address the Parties' and their Advisors' unauthorized disclosure of information and evidence obtained solely through the formal complaint resolution process.
 3. Review of Evidence: Each Party will be given a reasonable opportunity to respond to the preliminary investigation report and any attached evidence and ask questions. The opportunity to review and respond to the preliminary investigation report is known as the "review of evidence" process. The Parties will have 10 Working Days to review the evidence. Each Party may:
 - a. Respond to the evidence in writing.
 - b. Request that the Investigator gather additional evidence or ask specific questions to the other Party and other witnesses.
 - c. Identify additional witnesses.
 4. Conclusion of Review of Evidence: The Investigator will share with the Parties the answers to questions posed during the review of evidence and additional Relevant evidence gathered. This will be shared with all Parties, who may then respond to any new evidence and ask questions. The Investigator determines when it is appropriate to conclude the review of evidence process.

O. Final Investigation Report

1. *Final Investigation Report (Hearing Not Required)*: In matters where a hearing is not required, a final investigation report will be provided to the Parties along with a Notice of Investigation Outcome.
 - a. The final investigation report will include:
 - i. A summary of the allegations,
 - ii. The investigation process,
 - iii. The Preponderance of the Evidence standard,
 - iv. A detailed description of the evidence considered,
 - v. Analysis of the evidence including relevant credibility evaluations,
 - vi. Appropriate findings, and
 - vii. Relevant exhibits and documents attached to the written report.
 - b. The Notice of Investigation Outcome will attach the final investigation report and include the following:
 - i. A summary of the allegations and the investigative process.
 - ii. That the Preponderance of the Evidence standard was employed.
 - iii. A summary of the findings of fact.
 - iv. A determination as to whether the Nondiscrimination Policy was violated, and if so, any Remedies to be afforded to the Complainant.
 - v. Notice of Parties' right to appeal under these procedures.
 - c. The notice will usually be delivered to the Parties electronically. If the notice includes a determination that there was a violation of the Nondiscrimination Policy, the Title IX Coordinator/DHR Administrator will notify the appropriate University administrator responsible for discipline of the investigation outcome and provide a copy of the final investigation report. This notice will include the appeal rights available to the Respondent prior to the initiation of any Disciplinary Sanctions.
2. *Final Investigation Report (Hearing Required)*: The final investigation report will include all of the information included in the preliminary investigation report as well as additional Relevant evidence received during the review of evidence. Any relevant evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator, will be attached to the final investigation report, or made available for review by the Parties. Evidence offered by the Parties or any other witnesses that the Investigator concluded is not Relevant will be noted but not included in the final investigation report and should be available at the time of the hearing such that it can be provided to the Hearing Officer if requested.

XI. Hearings

Hearings are required under these Procedures for complaints involving Sex-based Harassment. The applicable Hearing process is attached as Addendum A.

XII. Appeal Review – Civil Rights Appeals Unit

The process for appeals allowable under these Procedures is attached as Addendum B.

XIII. 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](#).

XIV. Endnotes

1. Students are also separately subject to discipline in connection with any "conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the University [...] regardless of whether it occurs on or off campus." (5 Cal. Code Regs. § 41301 (d).)
2. The University will not wait for the conclusion of a law enforcement investigation or proceeding to begin its own investigation. The University will take immediate steps to provide appropriate Supportive Measures for the Complainant and Respondent.

All Revision Dates

8/1/2024, 1/3/2022, 10/1/2021, 8/14/2020, 3/29/2019, 10/5/2016, 6/23/2015, 6/3/2014, 4/6/2012, 1/27/2010

Attachments

[Nondiscrimination Policy_Student Procedures-Addendum A.pdf](#)

[Nondiscrimination Policy_Student Procedures-Addendum B.pdf](#)

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

COPY



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