

## NOTICE OF NON-DISCRIMINATION ON THE BASIS OF SEX

The California State University does not discriminate on the basis of sex, gender, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws,<sup>1</sup> prohibit discrimination on the basis of sex, gender, or sexual orientation in employment, as well as all education programs and activities operated by the University (both on and off campus), and protect all people regardless of their gender or gender identity from sex discrimination, which includes sexual harassment and sexual violence.

**Sex Discrimination** means an adverse action taken against an individual because of gender or sex (including sexual harassment, sexual violence, domestic violence, dating violence, and stalking) as prohibited by Title IX; Title IV; VAWA/Campus SaVE Act; California Education Code § 66250 et seq.; and/or California Government Code § 11135. *See also* Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act (Cal. Govt. Code § 12940 et seq.), and other applicable laws. Both men and women can be victims of Sex Discrimination.

**Sexual Harassment**, a form of Sex Discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to sexual violence, sexual advances, requests for sexual favors, and indecent exposure, where:

- a. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a student's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; *or*
- b. Such conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the student, and is in fact considered by the student, as limiting the student's ability to participate in or benefit from the services, activities or opportunities offered by the University; *or*
- c. Submission to, or rejection of, the conduct by a University employee is explicitly or implicitly used as the basis for any decision affecting a term or condition of employment, or an employment decision or action; *or*

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<sup>1</sup> Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., and its implementing regulations, 34 C.F.R. Part 106 ("Title IX"); the Violence Against Women Reauthorization Act of 2013 (20 U.S.C. 1092(f)) (VAWA), also known as the Campus Sexual Violence Elimination Act (Campus SaVE Act); Title VII of the Civil Rights Act of 1964; the California Fair Employment and Housing Act (Cal. Govt. Code §12940 et seq.); the California Equity in Higher Education Act (Cal. Educ. Code §66250 et seq.); California Education Code §§ 67385.7, 67390-91; the Governor's *California Campus Blueprint to Address Sexual Assault*; and California Government Code §11135; among other applicable laws.

- d. Such conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the University employee or third party, and is in fact considered by the University employee or third party, as intimidating, hostile or offensive.

Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

**Sexual Violence** is a form of Sexual Harassment and means physical sexual acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, domestic violence, dating violence, and stalking (when based on gender or sex), perpetrated against an individual against his or her will and without consent or against an individual who is incapable of giving consent due to that individual's use of drugs or alcohol, status as a minor, or disability.<sup>2</sup> Sexual Violence may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication).

Men as well as women can be victims of these forms of Sexual Violence. Unlawful sexual intercourse with a minor (statutory rape) occurs even if the intercourse is consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.

**Sexual Assault** is a form of Sexual Violence and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.<sup>3</sup>

**Sexual Battery** is a form of Sexual Violence and is any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex.<sup>4</sup>

**Rape** is a form of Sexual Violence, and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute rape. Sexual acts including intercourse are considered non-consensual when the person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical disability renders the person incapable of giving consent. The accused's relationship to the person (such as family member,

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<sup>2</sup> See definition of Consent below.

<sup>3</sup> Cal. Penal Code § 240.

<sup>4</sup> Cal. Penal Code § 242.

spouse, friend, acquaintance or stranger) is irrelevant.<sup>5</sup> (See complete definition of Consent below.)

**Acquaintance Rape** is a form of Sexual Violence committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

**Consent** means an informed, affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity.

- Consent must be **voluntary**, and given without coercion, force, threats, or intimidation. Consent requires positive cooperation in a particular sexual act, or expression of intent to engage in that sexual act through the exercise of free will.
- Consent can be **withdrawn or revoked**. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity (or other sexual acts). Consent to sexual activity given on one occasion does not constitute consent to sexual activity on another occasion. The fact that two people are or were in a dating or sexual relationship does not constitute consent to engage in sexual activity. There must **always** be mutual and affirmative consent to engage in sexual activity. Consent to a sexual act may be withdrawn or revoked at any time, including after penetration. The victim's request for the perpetrator to use a condom or birth control does not, in and of itself, constitute consent. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- Consent cannot be given by a person who is **incapacitated**. For example, a person cannot give consent if s/he is unconscious or coming in and out of consciousness. A person is **incapacitated** if s/he lacks the physical and/or mental ability to make informed, rational judgments. Examples of incapacitation include unconsciousness, sleep and blackouts. Whether an **intoxicated** person (as a result of using alcohol or other drugs) is **incapacitated** depends on the extent to which the alcohol or other drugs impact the person's decision-making capacity, awareness of consequences, and ability to make fully informed judgments. A person with a medical or mental disability may also lack the capacity to give consent.
- Being intoxicated by drugs or alcohol does not diminish a person's responsibility to obtain consent from the other party before engaging in sexual activity. Factors to be considered include whether the person knew, or whether a reasonable person in the accused's position should have known, that the victim did not give, or revoked, consent; was incapacitated; or was otherwise incapable of giving consent.
- Sexual intercourse with a minor is never consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.

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<sup>5</sup> Cal. Penal Code §§ 261-263.

**Domestic Violence** is a form of Sexual Violence and is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the abuser has a child, someone with whom the abuser has or had a dating or engagement relationship, or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.<sup>6</sup>

**Dating Violence** is a form of Sexual Violence, and is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim.<sup>7</sup> This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website.

**Stalking** means a repeated course of conduct directed at a specific person (when based on gender or sex) that places that person in reasonable fear for his/her or others' safety, or to suffer substantial emotional distress.<sup>8</sup>

### Who to Contact If You Have Complaints, Questions or Concerns

***Call 9-1-1 if you are in the midst of any kind of emergency, immediate harm or threat of harm.***

The University has designated a Title IX Coordinator to monitor and oversee overall compliance with laws and policies related to nondiscrimination based on sex. The campus Title IX Coordinator is available to explain and discuss: Your right to file a criminal complaint (in cases of Sexual Violence); the University's relevant complaint process, and your right to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters.

If you have experienced Sexual Violence you are encouraged to ***seek immediate assistance from police and healthcare providers*** for your physical safety, emotional support and medical care. The campus Title IX Coordinator is available to assist you in notifying University police, if you wish. University police can escort you to a safe place and transport you to a hospital or a sexual assault response center for a medical examination, if needed. University police can also provide access to a confidential sexual assault advocate. If you would prefer not to notify University or local police, you are strongly encouraged to seek assistance from the campus Title IX Coordinator who can provide you with information on your options, rights and remedies.

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<sup>6</sup> Cal. Penal Code § 13700(b) and Cal. Family Code § 6211.

<sup>7</sup> Cal. Penal Code § 13700(b).

<sup>8</sup> Cal. Penal Code § 646.9.

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### **Title IX Coordinator**

- Janice A. Parten
- Joyal Administration 211, 5150 N. Maple Avenue, Fresno, CA
- Phone: 278-2364 Email: [jparten@csufresno.edu](mailto:jparten@csufresno.edu)
- Monday - Friday 8am to 5pm, Closed during campus closure days

### **University Police**

- Lt. Jennifer Curwick, Fresno State Police Department
- 2311 East Barstow Ave. Fresno, CA 93740
- Phone: 278-8400 Email: [Jennifer\\_Curwick@csufresno.edu](mailto:Jennifer_Curwick@csufresno.edu)

### **Local Police**

- Sergeant Nina Jacobs, City of Fresno Police Department, Family Justice – Sex Crimes Unit
- 2323 Mariposa Street, Fresno, CA 93721
- Phone: 621-7000 FPD may be reached after hours in an emergency situation by calling 911.

### **U.S. Department of Education, Office for Civil Rights:**

- (800) 421-3481 or [ocr@ed.gov](mailto:ocr@ed.gov)
- If you wish to fill out a complaint form online with the OCR, you may do so at:  
<http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

### **The White House Task Force to Protect Students from Sexual Assault**

- <https://www.notalone.gov/>

### **Medical & Counseling Services**

#### **Campus Services**

University Health & Psychological Services - <http://www.fresnostate.edu/studentaffairs/health/>  
Address: 5044 N. Barton Ave. Fresno, CA 93740 Phone: 278-2734 (Regular & After Hours Care)  
Monday - Friday 7:00 – 3:15 pm, Closed during campus closure days

Women's Resource Center - <http://www.fresnostate.edu/studentaffairs/wrc/about/>  
Address: Thomas Building 110, 5241 N. Maple, Fresno, CA 93740  
Phone: 278-4435 24 HOUR HOTLINE: 278-5696 Hours: Monday - Friday 8:00 – 5:00 pm

#### **Off-Campus Services**

Rape Counseling Services - <http://www.rcsfresno.org>  
Address: 259 N. Blackstone Ave., Fresno, CA 93701  
Phone: 497-2900 (during business hours) and 222-7273 (24 Hour Crisis Hotline)  
Office Hours: 9-5 M-F, but advocates are available 24/7 by calling the crisis line at 222-7273

## Your Reporting Options

*The University's primary concern is the safety of its campus community members.* The use of alcohol or drugs never makes the victim at fault for Sexual Violence. Moreover, victims should not be deterred from reporting incidents of Sexual Violence out of a concern that they might be disciplined for related violations of drug, alcohol or other University policies. Except in extreme circumstances, victims of Sexual Violence shall not be subject to discipline for related violations of University policy.

**Criminal:** Reporting to University police and/or local police is an option at any time following a Sexual Violence incident. If you choose not to report to the police immediately, you can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on your behalf.

**Administrative:** You may report to the campus Title IX Coordinator any incident of Sex Discrimination, Sexual Harassment, or Sexual Violence (e.g., Rape, Acquaintance Rape, Dating Violence, Domestic Violence or Stalking). Contact information for the Title IX Coordinator is listed above. The Title IX Coordinator will provide you with written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident.

The campus Title IX Coordinator will also discuss with you any reasonable interim remedies the University may offer prior to conclusion of an investigation or potential disciplinary action to reduce or eliminate negative impact on you and provide you with available assistance. Examples include: Adjustment to University work assignments, course schedules or supervisory reporting relationship; requiring the accused to move from University-owned or affiliated housing; immediately prohibiting the accused from coming to the University; or prohibiting the accused from contacting you. These options may be available to you whether or not you choose to report the Sexual Violence to campus police or law enforcement. The Title IX Coordinator remains available to assist you and provide you with reasonable remedies requested by you throughout the reporting, investigative, and disciplinary processes, and thereafter.

If it is determined that University policy<sup>9</sup> prohibiting Sexual Violence was violated, the perpetrator will be subject to discipline, up to and including dismissal from University employment or expulsion from the University. You are entitled to be accompanied to any related

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<sup>9</sup> Executive Order 1096 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Employees and Third Parties and Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Employees and Third Parties); Executive Order 1097 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students).

meeting or proceeding by an advisor of your choice. However, if you do not wish to participate in an investigation or hearing process, you have the right to decline to do so.

**Health/Counseling/Clergy:** You may choose to seek advice and assistance from physicians, psychotherapists, professional counselors, clergy, sexual assault and domestic violence counselors and advocates, including individuals who work or volunteer for them.

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

You may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of Sexual Violence, including Domestic Violence, Dating Violence and Stalking. Your campus Title IX Coordinator can offer assistance with obtaining a protective or restraining order.

**Non-reporting:** You are strongly encouraged to report any incident of Sexual Violence to the police and/or campus Title IX Coordinator so that steps may be taken to protect you and the rest of the campus community. However, non-reporting is also an option.

### **How to File a Complaint under University Complaint Procedures**

Federal and state laws require that the CSU adopt and publish complaint procedures that provide for prompt and equitable resolution of Sex Discrimination complaints, including Sexual Harassment and Sexual Violence.

CSU Executive Order 1096 sets forth the university's systemwide policy and complaint procedure for Discrimination, Harassment and Retaliation complaints *made third parties and employees* not eligible to file a complaint or grievance under a collective bargaining agreement or whose collective bargaining agreement incorporates the CSU systemwide complaint procedure.

CSU Executive Order 1097 is the systemwide policy and complaint procedure for all complaints of Discrimination, Harassment or Retaliation *made by students* against the CSU, a CSU employee, other CSU students or a third party.

The campus Title IX Coordinator is available to provide you with written and verbal information regarding the applicable University complaint procedure for investigating and addressing your reported incident. Contact information for the Title IX Coordinator is listed above.

## Sexual Violence and Confidentiality—Know Your Options

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

As explained below, some employees are required by law to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Other employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Finally, some employees are required to report all details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees constitutes a report to the University, and generally creates a legal obligation for the University to investigate the incident and take appropriate steps to address the situation.

### Privileged and Confidential Communications

*Physicians, Psychotherapists, Professional Counselors and Clergy*<sup>10</sup> – Physicians, psychotherapists, professional, licensed counselors, and clergy who work or volunteer on or off campus, and who provide medical or mental health treatment or counseling (including those who act in that role under their supervision) may **not** report **any** information about an incident of Sexual Violence to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal your identity or the fact of your disclosure. *However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to , if applicable.*

Following is the contact information for professional counselors and physicians (if any) on campus:

Dr. Ruth Avila; Dr. Daniel Little; Dr. Julie Arends; Dr. Ariya Abraham; Dr. Scott Ahles; Dr. Rebecca Raya-Fernandez; Josie Rangel; Leslie Weiser  
EACH PHYSICIAN OR COUNSELOR MAY BE REACHED AT THE STUDENT HEALTH CENTER AT 278-2734.

*Sexual Assault and Domestic Violence Counselors and Advocates*<sup>11</sup> – Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual

<sup>10</sup> Cal. Evid. Code § 990 *et seq.*, § 1010 *et seq.*, and § 1030 *et seq.*

<sup>11</sup> Cal. Evid. Code § 1035 *et seq.* and § 1037 *et seq.* Page 8 of 17



assault centers, victim advocacy offices, women's centers, and health centers (including all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision) may talk to you without revealing any information about you or the incident of sexual violence to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal your identity or that you disclosed an incident to them. *However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to you, if applicable.* Following is contact information for sexual assault and domestic violence counselors and advocates:

Jessica Adams, Coordinator of the Women's Resource Center  
Thomas 110, email: [jeadams@csufresno.edu](mailto:jeadams@csufresno.edu), phone: 278-8529

If you speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate, you must understand that the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the perpetrator, if you choose to maintain confidentiality.

Even so, these individuals will still assist you in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services. They may not, however, be able to assist you with University academic support or accommodations, or changes to University-based living or working schedules, or assist with adjustments to course schedules. Only the University and the Title IX Coordinator can assist with those matters (see below). A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide you with that assistance if you wish. These counselors and advocates will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.

**EXCEPTIONS:** 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 he or she provides medical services for a *physical condition* to a patient/victim who he or she knows or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Violence,

Domestic Violence, and Dating Violence).<sup>12</sup> This exception does *not* apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to you, if applicable.

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 victims under 18 years of age to local law enforcement.<sup>13</sup> These professionals will explain this limited exception to you, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger;<sup>14</sup> or (2) the court if compelled by court order or subpoena in a criminal proceeding related to the Sexual Violence incident.<sup>15</sup> If applicable, these professionals will explain this limited exception to you.

### **Reporting to University or Local Police**

If you report to local or University Police about Sexual Violence, the police are required to notify you that your name will become a matter of public record *unless confidentiality is requested.*<sup>16</sup> If you request that your identity be kept confidential, your name will not become a matter of public record and the police will not report your identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator your name/identity, or compromise their own criminal investigation.

The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the *type* of incident in the annual crime statistics report known as the Annual Security Report, your name/identity will not be revealed.

### **Reporting to the Title IX Coordinator and Other University Employees**

Most University employees have a duty to report incidents of Sexual Violence when they are on notice of it. When you tell the Title IX Coordinator or another University employee about a Sexual Violence incident, you have the right to expect the University to take immediate and

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<sup>12</sup> Assaultive or abusive conduct is defined to include a list of 24 criminal offenses, including Sexual Battery, incest, Rape, spousal Rape, abuse of a spouse or cohabitant, and any attempt to commit these crimes. Cal. Penal Code §§ 11160-11163.2.

<sup>13</sup> Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.

<sup>14</sup> Cal. Evid. Code § 1024.

<sup>15</sup> Cal. Evid. Code § 1035.4.

<sup>16</sup> Cal. Penal Code § 293; Cal. Gov. Code § 6254(f).

appropriate steps to investigate what happened and to resolve the matter promptly and equitably. ***In all cases, the University strongly encourages victims to report Sexual Violence directly to the Title IX Coordinator.***

As detailed above in the Privileged and Confidential Communications section, all University employees *except* physicians, licensed counselors, and sexual assault counselors and advocates, must report to the Title IX Coordinator all relevant details about any Sexual Violence incidents of which they become aware. The University will need to determine what happened – and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University employees will be shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved in a Sexual Violence incident except as otherwise required by law or University policy. A Sexual Violence report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of Sexual Violence. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals.

The Title IX Coordinator can be reached at:

**Janice A. Parten, AVP for Human Resources**

**Address: Joyal Administration 211 Email: [jparten@csufresno.edu](mailto:jparten@csufresno.edu) Phone 278-2364**

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

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

- Provide interim remedies requested by you, if they are reasonably available, regardless of whether you choose to report Sexual Violence to campus or local police;
- Assist you in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules (including for the perpetrator pending the outcome of the investigation) or adjustments for assignments, tests, or work duties; and
- Inform you of your right to report a crime to University or local police – and provide you with assistance if you wish to do so.

The University will not require you to participate in any investigation or disciplinary proceeding if you do not wish to participate.

The University will not generally notify parents or legal guardians of your report of Sexual Violence unless you are under the age of 18 or you provide the University with written permission to do so.<sup>17</sup>

Under California law, and pursuant to University policy, all University employees, including the Title IX Coordinator, are mandatory child abuse and neglect reporters and should explain to victims under 18 years of age that they are required to report the Sexual Violence incident to the police.<sup>18</sup> However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.<sup>19</sup>

Because the University is under a continuing legal obligation to address the issue of Sexual Violence campus-wide, reports of Sexual Violence (including non-identifying reports) may also prompt the University to consider broader remedial action – such as increased monitoring,

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<sup>17</sup> If there is a health and safety issue (e.g., immediate threat to self or others), the University may notify parents or legal guardians, regardless of the victim's age, as allowed under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

<sup>18</sup> Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.

<sup>19</sup> Cal. Penal Code § 11167(d).

supervision or security at locations where the reported incident occurred; increased education, training and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revision of policies and practices.

The Office of the Ombuds, if available on your specific campus, provides confidential, neutral and informal dispute resolution services, provides information about University policies and procedures, and makes referrals. However, in Sexual Violence cases, California law mandates that the Ombuds as well as all other University employees (except for physicians, licensed counselors, sexual assault counselors and advocates as discussed in the Privileged and Confidential Communications section of this policy above) report Sexual Violence incidents to the Title IX Coordinator.

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

### **Campus, Civil, and Criminal Consequences of Committing Acts of Sex Discrimination, Sexual Harassment, and Sexual Violence**

Individuals alleged to have committed Sexual Violence may face criminal prosecution by law enforcement and may incur penalties as a result of civil litigation. In addition, employees and students may face discipline/sanctions at the University. Employees may face sanctions up to and including dismissal from employment, per established CSU policies and provisions of applicable collective bargaining agreements. Students and employees charged with Sex Discrimination, Sexual Harassment or Sexual Violence will also be subject to discipline, pursuant University policies, and will be subject to appropriate sanctions.<sup>20</sup>

In addition, during any investigation, the University may implement interim measures in order to maintain a safe and non-discriminatory educational and working environment. Such measures may include immediate interim suspension of the accused from the University, a required move from University-owned or affiliated housing, an adjustment to work or course schedule, or prohibition from contact with parties involved in the alleged incident.

### **Additional Resources**

- U.S. Department of Education, regional office  
Office for Civil Rights

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<sup>20</sup> Executive Order 1096 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Employees and Third Parties and Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Employees and Third Parties); Executive Order 1097 (Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students).

50 Beale Street, Suite 7200  
San Francisco, CA 94105  
(415) 486-5555  
TDD (877) 521-2172

- U.S. Department of Education, national office  
Office for Civil Rights  
(800) 872-5327
- Know Your Rights about Title IX  
<http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html>
- California Coalition Against Sexual Assault  
1215 K. Street, Suite 1850  
Sacramento, CA 95814  
(916) 446-2520  
<http://calcasa.org/>
- [Domestic and Family Violence](#)
- [National Institute of Justice: Intimate Partner Violence](#)
- [National Domestic Violence Hotline: 1-800-799-SAFE \(7233\)](#)
- [Office of Violence against Women](#)
- [Center for Disease Control and Prevention: Intimate Partner Violence](#)
- [Defending Childhood](#)
- **[Local Community Resource Information:](#)**

Rape Counseling Services

Address: 259 N. Blackstone Ave., Fresno, CA 93701

Phone: 497-2900 (during business hours) and 222-7273 (24 Hour Crisis Hotline)

Office Hours: 9-5 M-F, but advocates are available 24/7 by calling the crisis line at 222-7273

Website: <http://www.rcsfresno.org>

## Training, Education and Preventive Measures

Each campus must implement preventive education programs to promote the awareness of CSU policies against Sex Discrimination, Sexual Harassment and Sexual Violence (including Domestic Violence, Dating Violence, and Stalking) and to make victim resources available, including comprehensive victim services. Information regarding these programs must be included in (1) orientation programs for all *new* students<sup>21</sup> and employees; (2) training for students who serve as advisors in residence halls; and (3) training for student athletes and coaches. Ongoing prevention and awareness campaigns for *all* students and employees shall also be conducted. These programs shall include the following information:

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<sup>21</sup> This includes incoming transfer, graduate, online, and extended education students.

- A statement that the CSU prohibits Sex Discrimination, including Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking.
- What constitutes Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking.
- The definition of Consent.
- A statement that Sexual Violence (including Domestic Violence, Dating Violence, and Stalking) violate University policy and criminal law.
- Common facts and myths about the causes of Sexual Violence.
- Safe and positive options for bystander intervention that may be taken by an individual to prevent harm or intervene in risky situations involving these offenses.
- Methods of encouraging peer support for victims.
- A statement explaining that the University's primary concern is the safety of members of the campus community; that the use of alcohol or drugs never makes the victim at fault for Sexual Violence; that students or employees who are victims should not be deterred from reporting incidents out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies; and that except in extreme circumstances, students or employees who are victims shall not be subject to discipline.
- How to recognize warning signs of abusive behavior and how to avoid potential attacks.
- What someone should do if s/he has been the victim of, or witness to, Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking.
- Individuals to whom incidents may be reported.
- The availability of, and contact information for, campus and community resources for Sexual Violence victims.
- Campus and systemwide policies and disciplinary procedures available for addressing alleged violations and the consequences of violating these policies. Such proceedings shall:
  - Provide a prompt, fair, and impartial investigation and resolution;
  - Be conducted by officials who receive annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The accuser and the accused are entitled to the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.
- Both the accuser and the accused shall be simultaneously informed in writing of:

- The outcome of any disciplinary proceedings that arises from an allegation of Sexual Violence, Domestic Violence, Dating Violence, and Stalking;
- The University's procedures for the accused to appeal the results of the disciplinary proceeding;
- Any change to the disciplinary results that occurs prior to the time such results become final; and
- When disciplinary results become final.
- Possible sanctions or protective measures the University may impose following the final determination of a University disciplinary procedure regarding Sexual Violence, Domestic Violence, Dating Violence, or Stalking.
- How the University will protect the confidentiality of victims, including how publicly-available recordkeeping (e.g., campus Clery reports) will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law.
- That persons who report being a victim of Sexual Violence, Domestic Violence, Dating Violence, or Stalking must receive *written* notification about:
  - Existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims, both on campus and in the community.
  - Options for, and available assistance in, changing academic, living, transportation, and working situations, if requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.
- Procedures complainants should follow if Sexual Violence, Domestic Violence, Dating Violence, and Stalking has occurred, as well as the fact that the following *written* information must be provided to victims:
  - The importance of preserving evidence as may be necessary to prove criminal Domestic Violence, Dating Violence, Sexual Assault, or Stalking, or to obtain a temporary restraining or other protective order;
  - The name and contact information of the University employee(s) to whom the alleged offense should be reported;
  - Reporting to law enforcement and campus authorities, including the victim's option to (a) notify law enforcement authorities, including on-campus and local police; (b) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and (c) decline to notify such authorities;



- Where applicable, the rights of victims and the University's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.