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Jeanne Clery Act
Annual Safety & Security Report
Annual Fire Safety Report
2016



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Quicklink-<http://www.fresnostate.edu/adminserv/police/clery>

2016 ANNUAL SAFETY & SECURITY/FIRE SAFETY REPORT 1

FRESNO STATE POLICE DEPARTMENT AUTHORITY 2

REPORTING CRIMES..... 3

 Anonymous Reporting (TipNOW)..... 3

 Campus Security Authority (CSA) 4

EMERGENCY COMMUNICATIONS AND RESOURCES..... 5

 Emergency Notification 5

 Timely Warning..... 5

 Resources and Responsibilities 6

CRIME PREVENTION, SAFETY, AND SERVICES 7

 Informational Presentations and Publications..... 9

 Facility Security 10

UNIVERSITY POLICIES..... 11

 TITLE V: Student Conduct Code..... 11

 Weapons Policy..... 11

 Hate Incidents..... 11

 Missing Student Notification Procedure 12

 Missing Students in University Courtyard 12

 Workplace Violence Policy 12

 Alcohol Use Policy..... 12

 Drug-Free Workplace Policy 13

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING 15

 What to Do..... 15

 Whom to Contact 15

 The Importance of Preserving Evidence 16

 Reporting Options..... 16

 Confidentiality..... 18

 Protection from Retaliation 21

 Notifying Police 21

 Available Procedures 22

EDUCATIONAL PREVENTION PROGRAMS/TRAINING 23

 HAVEN..... 23

 Rape Aggression Defense (RAD)..... 23

 University Courtyard Housing..... 24

 Available Resources (On Campus) 26

Available Resources (Off Campus).....	27
JUDICIAL PROCESSES FOR REPORTS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING, DISCRIMINATION, HARRASSMENT, AND RETALIATION	28
Definitions	28
Policy Statement	35
Policy Implementation and Communication.....	36
Complaint Procedures	36
Investigation Process	37
Potential Sanctions for Employees.....	40
Potential Sanctions for Students	41
Student Disciplinary Proceedings	41
CRIME CODE DEFINITIONS.....	49
CRIME STATISTICS	52
HATE CRIMES/INCIDENTS	54
UNFOUNDED CRIMES	54
FIRE SAFETY REPORT	55
University Courtyard	55
Health and Safety Check Procedure	55
Mandatory Fire Drills and Procedures for Evacuation	55
Reportable Fires.....	56
Housing Policies	56
Agriculture Living Quarters.....	59
Fire Safety Equipment	59
Smoke Detectors and Fire Extinguishers Checks	59
Ag Ops Living Quarters Policies	60
Reportable Fires.....	61

2016 ANNUAL SAFETY & SECURITY/FIRE SAFETY REPORT

The 2016 Annual Safety and Security/Fire Safety Report (ASR) is provided in compliance with the 1998 Jeanne Clery Disclosure Act, and California Education Code section 67380. This report includes important information about institutional policies and procedures, personal safety and crime prevention programs, how to report suspicious and criminal activity, and required Clery Act crime statistics for the previous three calendar years. A notice is mailed annually to students and employees advising them that the report can be accessed on the department website at: <http://www.fresnostate.edu/adminserv/police/clery>. Prospective employees and students are afforded the same information at the time they obtain an application for employment or admission. Hard copies of the report may also be obtained from the Fresno State Police Department or printed from the website via Adobe Acrobat Reader.

Compilation of information for this report, as well as required criminal statistical data, is accomplished through cooperative efforts with the Division of Student Affairs and Enrollment Management, Human Resources, Resident Housing, Deans, the Athletic Director, team coaches, and Advisors to student organizations. Physicians and counselors from University Health and Psychological Services encourage victims of criminal offenses to report their circumstances to the Fresno State Police Department.

Pastoral and professional counselors are not required to report crimes for inclusion into this report. However, if and when they deem it appropriate, they are encouraged to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. Counselors should always consider any possible need for the issuance of required timely warning(s) in situations that involve an immediate, on-going or future threat to the safety of a member of the campus community.

Criminal statistics for off-campus properties owned or controlled by the University or recognized student organizations, and public property immediately adjacent to the campus are obtained from local law enforcement agencies.

If you have questions regarding the ASR, please contact the Fresno State Police Department, 559.278.8400.

FRESNO STATE POLICE DEPARTMENT AUTHORITY

The Fresno State Police Department (FSPD) is located at 2311 East Barstow Ave (the southeast corner of Barstow and Jackson Avenues). The Police Department is operational 24 hours a day, 365 days a year, and exists to provide safety and security for students, staff, faculty, and visitors. Our law enforcement responsibilities govern University property and officers have full peace officer powers per California Penal Code Section 830.2(c). Per state statute, our authority extends one mile beyond any university boundary and officers are afforded peace officers privileges throughout the state. Police Officers comply with peace officer standards set forth by the California Peace Officer Standards and Training (P.O.S.T.) Commission. The Police Department is staffed with 23 full-time peace officers and a communications center with seven full-time dispatchers. Emergency assistance is available 24 hours a day, 365 days a year.

The Fresno State Police Department works closely with the Fresno Police Department, Fresno Sheriff's Department, Clovis Police Department, and California Highway Patrol. All of the aforementioned law enforcement agencies generously provide assistance upon request to include patrol responses, canines, horses, helicopter, dignitary protection, crowd control at scheduled events, and other law enforcement needs. The University annually reviews a Memorandum of Understanding with the Fresno Police Department regarding mutual assistance pursuant to the Kristen Smart Act for Uniform Crime Report Part I crimes.

Student Involvement maintains contact with recognized fraternity and sorority organizations. Criminal activity at recognized fraternity and sorority residences is monitored and recorded by the Fresno Police Department's Northeast Policing District. Student Affairs and Fresno State Police Department members enjoy a close working relationship with the Northeast Policing District's Problem Oriented Policing and Tactical teams when violations of federal, state, or local laws surface.

Criminal Activity Off-Campus

University Police may provide law enforcement service to off-campus residences of recognized fraternity and sorority organizations. Criminal activity at off campus sites and recognized fraternity and sorority residences that occurs in the City of Fresno is monitored and recorded by the Fresno Police Department. Crimes at these off-campus addresses are reflected in the Non-Campus Property category in this report. The University Police continue to have a close working relationship with the Fresno Police Department when violations of federal, state, or local laws occur.

On-Campus Student Housing Facilities

For the purposes of the Clery Act regulations, as well as the HEA fire safety and missing student notifications regulations, any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonable contiguous geographic area that makes up the campus, is considered an On-Campus Student Housing facility.

REPORTING CRIMES

The reporting of crimes is vital in achieving the goal of providing a safe learning environment for the campus community. All persons who are victims or witnesses of a crime should promptly report the occurrence to the Fresno State Police Department. Reporting of such offenses by victims or witnesses may be done voluntarily. At times, sensitive situations may arise and police officers cooperate with individuals on a confidential basis. Privileges of confidentiality in criminal matters that are referred for prosecution in a court of law may be subject to exposure. Police officers work closely with prosecutors and investigators with the Fresno County District Attorney's Office in these matters, and the welfare of the victim or witness is of primary concern.

For all non-emergencies and regular business, please call the Fresno State Police Department at **559.278.8400** and for emergencies, call **911** from any campus phone or push the red button on any of the blue light emergency phones

The Fresno State Police Department dispatch center is the public safety answering point for **911** emergency calls on university property and all police dispatch lines are recorded. **If you are making an emergency call from a cell phone, it is advisable to call 559.278.8400 rather than 911.** Emergency **911** calls from cell phones are answered by the California Highway Patrol or Fresno Police Department. The Highway Patrol or FPD dispatcher must be advised that your call is from the University and your specific location must be provided. The dispatcher should connect the caller to the Fresno State Police Department. Accessing a yellow or blue emergency phone located throughout campus will directly connect to the Fresno State police dispatcher. Upon calling, please provide the following:

1. Location, telephone number, and name.
2. Describe the incident clearly and accurately.
3. Do not hang up! More information may be necessary to ensure a quick response.

ANONYMOUS REPORTING (TIPNOW)

The Fresno State Police Department has an anonymous tip line for reporting crime or providing information anonymously.

- Text or call to leave a voicemail: **559.664.3204**
- Email or picture messages: **fresnostate@tipnow.org**

Your tip will be forwarded anonymously to the Fresno State Police Department for investigation or other appropriate actions.

CAMPUS SECURITY AUTHORITY (CSA)

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act final rule of November 1, 1999 designates certain members of the university community as Campus Security Authorities.

According to federal law, the Fresno State Police Department is required to report statistics concerning certain criminal offenses reported to the University Police or any Campus Security Authority that occur on campus, in residence facilities, on non-campus property utilized by the University, and on public property adjacent to the campus. The criminal offenses that are required to be reported are murder/non-negligent manslaughter; negligent manslaughter; sex offenses (rape, sodomy, sexual assault w/an object, fondling, incest, statutory rape); domestic violence; dating violence; stalking; robbery; aggravated assault; burglary; motor vehicle theft; arson; liquor law violations; drug violations; and weapons violations.

The following groups of people are considered Campus Security Authorities and thus have an obligation to report allegations made in good faith to the Fresno State Police Department:

- A campus police department or a campus security department of an institution. If your institution has a campus police or security department, those individuals are campus security authorities. A security department can be as small as one person.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property). Include individuals who provide security at a campus parking kiosk, monitor access into a campus facility, act as event security, or provide safety escorts around campus.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses. Your institution must publish a number of safety and security related policy statements. If you direct the campus community to report criminal incidents to anyone or any organization in addition to police or security-related personnel, that individual or organization is a campus security authority.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. An **official** is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

To determine specifically which individuals or organizations are Campus Security Authorities for your institution, consider the **function** of that individual or office. Look for officials (i.e., not support staff) whose functions involve relationships with students. **If someone has significant responsibility for student and campus activities, he or she is a Campus Security Authority**

EMERGENCY COMMUNICATIONS AND RESOURCES

In the event of a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of the Fresno State campus community, the Chief of Police or his/her designee will, without delay:

- confirm that there is a significant emergency or dangerous situation
- determine the appropriate segment(s) of the campus community to receive the notification
- determine the content of the notification
- initiate the Emergency Notification System (unless issuing the notification will compromise efforts to assist a victim or mitigate the emergency)

EMERGENCY NOTIFICATION

Fresno State's response to an incident will be dictated by the type and magnitude of the emergency. The entire campus may be notified when there is potential for a majority of the University to be affected. There will be continuing assessment of the situation and additional segments of the campus community may be notified if warranted. The Chief of Police or his/her designee will determine the appropriate amount of information to disseminate at different points in time. Follow-up information may be disseminated to the campus community through any of the methods of notification listed. In most situations, multiple methods of notification may be utilized by Fresno State to ensure efficient dissemination of information to as many affected individuals as possible. Campus emergency methods of notification may include, but are not limited to: Bulldog Alert text messaging, outdoor speakers, voice over IP messages to campus phones, emergency radio station, emergency hotline, building safety coordinators, campus websites, portable electronic signboards, and campus email for faculty, staff, and students. Fresno State communicates and cooperates with City of Fresno police regarding potential situations reported to the City that may warrant an emergency response by the University.

TIMELY WARNING

In the event that a situation arises, either on or off campus, that in the judgment of the Chief of Police or his designee constitutes an ongoing or continuing threat, a campus wide "Timely Warning" will be issued. The "Timely Warning" bulletins must be related to a crime that is reportable under the Clery Act or that represents an immediate threat to the campus community, i.e. Murder, Manslaughter, Rape, Arson, and Robbery. The "Timely Warning" will be disseminated by any one or more of the following: emailed to the campus community, posted on the Fresno State Police Department website, and/or sent through text messaging (Bulldog Alert). The Chief of Police or his/her designee will approve all "Timely Warnings" prior to posting. At times, threatening crimes and situations occur in areas surrounding the University that pose a threat to our community, but do not meet the requirements for a "Timely Warning." In order to keep our University community safe and informed of these instances, the Chief of Police or his/her designee may choose to issue a "Crime Alert," which will be disseminated in the same manner as a Timely Warning or Emergency Notification.

RESOURCES AND RESPONSIBILITIES

Type of Notification	Responsibility	Purpose
Bulldog Alert (text and/or email)	Campus Police Chief or designee	Campus Emergency Notification Campus Directives
Fresno State O.N.E. (Outdoor Notification in an Emergency)	Campus Police Chief or designee	Campus Emergency Notification Campus Directives
Emergency Intercom Broadcasting through the campus phone system	Campus Police Chief or designee	Campus Emergency Notification Campus Directives
Hard of Hearing Text Notification	Campus Police Chief or designee	Campus Emergency Notification Campus Directives
Campus Web Notification	Campus Police Chief or designee University Communications	Campus Updates Local Area Updates
Radio 1040 AM	Campus Police Chief or designee	Campus Directives Campus Updates Local Area Updates Local Area Directives
Campus Community Email	Campus Police Chief or designee University Communications	Campus Directives Campus Updates
Emergency Hotline 559.278.4000	University Communications	Campus Updates Local Area Updates Local Area Directives
Portable Signboards	Traffic Operations	Campus Directives
Building Safety Coordinators	Environmental Health and Safety	Building Directives
Web Sites Fresno State News: http://fresnostatenews.com Web Portal https://my.fresnostate.edu/ Main University Site http://www.fresnostate.edu Fresno State Police Department: http://www.fresnostate.edu/adminserv/police/	University Communications	Campus Updates Local Area Updates Local Area Directives

As an additional part of the Fresno State emergency preparedness effort, FSPD tests its emergency notification systems on a regular basis. The testing of the emergency notification system may be announced in advance or unannounced.

CRIME PREVENTION, SAFETY, AND SERVICES

The Fresno State Police Department offers the following crime prevention, safety, and services to provide a safer and more comfortable learning environment for the entire campus community. Suggestions and improvements are appreciated and always welcome.

Closed Circuit Television Camera (CCTV)

CCTV cameras operate on the campus to assist with monitoring the campus for safety and security. Fresno State Police Department staff monitor the cameras in the police dispatch center in an effort to prevent or detect criminal or suspicious activity.

Emergency Phones

Emergency phones are located in parking lots, classrooms, offices, elevators, and grounds for safety and prevention of criminal activity. Classroom and office phones may be used to dial **911** or **88400** for direct police assistance. Parking lot and grounds emergency phones are blue, clearly marked with blue lights, and linked directly to the police department for quick response. Emergency phones are tested monthly to ensure equipment is in working order.

RAD/Personal Safety/Self-Defense Classes

The Fresno State Police Department is staffed with certified instructors in self-defense and Rape Aggression Defense (RAD). RAD is a Basic Physical Defense class for women from the ages of 12 and up. RAD focuses on reducing the probability of women becoming victims by teaching practical and efficient skills necessary to become confident and active participants in their own personal safety. Educational topics include local and national statistics, sexual assault definitions, the meaning of consent, date rape, dating violence, the continuum of survival, bystander intervention, and the risks of personal safety (risk awareness, risk reduction, risk recognition, and risk avoidance). Along with the educational component, the students practice effective hands-on physical defense techniques and may participate in physical simulation exercises. The RAD class is open to all female students, faculty, staff, and the general public.. Contact the Fresno State Police Department at **559.278.8400**, for information, or email rad@csufresno.edu.

Safety Escort

Radio-equipped, uniformed, and trained safety escort officers will accompany persons to their destinations on campus 24 hours a day. If a safety escort officer is unavailable, a police officer may provide this service. Call 559.278.8400 or locate an emergency phone to request a safety escort officer.

University Courtyard (Residential Housing)

The University Courtyard has eight (8) Public Safety Assistants who are dedicated to assisting with the safety and security of University Courtyard residents. They have direct radio contact with the Fresno State Police Department and are trained in conjunction with the Residential Housing Staff regarding radio protocols and situational procedures.

Car Battery Assistance

Traffic Operations personnel may assist vehicles disabled by a dead battery. Traffic Operations personnel will respond to the location and attempt to jump-start the vehicle. If the vehicle will not start, officers may call someone to assist the party and stay with them until additional help arrives.

Facility Survey

Crime prevention officers will evaluate any university facility and make recommendations to increase personal safety and strengthen crime prevention. Call the Fresno State Police Department at 559.278.8400 to arrange for a safety survey.

Fraternity & Sorority Liaison

A liaison officer maintains contact with fraternity and sorority members, the Greek Affairs Office, and the Fresno Police Department. They will train fraternity members on topics such as rape awareness, bystander intervention, drug and alcohol abuse, and other issues. Call Fresno State Police Department at 559.278.8400 for more information.

Lost & Found

University Warehouse and Property Services is the central repository of all found property. If an item has been lost or misplaced, immediately contact the University Warehouse Property Services, 559.278.2139, Monday-Friday between 8 a.m. and 5 p.m. Further information can be found on the University Warehouse & Property Services website: <http://www.fresnostate.edu/adminserv/purchasing/warehousepro/lostfound/>

Property & Evidence

Property related to a crime or non-evidentiary property which is in the custody of the Department for temporary protection on behalf of the owner, may be retrieved by contacting the Fresno State Police Department's Detective Division, Monday through Friday from 8 a.m. to 5 p.m., 559.278.8400.

Ride-Along

The Fresno State Police Department has an open door policy to anyone over 18 years of age that is interested in riding with a patrol officer during his/her shift. This is an opportunity for the community to observe the services provided by the Police Department. An individual may participate in a ride-along up to two times per calendar year.

Megan's Law

Megan's law permits law enforcement agencies to advise the public about registered sex offenders from whom they may be at risk. Megan's Law information is available for viewing at the Fresno State Police Department and can be seen by appointment with a Department Detective pursuant to California State Penal Code sections 290 and 290.4. The California Department of Justice, Office of the Attorney General's website, dedicated to Megan's Law, is also available for searching at <http://www.meganslaw.ca.gov/>.

Sex Offenders - California Penal Code Section 290

California Penal Code 290.01. (a) (1) Commencing October 28, 2002, every person required to register pursuant to Sections 290 to 290.009, inclusive, of the Sex Offender Registration Act who is enrolled as a student of any university, college, community college, or other institution of higher learning, or is, with or without compensation, a full-time or part-time employee of that university, college, community college, or other institution of higher learning, or is carrying on a vocation at the university, college, community college, or other institution of higher learning, for more than 14 days, or for an aggregate period exceeding 30 days in a calendar year, shall, in addition to the registration required by the Sex Offender Registration Act, register with the campus police department within five working days of commencing enrollment or employment at that university, college, community college, or other institution of higher learning, on a form as may be required by the Department of Justice. The terms "employed or carries on a vocation" include employment whether or not financially compensated, volunteered, or performed for government or educational benefit. The registrant shall also notify the campus police department within five working days of ceasing to be enrolled or employed, or ceasing to carry on a vocation, at the university, college, community college, or other institution of higher learning.

INFORMATIONAL PRESENTATIONS AND PUBLICATIONS

Fresno State Police personnel are pleased to present information on crime prevention and safety, and participate in several campus events including new student and employee orientation programs. Fresno State Police Department personnel interact with the campus community by answering questions at informational tables and providing crime prevention and safety brochures. Brochure topics include, but are not limited to, campus safety, self-protection for women, sexual harassment on campus, personal safety, campus theft, and emergency preparedness. All brochures are available from the Police Department at no cost.

Fresno State police personnel are also active within the local community providing Community Oriented Police/Problem Solving techniques and participating in events such as National Night Out.

The following presentations are available upon request:

- **Seconds 2 Survive** - A two hour training designed to prepare students and educators for an incident involving an active shooter.
- **Dog Days** - New or transfer student orientation covers campus safety, campus maps, the Annual Security and Fire Safety Report, parking information, and other services offered by Fresno State Police Department. Dog Days presentations are presented during the summer and winter for incoming freshman and transfer students.
- **Alcohol Awareness** - Provides information regarding alcohol absorption, costs of a DUI, and includes the use of Fatal Vision Goggles to simulate being under the influence of alcohol.

Campus Safety Presentations

- **Housing** - Safety presentation covers campus maps, safety escorts, e-phones, crime prevention tips, Rape Aggression Defense (RAD) class information, crime statistics, cameras, public safety assistants in student housing, and reporting crimes.
- **Greeks** - The Greek Liaison Officer covers campus maps, safety escorts, e-phones, crime prevention tips, Rape Aggression Defense (RAD) class information, crime statistics, alcohol awareness, and reporting crimes.
- **Athletics** - Safety presentation covers campus maps, safety escorts, e-phones, crime prevention tips, Rape Aggression Defense (RAD) class information, crime statistics, and reporting crimes. Also discussed is how to represent Fresno State, the Zero Tolerance Policy, and the common calls for service involving athletes.

FACILITY SECURITY

Access to Buildings/Facilities

Access to campus buildings after-hours is limited to authorized faculty and staff with valid Fresno State identification. Students who wish to work in a building after hours must obtain written authorization from the college dean and have valid student identification. The written authorization must be on file with Fresno State Police Department dispatch prior to allowing access. Fresno State Police personnel are prepared to assist those needing access to a building. Anyone requesting after-hours access should contact Fresno State PD at **559.278.8400**.

Generally, buildings are open Monday through Friday from 7 a.m. until 11 p.m. and closed on the weekends unless classes or other authorized functions are being held. Keys are provided through Key Control located in the Plant Operations Building (2351 E Barstow Ave), 559.278.2172. Access to buildings controlled by keyless entry via the University Key Card Office is also administered through Key Control. Persons in unauthorized possession of University keys are in violation of the California Penal Code.

Building Security Checks

Fresno State Police Officers, Community Service Specialists, and Public Safety Assistants conduct building security checks 24 hours a day. Campus Buildings are secured starting at 8 p.m., Monday through Friday. Buildings stay secured on Saturdays and Sundays unless classes or other authorized functions are scheduled.

Maintenance of Building/Facilities

The campus facilities are maintained by the Plant Operations department and patrolled by the Fresno State Police Department. Plant Operations maintains the campus buildings, grounds and roadways with a concern for safety and security. They inspect campus facilities regularly, respond to reports of potential safety and security hazards, and perform necessary repairs accordingly. Community Service Specialists test the emergency phones on a monthly basis, recommend the trimming of shrubbery for safety reasons, conduct periodic lighting surveys, and report non-functioning lights or other security hazards to Plant Operations. Call Plant Operations at 559.278.2373 during business hours or the FSPD at 559.278.8400 after hours to report any safety or security hazard in or around campus buildings, grounds, or roadways.

University Courtyard is maintained by the University Courtyard staff. Service requests are picked up by the housing and maintenance staff at least twice daily. Repairs are usually completed within 48 hours of the request being submitted, and maintenance concerns are addressed Mon.-Fri. between 8am and 4pm (Exception: During the first two weeks of each semester, repairs may require additional processing time due to the typical volume of requests experienced during that time). Emergency repairs approved by the Facility Coordinator are completed after hours or on weekends. Repairs are prioritized based on health and safety concerns, order of receipt and extensiveness of repair. Repairs made as a result of damage caused by the resident are billed to the resident.

UNIVERSITY POLICIES

The University policies are enforced by the Fresno State Police Department, Student Affairs, Human Resources, University Courtyard, and governed by the California Penal Code, Title V Student Conduct Code, Federal crime statutes, and CSU Chancellor's Office. All students, staff, faculty, and visitors are required to adhere to these policies.

TITLE V: STUDENT CONDUCT CODE

Students who violate University policy, code of conduct or criminal laws may be expelled, suspended, placed on probation and/or subject to other disciplinary action. Procedures for addressing matters related to student conduct are available in the Division of Student Affairs and Enrollment Management, and on the website at: <http://www.fresnostate.edu/studentaffairs/studentconduct/policies/index.html>. Students violating criminal offenses are subject to prosecution by the Fresno County Courts for local or state violations, or Federal Court for federal violations. In compliance with federal and state laws and regulations, victims of violent crimes, including sexual assault, are to be informed whenever information regarding disciplinary action taken by the university is included in a student's file. The victim is required to keep the results of the disciplinary action and appeal confidential. For further information on disciplinary procedures and sanctions, contact the Division of Student Affairs and Enrollment Management at **559.278.2541**.

Employees who violate University policies or criminal laws may be subject to administrative review or criminal investigations. State employees, other than academic personnel, fall under the purview of the Director of Human Resources. Academic personnel fall under the purview of the Provost. Employees who violate federal, state, or local statutes are subject to criminal prosecution by the Fresno County or Federal Courts.

WEAPONS POLICY

The unauthorized possession, use or sale of firearms, ammunition, fireworks, explosives, or any dangerous weapons are forbidden and are subject to university discipline and/or criminal prosecution. Approval for possession may be granted only by the Chief of Police or as specified in the California Penal Code. It is unlawful for on-campus residents to possess any weapons in their dorms or on their person.

HATE INCIDENTS

Fresno State will not tolerate any incidents involving the degradation of any real or perceived race, religion, ethnicity, national origin, gender, gender identity, or sexual orientation. All reported hate incidents of a criminal nature will be investigated and submitted to the Fresno County District Attorney for prosecution.

MISSING STUDENT NOTIFICATION PROCEDURE

To report a missing person, contact the Fresno State Police Department, 559.278.8400 or 911 (from any campus phone). Fresno State Police will generate a missing-person report and initiate an investigation. The missing person will be entered into the California Law Enforcement Telecommunications System (CLETS), which will also generate and send a “Be on the Lookout” broadcast to all California law enforcement agencies. If a student has been determined to have been missing for 24 hours, then the University will initiate the specifically designated notification procedure described below within 24 hours after receiving the report. Nearby law enforcement agencies will also be notified within 24 hours of receiving the report.

MISSING STUDENTS IN UNIVERSITY COURTYARD

For purposes of this policy, a resident may be considered a “missing person” if the resident’s absence is suspiciously different to his/her usual pattern of behavior and/or unusual circumstances may have caused the absence.

Each student living on-campus has the option to register a confidential contact person (on the Emergency Contact card) to be notified in the event that the student is determined to be missing. Any missing persons under the age of 18 that are not emancipated will have their parent or guardian notified as well. Only authorized campus officials and law enforcement persons in furtherance of a missing person investigation may have access to this information.

In the event of a missing student/resident, contact the University Courtyard at 559.278.2677. They will conduct a health and safety check of the resident’s room, attempt to contact the student via cell phone, email or other means, and identify other students who may be aware of the missing person’s whereabouts (i.e. roommate, friends, classmates, other residents, etc.). If University Courtyard is unable to make contact with the missing student, they will contact Fresno State Police Department at 559.278.8400 and the Dean of Students. University Courtyard officials will assist FSPD and the University in the investigation of any missing student.

WORKPLACE VIOLENCE POLICY

Fresno State is concerned about the personal safety and security of its students, employees and guests. University policy does not tolerate violence, threats of violence or acts of aggression against members of the University community or visitors. It is the responsibility of our faculty, staff and students to report acts or threats of violence to the Fresno State Police Department and/or to appropriate supervisory personnel. Any student, faculty or staff who engages in behavior which violates this policy will be subject to appropriate university disciplinary actions, and may be subject to applicable civil or criminal legal action as well.

ALCOHOL USE POLICY

The University is committed to creating a safe and healthy learning environment for all members of the campus community. The University disapproves of alcohol abuse, intoxication, and any resulting unacceptable conduct. Abuse of alcohol in any context will not be tolerated. Violations of state laws pertaining to the possession, use, and sale of alcoholic beverages, including underage violators, are enforced on campus.

DRUG-FREE WORKPLACE POLICY

The Fresno State policy on a drug-free workplace sets forth the following guidelines for all students:

1. It is the intent and obligation of the University to provide a drug-free, healthful, safe, and secure learning environment.
2. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on the campus or while attending an official university function off-campus is absolutely prohibited and subject to disciplinary action.
3. On-campus use of alcohol is limited to certain approved events and locations. It is illegal to consume alcohol by any persons under the age of 21.
4. The University recognizes drug/alcohol/chemical dependency as an illness and a major health problem. Students needing help in dealing with such problems are encouraged to utilize the counseling services of University Health and Psychological Services, 559.278.2734. It has staff specially trained to assist students in dealing with chemical dependency.
5. The University Student Conduct Code stipulates that students found in possession of dangerous drugs, restricted drugs, or narcotics, either for un-prescribed use or for sale, are subject to expulsion, suspension, probation or a lesser sanction as determined by the disciplinary hearing process. The code governing student conduct may be found in the schedule of courses, the general catalog, and by contacting the Division of Student Affairs and Enrollment Management.

The Policy on Campus Use of Alcoholic Beverages for Fresno State can be viewed at <http://www.fresnostate.edu/mapp/III/G/G-04.pdf>.

University Health and Psychological Services Website can be viewed at <http://www.fresnostate.edu/health>.

Statement for students related to the Drug Free Schools and Communities Act may be viewed at <http://fresnostate.edu/studentaffairs/division/general/studenthandbook/policies.html> (Student Affairs website).

University police enforce all federal and state laws pertaining to violations of drug manufacturing, distribution, dispensation, possession, or use.

Assistance

Physicians and counselors at University Health and Psychological Services (<http://www.fresnostate.edu/health>) will provide an assessment for a student and refer them for assistance. Assistance needed for alcohol and drug dependencies are referred to the Fresno New Connection (formerly the Alcoholism and Drug Abuse Council) at 559.248.1548. Other treatment programs may include: Alcoholics Anonymous at 559.221.6907, or Narcotics Anonymous at 559.255.5881.

Faculty and staff may contact the Employee Assistance Program, 559.278.1655, for confidential consultation regarding substance abuse or other personal problems, at no cost, to the employee or member of their immediate family. A careful assessment of the situation will be made and alternatives will be offered which are both appropriate and affordable.

For those who prefer to seek help on their own, there are community agencies available to address drug and alcohol problems. Most of the various drug and alcohol treatment programs offer no-cost assessments, and can be located in the Yellow Pages of the phone book under "Drug Abuse & Addiction Information & Treatment Centers".

Prevention and Education

University efforts to educate campus community members concerning alcohol consist of the Alcohol 101 program that is readily accessible throughout campus; classroom presentations by counseling staff; presentations at University 1; articles in the Student Body newsletter; presentations at the Campus Health Fair; distribution of printed pamphlets; and periodic articles in the Daily Collegian (campus newspaper), University Journal, and Bulletin Board.

Drug Free Workplace Awareness workshops and seminars are sponsored by Human Resources and Employee Assistance Programs. Programs are offered throughout the year. Fresno State Police Department and members of the University Health and Psychological Services (<http://www.fresnostate.edu/health>) offer presentation opportunities to students.

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

WHAT TO DO

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

If you have experienced sexual misconduct (e.g., rape, acquaintance rape, dating violence, domestic violence, or stalking), you are encouraged to ***seek immediate assistance from police and healthcare providers*** for your physical safety, emotional support and medical care.

University Police can escort you to a safe place and provide transportation to a hospital or a sexual assault response center for a medical examination, if needed. University Police can also provide access to the University's Confidential Victim's Advocate. If you would prefer not to notify the police, you are strongly encouraged to seek assistance from the Title IX Coordinator who can provide you with information on your options, rights and remedies, and/or the University's Confidential Victim's Advocate. The campus Title IX Coordinator is available to assist you in notifying the police, if you wish. The University's Confidential Victim's Advocate listed below can also assist you in notifying the police and/or the Title IX Coordinator.

You have the right to decide whom and when to tell about what happened. However, it is very important that you get confidential medical attention after being assaulted. Following the incident, you may be physically injured, there may be a chance you contracted a sexually transmitted disease, or that you may become pregnant.

WHOM TO CONTACT

The University has designated a Title IX Coordinator to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to sexual misconduct, dating and domestic violence, and stalking. The campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint; the University's relevant complaint process and your right to receive assistance with such; how confidentiality is handled; available resources both on and off campus; and other related matters.

Fresno State Title IX Coordinator:

Erin Boele, Interim Title IX Coordinator/Director of Housing
Atrium, 5152 N. Barton Avenue M/S RH82 Fresno, CA 93740
Email: eboele@csufresno.edu Telephone: 559.278.2345, Option 5
Monday – Friday 8am to 5pm

University Police

Jennifer Curwick, Lieutenant, Fresno State Police Department
2311 E. Barstow Ave. Fresno, CA 93740
Email: jcurwick@csufresno.edu Telephone: 559.278.8400

Fresno Police Department

Daniel Macias, Sergeant, Sexual Assault Unit
2323 Mariposa Street, Fresno, CA 93721
Email: Daniel.macias@fresno.gov Telephone: 559.621.2492 or 9-1-1 in an emergency

University Confidential Victim Advocate

Lisa Risch, PhD

5044 N. Barton, Fresno, CA 93740

Email: lrisch@csufresno.edu Telephone: 559.278.6796 or Student Health Center: 559.278.2734

U.S. Department of Education, Office for Civil Rights

Telephone: 800.421.3481 or ocr@ed.gov

If you would like 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/>

THE IMPORTANCE OF PRESERVING EVIDENCE

It is important that victims take steps to preserve and collect evidence; doing so preserves the full range of options available to you, be it through the University's administrative complaint procedures or criminal prosecution. To preserve evidence:

1. do not wash your face or hands
2. do not shower or bathe
3. do not brush your teeth
4. do not change clothes or straighten up the area where the assault took place
5. do not dispose of clothes or other items that were present during the assault, or use the restroom
6. seek a medical exam immediately

If you have already cleaned up from the assault, you can still report the crime, as well as seek medical or counseling treatment. You may contact the police, consult with the campus Title IX Coordinator or the University's Confidential Victim Advocate for assistance as well.

REPORTING OPTIONS

The University's primary concern is the safety of the campus community. The use of alcohol or drugs never makes the victim at fault for sexual misconduct. If you have experienced sexual misconduct, dating or domestic violence, or stalking, you should not be deterred from reporting the incident out of a concern that you might be disciplined for related violations of drug, alcohol, or other University policies. Except in egregious circumstances, University students or employees who are victims of sexual violence will not be subject to discipline.

You have several reporting options, and you may pursue one or more of these options at any time.

It is your right to have a friend, family member, Sexual Assault Victim's Advocate, or other representative present with you while reporting the incident. You also have the right to have a sexual assault counselor, Sexual Assault Victim's Advocate and/or support person of your choice present with you during a rape examination.

The Campus Title IX Coordinator or Sexual Assault Victim's Advocate can assist you in notifying the police if you choose.

Criminal - Reporting to the Fresno State Police and/or local police is an option at any time. If you choose not to report to the police immediately following an incident, you can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on the victim's behalf.

Administrative – You may report to the campus Title IX Coordinator, who will provide you with written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident. The Title IX Coordinator will also provide information regarding resources available to you, as well as information regarding rights and options.

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 work assignments, course schedules or supervisory reporting relationship; requiring the Respondent to move from University-owned or affiliated housing; immediately prohibiting the Respondent from coming to the University; or prohibiting the Respondent from contacting the parties involved in the reported incident. These options may be available to you whether or not you choose to report the sexual violence to law enforcement. The Title IX Coordinator remains available to assist victims and provide you with reasonable remedies you request throughout the reporting, investigative and disciplinary processes, and thereafter.

If it is determined that University policy was violated, the Respondent 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 meeting or proceeding by an advisor of choice, including a Sexual Assault Victim's Advocate or domestic violence counselor. 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 Respondent, 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 physical violence, sexual misconduct, domestic violence, dating violence, or stalking. University Police and your Campus Title IX Coordinator can offer assistance with obtaining a protective or restraining order.

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

CONFIDENTIALITY

We encourage victims of sexual misconduct, dating or domestic violence, or stalking to talk to someone about what happened for necessary support 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 in order to 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. 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

Physicians, psychotherapists, professional licensed counselors, and clergy who work or volunteer on or off campus, acting solely in those roles or capacity, in the provision of medical or mental health treatment or counseling (including those who work or volunteer in those offices) may **not** report **any** information about an incident of sexual misconduct 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. Healthcare practitioners should explain these limited exceptions to you, if applicable.*

Sexual Assault and Domestic Violence Counselors and Advocates

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 (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 the incident 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.*

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 a particular incident or pursue disciplinary action against a perpetrator if you choose to maintain confidentiality.

Even so, these individuals will 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. 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 victims 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:

- a wound or physical injury inflicted by a firearm
- 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)

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. 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:

- 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
- to the court if compelled by court order or subpoena in a criminal proceeding related to the incident

If applicable, these professionals will explain this limited exception to you.

Reporting to Police

If you report certain sex offenses to local or University Police, they are required to notify you that your name will become a matter of public record **unless confidentiality is requested**. 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 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 misconduct, dating and domestic violence, and stalking when they are on notice of it. When you tell the Title IX Coordinator or another University employee about an incident, you have the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. ***In all cases, the University strongly encourages victims to report Sexual Violence directly to the campus Title IX Coordinator.***

As detailed above, all University employees except physicians, licensed counselors, sexual assault counselors and advocates, must report to the Title IX Coordinator all relevant details about any incidents of which they become aware. The University will need to determine what happened and to resolve 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 employee 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 except as otherwise required by law or University policy. A report may result in the gathering of extremely sensitive information about you and other 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 reported incident. In such cases, efforts will be made to redact the records, as appropriate, in order to protect your identity and privacy, and the privacy of other involved individuals.

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 cannot always guarantee complete confidentiality. If you wish to maintain confidentiality, or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the obligation to provide a safe, non-discriminatory environment for all students, employees and third parties, including you. 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, 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 misconduct, dating or domestic violence, or stalking to law enforcement;
- 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 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 unless you are under the age of 18 or you provide the University with written permission to do so.

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 incident to the police. However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.

Because the University is under a continuing legal obligation to address the issue of sexual misconduct, dating and domestic violence, and stalking campus-wide, any such reports (including non-identifying reports) may also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual incident occurred; increased education, training and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revising its policies and practices.

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.

PROTECTION FROM RETALIATION

The University policies prohibit retaliation against a person who:

- Reports sexual misconduct, dating or domestic violence, or stalking;
- Assists someone with such a report; or
- Participates in any manner in any related investigation or resolution.

No officer, employee or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his/her rights or responsibilities. Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education. Retaliation, if proven, is a violation of University policies and may result in discipline, up to and including termination of employment or expulsion from the University.

NOTIFYING POLICE

Should you choose to notify the University Police, you will be escorted to a safe place, and may be transported to a hospital or sexual response assault center for a medical exam. University Police can also provide access to a confidential Sexual Assault Victim's Advocate, if desired. First and foremost, the medical exam you receive from a hospital or sexual assault response center treats any physical injury or effect. The exam may include vaginal and/or anal examination, testing, and prophylactic treatment for sexually transmitted infections and possible pregnancy.

Second, the medical exam properly collects and preserves evidence. Seeking a medical exam for treatment and evidence collection does not commit you to any particular course of action, and your medical records are confidential.

AVAILABLE PROCEDURES

The University has formal written procedures that provide for a Campus investigation for reports of sexual misconduct, dating and domestic violence, and stalking, written findings sent to the Complainant and the Respondent, and a review of the campus investigative findings by the CSU Chancellor's Office. The procedure for CSU employees and third parties is separate from, but similar to the procedure for CSU students. The Campus Title IX Coordinator can explain these procedures in detail.

At the conclusion of the University's complaint procedure, any employee or student found to have violated University policy will be subject to discipline. Discipline will be administered consistent with applicable collective bargaining agreements and MPP/confidential personnel plans (for employees), University policies and legal requirements. ***As the victim, you are not required to participate in any University disciplinary procedure and may choose not to be a part of it.*** Disciplinary procedures for sexual misconduct, dating and domestic violence, and stalking will:

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on sexual misconduct, dating and domestic violence, and stalking, including how to conduct a process that protects the safety of victims and promotes accountability;
- Provide the Complainant and the Respondent the same opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice;
- Simultaneously inform the Complainant and the Respondent in writing of:
 - The outcome of the disciplinary proceeding;
 - The procedures available 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.

EDUCATIONAL PREVENTION PROGRAMS/TRAINING

HAVEN

Fresno State understands the necessity to educate the University community regarding Sexual Assault, Domestic Violence, Dating Violence, and Stalking. In 2015, the Division of Student Affairs and Enrollment Management collaborated with Human Resources to implement the **Haven** online student training as the primary ongoing prevention and awareness program for all new and returning students at Fresno State. **Haven** is an online platform that addresses the critical issues of sexual assault, relationship violence, and stalking. This training focuses on identifying behaviors and recognizing situations that could potentially result in sexual violence, bystander intervention, building healthy relationships, defining “consent”, and helping students understand and overcome the cultural contributors to sexual assault. All new and returning students are *required* to complete this training prior to registration.

RAPE AGGRESSION DEFENSE (RAD)

The Fresno State Police Department is staffed with certified instructors in self-defense and Rape Aggression Defense (RAD). RAD is a Basic Physical Defense class for women. RAD focuses on reducing the probability of women becoming victims by teaching practical and efficient skills necessary to become confident and active participants in their own personal safety. Educational topics discussed are: local and national statistics; sexual assault, domestic violence, dating violence, and stalking definitions; consent; date rape; dating violence; bystander intervention; and the risks of personal safety (risk awareness, risk reduction, risk recognition, and risk avoidance.) Along with the educational component, the participants practice effective hands-on physical defense techniques and may participate in physical defense simulation exercises. The RAD class is open to all women (students, faculty, staff, and the general public) ages 12 and up. Contact the Fresno State Police Department at 559.278.8400, for information, or email rad@csufresno.edu.

The Fresno State Police Department offered the following awareness and prevention programs in 2015:

Program	Date	Location
Rape Aggression Defense	February 27, 28, March 1, 2015	Fresno State South Gym
Rape Aggression Defense	April 24-26, 2015	Fresno State South Gym
Rape Aggression Defense	September 25-27, 2015	Fresno State South Gym
Rape Aggression Defense	October 23-25, 2015	Fresno State South Gym
Rape Aggression Defense	November 13-15, 2015	Fresno State South Gym

UNIVERSITY COURTYARD HOUSING

The University Courtyard provides various bulletin board poster campaigns and passive programming along with active educational programming for residents and residential staff regarding dating violence, stalking, sexual assault and domestic violence.

The following awareness and prevention programs were offered in 2015:

Residential Life Staff Training

- Title IX Training – Human Resources and University Victim Advocate trained staff on compliance with and information on sexual assault, dating and domestic violence, and stalking.
- Crisis Counseling – Chair of Criminology and Director of RCS of Fresno discussed how to support students reporting sexual assaults.
- Behind Closed Doors – Scenario training for handling students reporting sexual assaults.

Active Programs/Events

- Red Light, Green Light – Discussion regarding Consent and the Haven Training requirement.
- Haven Training – Required online training regarding Sexual Assault, Domestic Violence, Dating Violence, Stalking, and Sexual Harassment.
- Sex Trivia Night – Health Center Wellness Committee covered topics relating to sexual health.
- Gender 101 – Discussions about gender differences.
- Sex in an Envelope – Discussions involving safe sex.
- Sex and Candy – Discussions focusing on sexual issues.
- Let's Talk About Sex – One hour focusing on sex, sexuality, and consent.

Passive Programs

- Multiple boards for opening on male wings on date rape/sexual assault
- Public Safety Assistants post a safety board in each resident building.

SA, DaV, DoV, St	Program	Date	Location
SA, DaV, DoV, St	Resident Directors – training regarding dating violence, stalking, sexual assault and domestic violence.	July 2015	University Courtyard
SA, DaV, DoV, St	Residential Life Staff Training – Title IX	August, 2015	University Courtyard
SA	Residential Life Staff Training – Crisis Counseling with RCS	August, 2015	University Courtyard
SA	Residential Life Staff Training – Behind Closed Doors	August, 2015	University Courtyard
SA, DaV, DoV, St	Residential Life Staff Training – Title IX training from Victim Advocate and Human Resources	August, 2015	University Courtyard
SA, DaV, DoV, St	Residential Life Staff Training – Sexual Harassment and Sexual Discrimination	August 2015	University Courtyard
SA, DaV, DoV, St	Resident Advisors discussion with residents	August 2015	University Courtyard
SA, DaV, DoV, St	Red Light, Green Light – Discussed Haven Requirement and Consent	February 27, 2015	Sequoia/Cedar Halls
SA, DaV, DoV, St	Haven Training	February/ March, 2015	Homan, Graves, Sycamore, Baker
SA, DaV, DoV, St	Sex Trivia Night	April 14, 2015	University Courtyard
SA, DaV, DoV, St	Gender 101	September 23, 2015	University Courtyard
SA, DaV, DoV, St	Let's Talk About Sex	October, 2015	Homan Hall
SA, DaV, DoV, St	Sex in an Envelope	October 19, 2015	Graves Hall
SA, DaV, DoV, St	Sex and Candy	November 23, 2015	Graves Hall
SA, DaV, DoV,	Date Rape/Sexual Assault Message Boards	August 2015	Male Wings of all Resident Halls

AVAILABLE RESOURCES (ON CAMPUS)

On Campus Agency	Address	Phone #
Fresno State Police Department Operational 24 hours a day. Assist in contacting support services for victims of sexual assault. Confidentiality, medical attention, and physical protection. Provide self-defense classes, safety escorts.	2311 E. Barstow Ave Fresno, CA 93740	559.278.8400
Employment Assistance & Development Short-term individual counseling, mediation and conflict resolution services, supervisory consultation and training, development and coordination of on-campus professional development and wellness programs.	Lab School 185, M/S LS86 Fresno, CA 93740	559.278.1655
University Health & Psychological Services Open Monday-Friday, 8am-5pm when campus is open. Walk-ins and appointments available. Counselors available on the spot without an appointment. Individual and group psychotherapy, diagnostic assessments and referral, HIV testing, crisis intervention, couples and family therapy.	5044 N. Barton Ave Fresno, CA 93740	General Info: 559.278.2734 Appointments: 559.278.2734 Counseling: 559.278.6738 Health Education: 559.278.6735
Human Resources Assists with reporting sexual assault, domestic violence, dating violence, stalking, and sexual harassment issues.	Joyal Administration 211, M/S JA41 Fresno, CA 93740 2771 E. Shaw Ave Fresno, CA 93710	559.278.7173 559.278.0865
Judicial Affairs Office Assists students in becoming or continuing to be good citizens on campus, become aware of their rights as students under campus policies, and learn how to protect their rights to privacy regarding their educational records.	Joyal Administration 262, M/S JA67 Fresno, CA 93740	559.278.2541
Services for Students with Disabilities Coordinates academic support services for students with disabilities. Provides counseling, registration assistance, blue curb parking, orientation, and advocates with off-campus agencies.	Henry Madden Library 5200 N Barton Ave #1202 M/S ML 125 Fresno, CA 93740	559.278.2811
University Courtyard On-campus living and residence hall assistance. Provides a safe and secure environment. Public Safety Assistants have direct contact with Fresno State Police Department.	5152 N Barton Ave M/S RH 82 Fresno, CA 93740	559.278.2345
Confidential Victim Advocate Provides confidential support services to individuals impacted by sexual assault, relationship violence and/or stalking. Provide on and off campus referrals and resources, facilitate academic and housing accommodations, and provide a safe space to discuss options and resources that will best support that individual.	Student Health and Counseling Center 5044 N Barton Ave Fresno, CA 93740	559.278.6796

AVAILABLE RESOURCES (OFF CAMPUS)

Off Campus Agency	Address	Phone #
Rape Counseling Services (RCS) Provides 24-hr crisis hotline, counseling, confidential advocacy, and information and referrals	259 N. Blackstone Ave. Fresno, CA. 93701	Office: 559.497.2900 24-hr. Hotline: 559. 222.7273
Crime Victim Assistance Center Provides court advocacy, counseling referrals, emergency aid, and applications for Victims of Crime Compensation funds.	2233 Kern St. Fresno, Ca. 93721	559.600.2822
Central California Legal Services Free legal assistance to low income families in California's Central Valley. Outreach and education to the community. Restraining orders.	2115 Kern St #1 Fresno, CA 93721	559.570.1200
Centro La Familia Direct advocacy and intervention services to low-income residents. Education, training, and social services. Assistance with U-Visa/T-Visa applications and restraining orders. (Available in English, Spanish, Lao, Hmong)	302 Fresno St Suite #102 Fresno, CA 93706	Office: 559.237.2961 Toll Free: 1.877.294.3772
Clovis Police Department	1233 5th St Clovis, CA 93612	559.324.2800
Fresno Police Department	2323 Mariposa St Fresno, CA 93721	559.621.7000
Fresno Sheriff's Department	2200 Fresno St. Fresno, CA 93721	559.600.3111
Fresno County District Attorney	10th Floor, 2220 Tulare St #1000, Fresno, CA 93721	559.600.3141
Fresno County Superior Court Self-Help Center (Centro de Recursos Legales) Self-help education and information center. Assists in finding and filling out legal forms. Available to Spanish speakers who require an interpreter.	255 N. Fulton Street #101 Fresno, CA 93701	559.497.2827
Marjarie Mason Center Provides confidential shelter for women and children survivors of family violence, 24 hr. crisis line, court advocacy, counseling, and support groups.	1600 'M' Street Fresno, CA 93721	24-Hour Line: 559. 233.4357 Office: 559.237.4706

JUDICIAL PROCESSES FOR REPORTS OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, STALKING, DISCRIMINATION, HARRASSMENT, AND RETALIATION

The following are official definitions and judicial processes published by the California State University, Office of the Chancellor, in Executive Orders 1095, 1096, and 1097.

DEFINITIONS

Accused

The CSU, a CSU employee, another Student, or a Third Party against whom an allegation of Discrimination, Harassment or Retaliation has been made.

Adverse Action

An action that has a substantial and material adverse effect on the Complainant's ability to participate in a University program or activity free from Discrimination, Harassment or Retaliation, as those terms are defined below. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.

Advisor

The Complainant and the Accused may each elect to be accompanied by an Advisor to any meeting or interview regarding the allegations. The Advisor may be anyone, provided the Advisor is not a person with information relevant to the allegations who may be interviewed by the Investigator during the investigation. The Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Accused.

California State University (CSU)

The 23 campus system of the California State University, including the Office of the Chancellor (CO).

Calendar Days

Are defined as Monday through Sunday and includes official holidays.

Campus or University

Any of the 23 campuses of the CSU or the Office of the Chancellor.

Complaint

A written communication alleging discrimination, harassment or retaliation against the CSU, an employee, another student, or a third party.

Complainant

An individual who is eligible to, and does, file a complaint to report discrimination, harassment or retaliation. It also includes an alleged victim of discrimination, harassment or retaliation in cases where some other person has made a report on that person's behalf.

DHR (Discrimination, Harassment, and Retaliation) Administrator

The Management Personnel Plan (MPP) Employee at each Campus who is designated to administer and coordinate compliance with the laws prohibiting discrimination, harassment and retaliation. The DHR Administrator may delegate tasks to one or more designees. **MPP Employee**, as defined in Cal. Code Regs. Title 5 § 42720 *et seq.*, means an employee who has been designated as “management” or “supervisory” under the provisions of the Higher Education Employer-Employee Relations Act. The president may assign the roles of the DHR Administrator and Title IX Coordinator (defined below) to the same person. The names of, and contact information for, the DHR Administrator and Title IX Coordinator shall be made readily available to the Campus community and third parties.

Disability

Mental or physical disability as defined in California Education Code § 66260.5.

Discrimination

Adverse action taken against a student by the CSU, a CSU employee, another student, or a third party because of a protected status.

Gender

As defined in Cal. Educ. Code § 66260.7, means sex, and includes a person’s gender identity and gender expression. Gender expression means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

Genetic Information

As defined in Cal. Civ. Code § 51(2)(e), means:

- The Student’s genetic tests.
- The genetic tests of the Student’s family members.
- The manifestation of a disease or disorder in the Student’s family members.
- Any request for, or receipt of genetic services, or participation in clinical research that includes genetic services, by a Student or any Student’s family member.
- Genetic Information does not include information about any Student’s sex or age.

Harassment

Unwelcome conduct engaged in because of a protected status that 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.

This policy covers unwelcome conduct of a sexual nature. While romantic and/or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to charges of Sexual Harassment or Sexual Violence, including Domestic Violence, Dating Violence and Stalking, subject to this policy.

Sex Discrimination

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:

- 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**
- 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 his/her ability to participate in or benefit from the services, activities or opportunities offered by the University; **or**
- 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**
- 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 Misconduct

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

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

Sexual Assault

A form of Sexual Misconduct 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.

Sexual Battery

A form of Sexual Misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex, as well as touching an intimate part of another person against that person's will and for the purposes of sexual arousal, gratification, or abuse.

Rape

A form of Sexual Violence and is non-consensual sexual intercourse that may also involve the use of threat or 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 a 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 a person incapable of giving consent. The respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of Consent below.)

Acquaintance Rape

A form of Sexual Misconduct 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.)

Affirmative Consent

An informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the Affirmative Consent of the other participants to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean consent. Affirmative consent must be voluntary and given without coercion, force, threats, or intimidation.

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.
- Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to give consent when s/he is asleep, unconscious, or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature, or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions.
- Whether an intoxicated person is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision making ability, awareness of consequences, and ability to make informed judgements. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.
- A person with a medical or mental disability may also lack the capacity to give consent.
- Sexual activity with a minor is not consensual because a minor is considered incapable of giving consent due to age.
- It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
 1. The person was asleep or unconscious;
 2. The person was incapacitated due to the influence of drugs, alcohol or medications, so that the person could not understand the fact, nature, or extent of the sexual activity;
 3. The person was unable to communicate due to a mental or physical condition.
- It shall not be a valid excuse that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:
 1. The Respondent's belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent;
 2. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.

Domestic Violence

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/or
- (6) the length of the relationship

For purposes of this definition, “abuse” means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

Dating Violence

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

Stalking

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

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

Investigator

The person tasked with investigating a Complaint at Level I. All investigators shall receive annual training regarding such issues as the laws governing Discrimination, Harassment and Retaliation; Title IX and VAWA/Campus SaVE Act (as defined below); as well as other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or Sex, including Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence and Stalking; Student and witness privacy rights; and the Family Educational Rights and Privacy Act of 1974 (FERPA). For matters involving Sex Discrimination, Sexual Harassment and Sexual Violence, the Investigator shall also receive annual training on how to conduct an investigation process that protects the safety of the Complainant. The Investigator shall not be within the administrative control or authority of any Accused CSU employee. The Investigator may be the DHR Administrator, the Title IX Coordinator, or their designee, provided that he/she shall be an MPP Employee or an external consultant.

Nationality

As defined in Cal. Educ. Code § 66261.5, includes citizenship, country of origin, and national origin.

Preponderance of the Evidence

The greater weight of the evidence; *i.e.*, that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for demonstrating facts in an investigation conducted.

Protected Status

Age, Disability, Gender, Genetic Information, Nationality, Race or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.

Race or Ethnicity

As defined in Cal. Educ. Code § 66261.7, includes ancestry, color, ethnic group identification, and ethnic background.

Religion

As defined in Calif. Educ. Code § 66262, includes all aspects of religious belief, observance, and practice and includes agnosticism and atheism. Religious dress and grooming practices are included.

Remedies

Actions taken to correct a violation of the prohibitions against Discrimination, Harassment and Retaliation set forth in this Executive Order.

Interim Remedies shall be offered to a victim prior to the conclusion of an investigation in order to immediately stop the alleged wrong-doing and/or reduce or eliminate negative impact, when appropriate. Victims of Sex Discrimination, Sexual Harassment, Sexual Violence, Domestic Violence, Dating Violence, and Stalking must be provided reasonable Interim Remedies, if requested by the victim, regardless of whether the victim chooses to report the conduct to campus police or local law enforcement. Examples may include offering the victim the option of psychological counseling services, changes to academic or living situations, completing a course and/or courses on-line (if otherwise appropriate), academic tutoring, arranging for the re-taking of a class or withdrawal from a class without penalty, and/or any measure as appropriate to stop further alleged Discrimination, Harassment or Retaliation until an investigation is concluded or an informal resolution is reached (except in cases of Sexual Violence where informal resolution is not appropriate). The Title IX Coordinator shall assist and provide the victim with reasonable remedies as requested by the victim throughout the reporting, investigative, and disciplinary processes, and thereafter.

Retaliation

Adverse Action taken against a Student because he/she has or is believed to have:

1. Exercised his/her rights
2. Reported or opposed conduct which he/she reasonably and in good faith believes is Discrimination, Harassment or Retaliation;
3. Participated in a Discrimination, Harassment or Retaliation investigation/proceeding; or
4. Assisted someone in reporting or opposing Discrimination, Harassment or Retaliation.

Sexual Orientation

As defined in Cal. Educ. Code § 66262.7, means heterosexuality, homosexuality, or bisexuality.

Student

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 a degree, and a CSU student who withdraws from the University while a disciplinary matter (including investigation) is pending.

Third Party

A person other than an Employee or a Student. Examples include employees of auxiliary organizations (as defined in 5 Cal. Code Regs. § 42406), volunteers, independent contractors, vendors and their employees, and visitors.

Title IX

Title IX of the Education Amendments of 1972 (Title IX).

Title IX Coordinator

The Campus MPP Employee appointed by the Campus president to coordinate compliance with Title IX; VAWA/Campus SaVE Act; and other related state and federal laws prohibiting Discrimination, Harassment and Retaliation based on Gender or Sex, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking. (See Executive Order 1095).

Each campus may designate one or more Deputy Title IX Coordinators, also of MPP status. The Title IX Coordinator may delegate training, education, communications, complaint procedure administration, investigations, and related Title IX duties to one or more Deputy Title IX Coordinators. However, all Deputy Title IX Coordinators must report to the Title IX Coordinator, and the Title IX Coordinator shall oversee and supervise all such delegated tasks.

MPP Employee, as defined in 5 Cal. Code Regs. § 42720 *et seq.*, means an employee who has been designated as “management” or “supervisory” under the provisions of the Higher Education Employer-Employee Relations Act. The president may assign the roles of the DHR Administrator and Title IX Coordinator to the same person. The names of, and contact information for, the DHR Administrator and Title IX Coordinator shall be made readily available to the Campus community and Third Parties as described in Article III.

VAWA

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).

Veteran or Military Status

Service in the uniformed services.

Working Days

Monday through Friday, excluding all official holidays or Campus closures at the Campus where the Complaint originated or at the Chancellor’s Office where the Complaint Level II Appeal is reviewed.

POLICY STATEMENT

The CSU is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. All Students have the right to participate fully in CSU programs and activities free from unlawful Discrimination, Harassment and Retaliation. The CSU prohibits Harassment of any kind, including Sexual Harassment and Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking. Such behavior violates both law and University policy. The University shall respond promptly and effectively to all reports of Discrimination, Harassment and Retaliation, and shall take appropriate action to prevent, correct, and when necessary, discipline behavior that violates this policy.

The CSU strives to be free of all forms of unlawful Discrimination, Harassment and Retaliation. This policy is established in compliance with the California Equity in Higher Education Act (Education Code § 66250 *et seq.*), Title IX, VAWA/Campus SaVE Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, among other applicable state and federal laws. It is CSU policy that no Student shall, on the basis of any Protected Status, be unlawfully excluded from participation in, or be denied the benefits of, any CSU program or activity. Nor shall a Student be otherwise subjected to unlawful Discrimination, Harassment, or Retaliation for exercising any of his/her rights.

Except as noted below, any Campus community member who knows or has reason to know of allegations or acts that violate this policy, shall promptly inform the DHR Administrator or Title IX Coordinator (where the allegations involve Sex Discrimination, Sexual Harassment or Sexual Misconduct). Except as noted below, Employees are required to disclose the name of a possible victim of Sexual Misconduct to the Title IX Coordinator *even where the victim has requested that his/her name remain confidential*; the Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident as set forth in Executive Order 1095.

The following persons are *not* required to report *any* information about an incident of Sexual Violence:

- physicians; psychotherapists; professional, licensed counselors; and clergy who work on or off campus, and who provide medical or mental health treatment or counseling (including those who act in that role under their supervision); and
- 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 (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 or health centers), without the victim's consent; and
- The Fresno State Police are *not* required to report any *personally-identifiable information* about a victim of Sexual Misconduct, *if the victim requests confidentiality*, but must report the facts of the incident, including the identity of the perpetrator (if known).

Employees and Students who violate this policy shall be subject to discipline. If employee discipline is appropriate, it shall be administered in a manner consistent with applicable collective bargaining agreements, CSU policies, and legal requirements. Student discipline shall be administered in accordance with 5 Cal. Code Regs. § 41301 and Executive Order 1098, or any superseding executive order, if applicable.

POLICY IMPLEMENTATION AND COMMUNICATION

Each Campus president shall designate a DHR Administrator who shall be responsible for the implementation of, and compliance with, this policy. The DHR Administrator is responsible for publicizing this policy within CO Executive Order 1097, developing campus training policies consistent with this Executive Order, conducting training, and establishing an administrative structure consistent with this Executive Order that facilitates the prevention and elimination of Discrimination, Harassment and Retaliation, including Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence and Stalking. Each Campus shall make the contact information for the DHR Administrator and Title IX Coordinator available to all members of the campus community as well as Third Parties. The contact information shall be updated, as necessary.

The requirements for training to promote awareness of CSU policies against Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking, are set forth in Executive Order 1095.

This Executive Order shall be made readily available to all Students, CSU employees, and Third Parties, utilizing multiple media of communication, including Student orientations and catalogs, new employee orientations, Campus websites and publications, and the Division of Student Affairs and Enrollment Management, Student Conduct, Services for Students with Disabilities, Auxiliary Service Organizations, Continuing and Global Education, and Human Resources.

COMPLAINT PROCEDURES

The CSU has adopted and published complaint procedures that provide for prompt and equitable resolution of Sex Discrimination complaints, including Sexual Misconduct, Sexual Harassment, Domestic Violence, Dating Violence, and Stalking.

Complaints Made by Students

Executive Order 1097, entitled “Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students” is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Violence, Domestic Violence, Dating Violence, and Stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party. See Executive Order 1097.

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

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

Complaints Made by Student Employees

Executive Order 1096 is the appropriate systemwide procedure for all complaints of Sex Discrimination, including Sexual Harassment or Sexual Misconduct, Dating and Domestic Violence, and Stalking, made by student-employees where the alleged Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking arose out of the person's status as an employee and not his/her status as a student. See Executive Order 1096.

Complaints Made by Third Parties

Executive Order 1096 is the appropriate systemwide procedure for all complaints of Sex Discrimination, including Sexual Harassment or Sexual Misconduct, Dating and Domestic Violence, and Stalking filed by third parties against the CSU, a CSU employee or a CSU student. See Executive Order 1096.

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

Employee Disciplinary Procedures

The following is the appropriate systemwide procedure for complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party. See Executive Order 1096.

INVESTIGATION PROCESS

Campuses will investigate Complaints of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking unless an Early Resolution is reached, whether or not a written complaint is submitted. The DHR Administrator or the Title IX Coordinator will determine whether to open an investigation after making a preliminary inquiry into the allegations. An investigation may not proceed when the reported information is insufficient.

In cases where the Complainant does not want to pursue an investigation, the DHR Administrator/Title IX Coordinator should inform the Complainant that the ability to take corrective action may be limited. The Campus may determine that circumstances warrant initiating an investigation even if a Complaint has not been filed and independent of the intent or wishes of the Complainant. In cases involving Sexual Misconduct, Dating or Domestic Violence, or Stalking, when determining whether to go forward with an investigation, the Title IX Coordinator should consider the seriousness of the allegation(s), the age of the Complainant, whether there have been other Complaints against the Respondent, and the risk to the Campus community if the Responder's alleged conduct remains unaddressed.

Intake Interview

The DHR Administrator/Title IX Coordinator shall meet with the Complainant as soon as possible, but no later than 10 working days after the Complaint was received. The Complainant shall make him/herself available for this meeting.

Complaint Accepted for Investigation

The DHR Administrator/Title IX Coordinator will review all written Complaints and the information received during the intake interview. If the DHR Administrator or the Title IX Coordinator determines that the Complaint falls within the scope of the Executive Order, s/he will notify the Complainant within 10 working days that the complaint has been accepted for investigation and the time line for completion of the investigation. If the DHR Administrator/Title IX Coordinator determines the complaint does not fall within the scope of this Executive Order, she will provide the Complainant with written notice of this determination within 10 working days. The DHR Administrator/Title IX Coordinator will also inform the Complainant that if additional information is provided, the Complaint will be reviewed again. The DHR Administrator/Title IX Coordinator will maintain a record of the Complaint and the reasons the Complaint was deemed not within the scope of this Executive Order.

The DHR Administrator/Title IX Coordinator shall determine whether the Complaint should be processed through another Campus office or University procedure available to the Complainant. If appropriate, the DHR Administrator/Title IX Coordinator shall direct the Complainant to that procedure as soon as possible.

Investigation Procedure

The DHR Administrator/Title IX Coordinator shall promptly investigate the Complaint or assign this task to another investigator on a case-by-case basis. If assigned to another investigator, the DHR Administrator/Title IX Coordinator shall monitor, supervise, and oversee all such delegated tasks, including reviewing all investigation reports before they are final to ensure that the investigation was sufficient, appropriate, impartial, and in compliance with this Executive Order.

The Complainant and the Respondent shall have equal opportunities to present relevant witnesses and evidence in connection with the investigation. Upon inquiry, the Complainant and Respondent shall be advised of the status of the investigation.

Before reaching a final conclusion or issuing a final investigation report, the investigator shall have:

- Advised the Parties or have offered to do so, verbally or in writing, of any evidence upon which the findings will be based
- Given the Parties an opportunity to respond to the evidence, including presenting further relevant evidence, information or arguments that could affect the outcome.

The investigator will not reach a final conclusion or issue an investigation report until giving careful consideration to any such relevant evidence, information or arguments provided by the Parties. The investigator retains discretion and authority to determine relevance.

The investigation shall be completed no later than 60 working days after the intake interview, unless the time line has been extended. The time line should not be extended for a period longer than an additional 30 working days from the original due date.

On occasion, a criminal investigation may be initiated by a law enforcement agency over the same allegations that are reported in a Complaint filed under this policy. A pending (campus or local) police investigation is a separate investigation and it does not relieve a Campus of its responsibility to timely investigate Complaints under this policy. Thus, a Campus is not obligated to wait until the conclusion of a police investigation to commence its own investigation. Although it may be necessary to temporarily delay the investigation while the police are gathering evidence, once notified that the police have completed the fact gathering portion of their investigation, the Campus must promptly resume and complete its own investigation.

Notice of Investigation Outcome

Within 10 working days of issuance of the final investigation report, the DHR Administrator/Title IX Coordinator shall notify the Complainant and Respondent in writing of the outcome of the investigation. The notice shall include a summary of the allegations, the investigative process, the Preponderance of Evidence standard, the evidence considered, the findings of fact, a determination as to whether this Executive Order was violated, and if so, any Remedies to be afforded to the Complainant. The notice shall advise the Complainant and Respondent of their right to file an appeal under this Executive Order and to request a copy of the final investigation report with exhibits/attachments, if any, redacted as appropriate. The notice shall be delivered to the Parties in a manner which guarantees delivery within 2 working days (email delivery is acceptable). Where a Complaint is made against a Student and this Executive Order is found to have been violated, the DHR Administrator/Title IX Coordinator shall also notify the Campus Student Conduct Administrator of the investigation outcome, and provide a copy of the investigation report. Where the Respondent is an Employee, Human Resources or Academic/Faculty Affairs shall be notified and provided a copy of the investigative report.

Appeal Review – Office of the Chancellor

Any Complainant or Respondent who is not satisfied with a Campus investigation outcome may file an appeal with the Chancellor's Office no later than ten working days after the date of the Notice of Investigation Outcome. The appeal shall be in writing and shall be based on one or more of the following appeal issues:

1. The Investigation Outcome is unsupported by the evidence, based on the Preponderance of the Evidence Standard.
2. Prejudicial procedural errors impacted the investigation outcome to such a degree that the investigation did not comply with this Executive Order.
3. New evidence arose that was not available at the time of the investigation.

The issues and evidence raised on appeal shall be limited to those raised and identified during the investigation, unless new evidence becomes available after the Campus investigation process and is made part of the appeal by the appealing party. The Chancellor's Office (CO) may conduct an interview, at their discretion, with the appealing party to clarify the written appeal. Appeals shall be addressed to: Equal Opportunity and Whistleblower Compliance Unit Systemwide Human Resources Office of the Chancellor, 401 Golden Shore, 4th Floor, Long Beach, California 90802, or emailed to the Equal Opportunity and Whistleblower Compliance Unit.

The CO shall provide prompt written acknowledgement of the receipt of the appeal to the appealing party, and will provide written notification of the appeal to the other party and the Campus DHR Administrator or Title IX Coordinator.

The CO will provide reasonable accommodations to any party or witness in the appeal process with a qualified Disability upon request by the person needing the accommodation. A reasonable accommodation may include an extension under these procedures. The time frame for the CO appeal Response will automatically be adjusted for the time needed, if any, to provide reasonable accommodations.

The CO review will not involve a new investigation by the CO and will not consider evidence that was not introduced during the Campus investigation, unless the new evidence was not available at the time of the Campus investigation process. The CO may make reasonable inquiries to determine if the new evidence could have affected the investigation determination. If the new CO review determines the investigation should be reopened to cure any defects in the investigation and/or consider new evidence introduced for the first time on appeal (that could have affected the investigation determination), the investigation will be remanded back to the Campus and the investigation reopened at the Campus level.

The CO will return the matter to the Campus and will specify in writing the time line by which a reopened investigation must be completed. The CO will notify the Parties of the reopening of the investigation and the time line for completion of the reopened investigation. The Campus will complete the reopened investigation and provide the CO with an amended investigation report. The Campus will also provide the Parties with amended Notices of Investigation Outcome, and such Notices will provide the Parties the opportunity to appeal any new or amended findings, in accordance with this Executive Order. Upon receipt of the amended investigation report, the CO will contact the appealing party to determine whether that party wishes to continue with the appeal.

The CO shall respond to the appealing party no later than 30 working days after receipt of the written appeal unless the time line has been extended.

The CO Appeal Response shall include a summary of the issues raised on appeal, a summary of the evidence considered, the Preponderance of Evidence standard, and the determinations reached regarding the issues identified within the written appeal. A copy of the final CO Appeal Response shall be forwarded to the Complainant and Respondent, as well as the Campus DHR Administrator or the Title IX Coordinator.

The CO Appeal Response is final and concludes the Complaint and CO review process under this Executive Order.

POTENTIAL SANCTIONS FOR EMPLOYEES

Employees may be subject to disciplinary action under applicable personnel policies or collective bargaining agreements. Possible sanctions the University may impose are:

- Written reprimand in personnel file
- Reduction in salary
- Temporary or permanent demotion
- Unpaid Suspension
- Denial or curtailment of emeritus status
- Dismissal from the employ of the University
- Mandated education
- Change in work location
- Restrictions from all or portions of campus
- Restrictions to scope of work

POTENTIAL SANCTIONS FOR STUDENTS

Possible sanctions to be imposed following the final determination of an on-campus disciplinary procedure regarding Sexual Misconduct, Domestic Violence, Dating Violence, or Stalking, may be one or any combination of the following:

- Expulsion from the University
- Suspension
- Denial of Access to Campus and/or Specific Persons
- Loss of Financial Aid
- Restitution
- Other educational or remedial sanctions intended to discourage similar misconduct, or as deemed appropriate based on the nature of the violation.

STUDENT DISCIPLINARY PROCEEDINGS

The following procedures govern all student disciplinary matters systemwide involving allegations of Sexual Misconduct, Dating or Domestic Violence, or Stalking. See [Executive Order 1098](#).

Title IX Coordinator

The Title IX Coordinator (or designee) is responsible for investigating Complaints of Gender Discrimination, Harassment and Retaliation, including Sex Discrimination and Sexual Harassment, as well as Complaints of Sexual Misconduct, Domestic and Dating Violence, and Stalking. (See Executive Orders 1095, 1096, 1097.) In accordance with Executive Orders 1096 and 1097, the Title IX Coordinator investigates those Complaints, determines whether a student violated the Student Conduct Code, and prepares a report that includes findings of facts and conclusions about whether the student violated the Student Conduct Code. Unless the determination is appealed as provided in Executive Order 1097, it is final and binding in all subsequent proceedings.

Complaint/Investigation/Findings

Complaints by Students against Students shall be investigated according to the procedures set forth in Executive Order 1097. The DHR Administrator/Title IX Coordinator shall notify the Student Conduct Administrator of the status of any such complaint, including any appeal to the Chancellor's Office (CO), as well as the investigation results (including findings, conclusions, and any Interim Remedies afforded Complainant). Where the investigative report finds a violation or a finding of a violation is sustained after appeal, the Student Conduct Administrator will initiate student conduct proceedings. The Student Conduct Administrator and the DHR Administrator/Title IX Coordinator will consult with respect to appropriate Sanctions and Remedies.

Complaints by California State University (CSU) employees or Third Parties (e.g., vendors, auxiliary employees, or campus visitors) against students shall be investigated according to the procedures set forth in Executive Order 1096. The DHR Administrator or the Title IX Coordinator shall notify the Student Conduct Administrator of the status of any such complaint, including any appeal to the CO, as well as the investigation results (including findings, conclusions, and any Interim Remedies afforded to the Complainant). Where the investigative report finds a violation or the finding of a violation is sustained after appeal, the Student Conduct Administrator will initiate student conduct proceedings. The Student Conduct Administrator and the DHR Administrator/Title IX Coordinator will consult with respect to appropriate Sanctions and Remedies.

Unless the CO notifies the Campus that an appeal has been filed, investigative findings pursuant to Executive Orders 1096 or 1097 become final 11 working days after the date of the Notice of Investigation Outcome is issued pursuant to those Executive Orders. If an appeal is filed, the investigative findings do not become final until the appeal has been exhausted.

Conference with Complainant

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

Notice of Conference and Conference with the Student Charged

Within 10 working days after the Student Conduct Administrator receives the final investigation report – or if an appeal was filed, the final appeal outcome, and after the Complainant has been given ten working days to have a conference with the Student Conduct Administrator, the Student Conduct Administrator shall notify the student charged, in writing, that a conference has been scheduled or that the student is directed to promptly schedule a conference with the Student Conduct Administrator.

The Notice of Conference shall include:

- The sections of the Student Conduct Code and other Campus policies that are the subject of the proposed discipline;
- The proposed sanction or range of sanctions, including sanctions designed to provide Remedies to the Complainants;
- The location on the Campus where the student can view his or her discipline file, including the location (or copies) of the Campus policies that were violated;
- Notification of any immediate, interim suspension (see Article VI) and/or withdrawal of consent to remain on Campus;
- The right to have an Advisor;
- A copy of Executive Order 1098 or notice of where the Student may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Conference is sent, a copy of Executive Order 1098 shall be enclosed, along with any other Campus policy referenced in the Notice of Conference.

Conference with Student charged and/or Complainant shall be conducted as follows:

- The conference shall not be recorded.
- The Student Conduct Administrator controls the conference and may exclude any Advisor who materially disrupts the conference.
- The conference requirement is waived if the Student or Complainant fails to attend the conference or otherwise declines to cooperate.

The Student Conduct Administrator shall, in consultation with and agreement from the Title IX Coordinator, determine which cases are appropriate for resolution (via written resolution agreement), taking into consideration the investigation report and any additional information provided by the Student charged and the Complainant during any conferences. If a proposed resolution agreement can be reached with the Student charged as to an appropriate disposition, the terms of the proposed resolution shall be put in writing and signed by the Student and the University after the Student has been given reasonable opportunity to review the proposed resolution agreement with an Advisor of the Student's choice. The student charged must be informed that any proposed resolution may be appealed by the Complainant and is not final until any such appeal is exhausted. Suspension of one academic year or more or expulsion, withdrawal in lieu of suspension or expulsion, and withdrawal with pending misconduct investigation or disciplinary proceedings shall be entered on the Student's transcript permanently without exception; this requirement shall not be waived in connection with any resolution agreement.

The Student Conduct Administrator shall promptly notify the Title IX Coordinator of the outcome of the conferences with the Student and the Complainant. If the case does not proceed to hearing, the Title IX Coordinator shall at that time:

- Notify the Complainant of the outcome of the conference, including any proposed resolution agreement as well as the Complainant's right to appeal any proposed resolution agreement to the CO pursuant to Article IV.
- Take any appropriate further steps to address the effects of any Sexual Misconduct, Dating or Domestic Violence, or Stalking.
- Identify and address any remaining systemic or other patterns of Sexual Misconduct, Dating or Domestic Violence, or Stalking at the Campus.

Discipline cases may be resolved through the conference process. It is, however, not appropriate for a Complainant to be required to "work out the problem" directly with the Student charged, and in no event should any meeting between the Complainant and Student be required.

Notice of Hearing on Sanctions

If not resolved, the Student Conduct Administrator shall issue a Notice of Hearing promptly after the conference. Simultaneous notice shall also be provided to the Complainant and the Title IX Coordinator. The Notice of Hearing shall be issued within five working days after the conference has concluded.

The Notice of Hearing shall be issued under the following circumstances:

- If the Student charged fails to attend the conference or otherwise declines to cooperate;
- If the matter is not closed or the disposition is not memorialized in writing promptly after the conference;
or
- No agreement can be reached with respect to the sanction.

The Notice of Hearing shall include the following information:

- The sections of the Student Conduct Code and other Campus policies that are the subject of the proposed sanctions;
- The proposed sanctions, including sanctions designed to provide protection/Remedies to the Complainant;
- Notification that neither the Hearing Officer nor the president is bound by the proposed sanction, and that the Hearing Officer may recommend, and/or the president may set, a more severe sanction;
- The date, time, and place of the hearing;
- The location on the Campus where the Student may view his or her discipline file, including the location (or copies) of the Campus policies that were violated, and any related investigation report;
- Notification that the Student charged and the Complainant each may be accompanied at the hearing by an Advisor. Notification shall be given that any person who intends to bring an attorney must inform the Student Conduct Administrator of the attorney's name, address and phone number at least 5 working days before the hearing. Failure to provide this notice in a timely manner will result in exclusion of the attorney from the hearing;
- Notification that the Student can waive the right to a hearing by accepting the proposed sanction, subject to the Complainant's right to appeal (subject to the approval of the Title IX Coordinator);
- Notification of any immediate, interim suspension (see Article VI of Executive Order 1098) and/or withdrawal of consent to remain on Campus; and
- A copy of Executive Order 1098 or notice of where the Student and/or Complainant may obtain a copy. If an interim suspension has been imposed or consent to remain on Campus has been withdrawn by the time the Notice of Hearing is sent, a copy of the Executive Order shall be enclosed, along with any other Campus policy referenced in the Notice of Hearing.

The Student Conduct Administrator shall schedule the hearing promptly, but in any event no sooner than 10 working days after, and no later than 20 working days after, the date of the Notice of Hearing.

A notice to appear at hearing shall be sent to any University-related witnesses and to the Complainant at least 5 working days before the hearing at the University-assigned or other primary email addresses linked to these persons' University accounts.

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

The Title IX Coordinator retains ultimate authority regarding whether a proposed resolution agreement may be entered into after the Notice of Hearing has been issued, or after the hearing has commenced. Factors to consider will vary based on the facts and circumstances of the specific case.

Sanctions Hearing

The findings and conclusions of the investigations conducted in accordance with Executive Orders 1096 and 1097, once any appeals are exhausted, are final and binding. The hearing is limited to determining appropriate sanctions. The findings of the investigation are not under review.

The hearing is closed to all persons except the Student Conduct Administrator; the Student charged; the Complainant; their respective Advisors; appropriate witnesses while they are testifying; and other alleged victims while they are testifying together with their Advisors; the Hearing Officer; and one person to assist the Hearing

Officer in recording the hearing. All parties and witnesses who will testify must attend the hearing in person unless the Student Conduct Administrator permits an exception (e.g., participation via video conference or telephone). A police or security officer may also be present if deemed appropriate or necessary by the Vice President for Student Affairs or Hearing Officer. The University will cooperate in providing University witnesses wherever possible, provided that they are identified at least 5 working days before the hearing.

The Hearing Officer controls the hearing. Except as provided in Article IV. H, sections 6-8 of Executive Order 1098, the Student Conduct Administrator and the Student charged each put on the evidence in their case and may each ask questions of the witnesses in whatever manner the Hearing Officer deems appropriate.

The Hearing Officer may ask questions of any witness, the Student, the Complainant, Student Conduct Administrator, or the Title IX Coordinator.

The Complainant may be present while evidence is being presented concerning the charges that relate to him/her, unless the Hearing Officer grants a request that the Complainant be excused during certain testimony to protect privacy rights and/or pursuant to FERPA.

The Title IX Coordinator may attend the hearing in its entirety.

Questions may not be posed to Complainants about their past sexual behaviors involving any persons other than the Student charged.

The Hearing Officer shall ask any questions of the Complainant and other witnesses on behalf of the Student charged (who shall give the Hearing Officer a written list of any such questions), unless the Complainant or witness expressly waives this requirement and consents to questioning directly by the Student charged.

The Hearing Officer shall ask any questions of the Student charged and other witnesses on behalf of the Complainant (who shall give the Hearing Officer a written list of questions), unless the Complainant in question expressly waives this requirement.

The investigation report and any Chancellor's Office Appeal Response prepared pursuant to Executive Orders 1096 or 1097 shall be entered into evidence at the hearing, redacted as appropriate to protect private (e.g., contact) information or as otherwise required by law.

Formal rules of evidence applied in courtroom proceedings (e.g., California Evidence Code) do not apply in the hearing. All information that responsible persons are accustomed to rely upon in the conduct of serious affairs is considered. Hearsay may be considered and will be given the weight appropriate under all of the circumstances. Unduly repetitive information may be excluded.

The Hearing Officer shall make an official audio recording of the hearing (with assistance, at the Hearing Officer's discretion). The recording is University Property. No other recording of the hearing is permitted. The audio recording shall be retained by the Student Conduct Administrator in accordance with the Campus records/information retention and disposition schedule.

If the Student charged fails to appear at the hearing without good cause, the hearing shall nevertheless proceed. The Hearing Officer is responsible for maintaining order during the hearing and makes whatever rulings are necessary to ensure a fair hearing. Abusive or otherwise disorderly behavior that causes a material disruption is not tolerated. The Hearing Officer may eject or exclude anyone (including the Student, the Complainant, and Advisors) whose behavior causes material disruption.

Where there is more than one Student facing sanctions in connection with a single occurrence or related multiple occurrences, the Student Conduct Administrator and the Students charged may agree to a single hearing. A Student may request consolidation of his or her case with others, or the Student Conduct Administrator may initiate the consolidation (subject to FERPA and other applicable privacy laws). The Student Conduct Administrator makes consolidation decisions, which are subject to review by the Hearing Officer and thereafter are final.

At any time during the hearing, and subject to the approval of the Title IX Coordinator, the Student charged may waive the right to a hearing and accept the proposed sanction, subject to the Complainant's right to appeal. Such a waiver must be in writing. The Title IX Coordinator retains ultimate authority regarding whether a proposed resolution agreement may be entered into after the Notice of Hearing has been issued, or after the hearing has commenced. Factors to consider will vary based on the facts and circumstances of the specific case.

The Hearing Officer shall submit a written report to the President recommending sanctions, if any, as well as any recommendations regarding additional Remedies, including, but not limited to, restricting the Student's contact with, or physical proximity to, the Complainant or other persons. The report shall include any mitigating or aggravating factors relied upon by the Hearing Officer in reaching the recommendations. The report shall be submitted within 10 working days after the hearing.

The Hearing Officer's report shall be based only on the investigative report and the information received at the hearing. The Hearing Officer shall not, prior to preparing the report, have substantive communications about the facts of the case with the Student Conduct Administrator, the Complainant, the Student, the witnesses, DHR Administrator or the Title IX Coordinator, unless both the Student Conduct Administrator and the Student are present.

President's Sanction Decision/Notification

The President or his/her designee shall review the investigative report and the Hearing Officer's report and issue a decision concerning the appropriate sanction

The President or his/her designee may impose the recommended sanctions, adopt a different sanction or sanctions, or reject sanctions altogether. If the President adopts a different sanction than what is recommended by the Hearing Officer, the President must set forth the reasons in the decision letter. The President's decision letter shall be issued within 10 working days after receipt of the Hearing Officer's report.

The President or his/her designee shall simultaneously send the decision electronically to the Student charged and Complainant at the University-assigned or other primary email address linked to their University accounts. The decision shall also be sent to the Student Conduct Administrator and the Hearing Officer. The decision letter shall include:

- The outcome of the hearing on sanctions, including any sanction imposed and the name of the Student charged; and
- A copy of the Hearing Officer's report, redacted as appropriate or as otherwise required by law.
- Notice of the Complainant's and Student's right to appeal to the CO.

The President shall also send the decision to the Title IX Coordinator so that s/he may determine whether any additional Remedies or steps shall be afforded or undertaken in order to maintain a safe and nondiscriminatory University environment.

Unless the Chancellor's Office notifies the campus that an appeal has been filed, the President's sanction decision becomes final 11 working days after the date of the decision letter.

Appeal of Sanction to the Chancellor's Office (CO)

The Complainant and Student charged each may file an appeal of the President's decision of appropriate sanctions to the Chancellor's Office no later than 10 working days after the date of the President's decision letter. The Complainant may also appeal any proposed sanctions agreed to as part of a proposed resolution agreement with the Student charged either in the conference procedure described above or at any time thereafter. Such an appeal must be filed within 10 working days after the date of notice to the Complainant of the proposed resolution agreement. The appeal request shall be in writing and shall indicate the basis of the appeal. Sanction appeals are limited to a determination as to whether any prejudicial procedural errors occurred during the hearing. The Chancellor's Office may conduct an interview with the appealing party to clarify the written appeal, at the Chancellor's Office discretion. A sanction decision appeal shall be addressed to "Equal Opportunity and Whistleblower Compliance Unit, Systemwide Human Resources Office of the Chancellor, 401 Golden Shore, 4th Floor, Long Beach, California 90802, or emailed to the Equal Opportunity and Whistleblower Compliance Unit.

The Chancellor's Office shall provide prompt written acknowledgement of the receipt of the appeal to the appealing party, and will provide written notification of the appeal to the other party, the campus Title IX Coordinator, and the campus President (or designee).

The Chancellor's Office will provide reasonable accommodations to any party or witness with a qualified disability during the appeal process upon request by the person needing the accommodation. A reasonable accommodation may include an extension of time to file or respond to an appeal. The time frame for Chancellor's Office response to an appeal will automatically be adjusted for the time needed, if any, to provide reasonable accommodations.

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

The Chancellor's Office shall issue a final appeal response to the parties, The Title IX Coordinator, and the campus President (or his designee) no later than 10 working days after receipt of the written appeal unless the time line has been extended under Article V. E of Executive Orders 1096 or 1097.

The Chancellor's Office Appeal Response shall include a summary of the issues raised on appeal, a summary of the evidence considered, the determination reached regarding the issues identified within the written appeal, a decision about whether the President's sanction decision is reasonable, and where applicable, a decision regarding the final sanction.

A copy of the Chancellor's Office final appeal response shall be forwarded to the Complainant and Student charged, the Title IX Coordinator, and the President (or designee).

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

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

CRIME CODE DEFINITIONS

The Clery Act, formally known as the Campus Crime and Security Act, mandates the reporting of certain offenses. The following definitions are in accordance with: the Federal Bureau of Investigation's Uniform Crime Reporting Handbook, the National Incident-Based Reporting System, the Violence Against Women Act of 1994 (VAWA), and the Handbook for Campus Crime Reporting.

Criminal Homicide

- **Murder and Non-negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence:** The killing of another person through gross negligence.

Robbery

The taking or attempting to take anything of value from another person or persons by force or threat of force or violence and/or by putting the victim in fear.

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

Burglary

The unlawful entry of a structure with the intent to commit a felony or theft. A structure is defined as having four walls, a roof, and a door. The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft. If the intent was not to commit a felony or theft, or if the intent cannot be determined, the proper classification is Larceny.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned--including attempts and joyriding.)

Arson

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

Weapon Law Violations

The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Drug Law Violations

Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).

Liquor Law Violations

The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition).

Domestic Violence (Sec. 40002(a), VAWA (42 USC 13925(a)(8)))

Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence (Sec. 40002(a), VAWA (42 USC 13925(a)(10)))

The term "dating violence" means violence committed by a person:

- (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (B) Where the existence of such a relationship shall be determined based on a consideration of the following:
 - (i) Length of the relationship,
 - (ii) Type of relationship
 - (iii) Frequency of interaction between the persons involved in the relationship

Stalking (Sec. 40002(a), VAWA (42 USC 13925(a)(30)))

The term "stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (A) Fear for his/her safety or the safety of others; or
- (B) Suffer substantial emotional distress

Hate Crimes

A criminal act involving any of the above or below listed crimes that were motivated by bias against any person or group of persons, or the property of any person or group of persons because of the ethnicity, race, national origin, religion, gender, gender identity, sexual orientation, or disability of the person or group, or bias based upon the perception that the person or group has one or more of those characteristics.

Larceny-Theft (Except Motor Vehicle Theft)

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation

To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property

To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Sex Offenses

The following sex offense definitions are from the Uniform Crime Reporting Program.

Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or without that person's consent when the victim is incapable of giving consent (Includes attempts.)

Rape

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 consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the 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, or by a sex-related object. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.

- Incest - sexual intercourse between persons who are related to one another within the degrees wherein marriage is prohibited.
- Statutory rape - consensual intercourse with a person who is under the age of consent (18yrs).

Sexual Battery – Forcible Fondling

The touching of intimate body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her age or his/her temporary or permanent mental incapacity.

Incest

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

Statutory Rape

Sexual intercourse with a person who is under the statutory age of consent. In California the statutory age of consent is 18 years.

Disciplinary Referrals

The Disciplinary Referrals table specifies the number of non-arrest referrals to the Judicial Affairs Officer and number of incidents adjudicated by the Director of Student Housing. The following reported numbers may be duplicated in more than one reporting area.

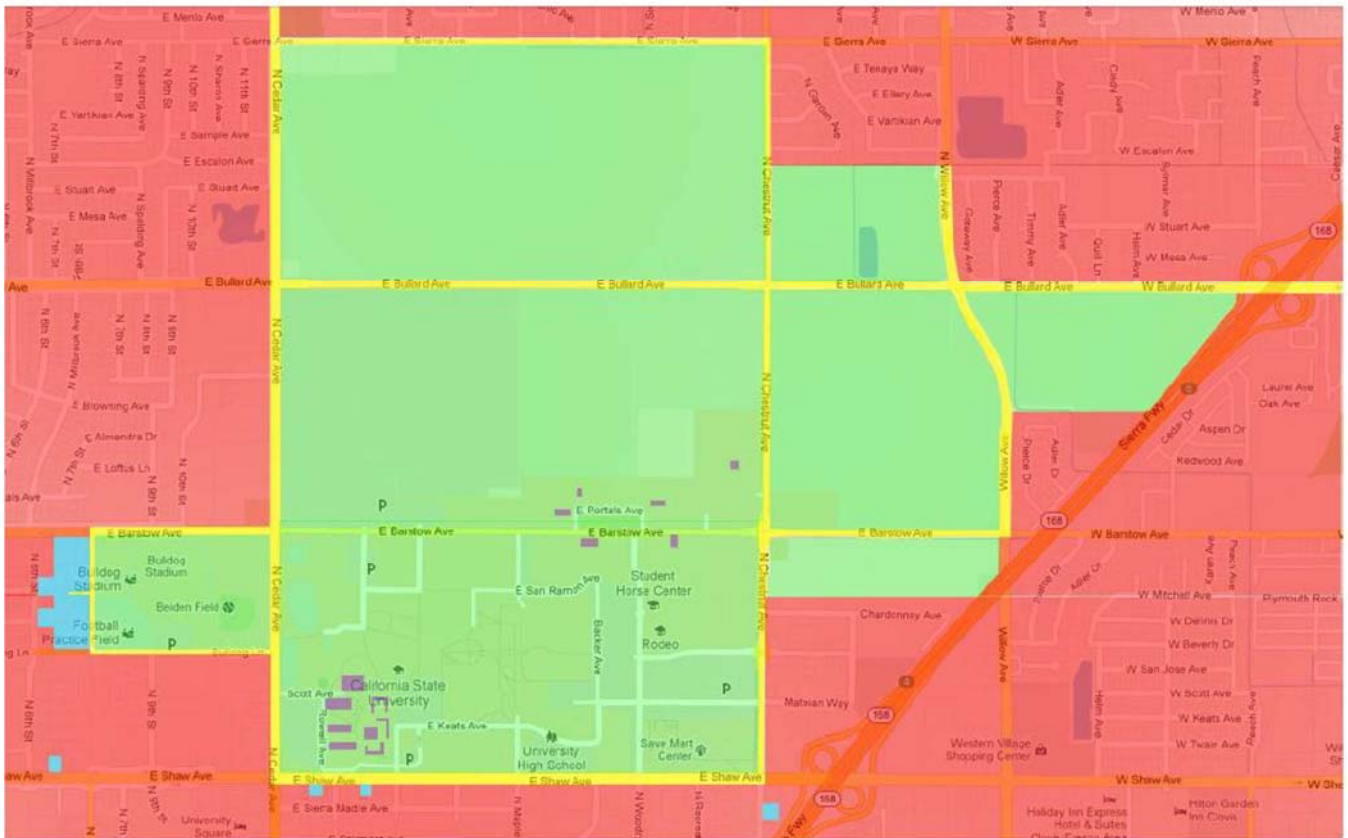
Unfounded Crimes

In the occasion that reported crimes, through careful investigation, are unsubstantiated, falsely reported, or found to have occurred in an area outside of the Clery geographical reporting requirements (On Campus, Campus Residential, Non-Campus Buildings recognized by University, Public Property directly adjacent to University) then those cases will ultimately have a disposition of "unfounded" and will not be included in the Annual Security Report statistics. The number of unfounded crimes will be listed at the end of this report.

CRIME STATISTICS

The following crime statistic tables reflect the mandatory reporting offenses as specified in the Jeanne Clery Act. The tables display crime data over the past three calendar years and are separated by crimes occurring in four different geographical locations:

1. **On Campus** – the main core campus footprint
2. **Residential Student Housing** – On campus student housing facilities(crimes occurring at student housing are also included in the On Campus table.)
3. **Non-Campus** - crimes occurring off of campus property at University recognized organizations (fraternity/sorority), and
4. **Public Property** - crimes occurring on the borders of the University.



Green – On Campus
Blue – Non-Campus Property
Yellow – Public Property
Purple – Student Housing/Residential
Red – Non-Clery Reportable

Crime	On Campus			Residential / Student Housing			Student Organizations Non Campus			Public Property Bordering Campus		
	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	1	1	1	0	0	0	1	1	2	0	0	0
Sodomy	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Assault w/Object	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	2	2	0	0	0	0	0	0	0	1	2	1
Aggravated Assault	0	0	2	0	0	0	0	2	0	0	0	0
Burglary	15	13	8	0	0	1	3	4	3	0	0	0
Motor Vehicle Theft	8	6	13	0	0	0	1	2	0	0	0	0
Arson	2	2	1	1	1	0	0	0	0	0	0	0
Domestic Violence	1	2	3	0	0	0	0	0	0	1	0	0
Dating Violence	0	2	0	0	1	0	0	0	0	0	0	0
Stalking	1	1	1	0	0	0	0	0	0	0	0	0
Arrests	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015
Illegal Weapons Possession	5	5	3	0	0	0	0	0	0	2	4	1
Drug Law Violations	29	26	13	4	8	5	1	3	2	20	12	18
Liquor Law Violations	1	0	0	1	0	0	0	0	0	7	2	0
Disciplinary Referral – No Arrest	2013	2014	2015	2013	2014	2015	2013	2014	2015	2013	2014	2015
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	7	24	12	7	24	12	0	0	0	0	0	0
Liquor Law Violations	126	129	59	126	127	59	0	0	0	0	0	0

HATE CRIMES/INCIDENTS

*One hate incident of intimidation against religion occurred On Campus in 2013.

*One hate incident of intimidation against religion occurred On Campus in 2014.

*There were no hate crimes or incidents reported in 2015.

UNFOUNDED CRIMES

Crime	2013	2014	2015
Murder/Non-Negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Rape	0	1	0
Sodomy	0	0	0
Sexual Assault w/Object	0	0	0
Fondling	0	0	0
Incest	0	0	0
Statutory Rape	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	1	1
Arson	0	0	0
Domestic Violence	0	0	0
Dating Violence	0	0	0
Stalking	0	0	0

Students attending classes at the following locations can obtain the crime report on each location's webpage:

College of Sequoias, Visalia: <http://www.cos.edu/StudentServices/Police/Pages/Annual-Clery-Report.aspx>

West Hills Junior College, Lemoore: <http://www.westhillscollge.com/lemoore/about/campus-safety/index.asp>

FIRE SAFETY REPORT

The HEA fire safety regulations have several requirements for institutions with on-campus student housing facilities. These requirements include:

- Maintaining a log of all reported fires that occur in on-campus student housing facilities;
- Publishing an annual fire safety report that contains fire safety policies and fire statistics for each facility; and
- Submitting fire statistics from the fire safety report annually to the Department of Education.

Fresno State University Courtyard, along with Agriculture Operations, has a total of 768 units and 1150 bed spaces available for on-campus housing. Each unit is equipped with fire detection systems, including smoke detectors and pull stations. Additionally, there is an evacuation and annunciation system on each building.

UNIVERSITY COURTYARD

HEALTH AND SAFETY CHECK PROCEDURE

Health and Safety checks are performed once a semester by the Residential Life staff to find and eliminate safety violations. Students will be informed at least 24 hours prior to the scheduled check, however, in an emergency no notice will be given. Students are required to read and comply with the Fresno State University Courtyard student handbook guidelines, which include H&S inspections and all other rules and regulations for residential buildings. The inspections include, but are not limited to, a visual examination of electrical cords, smoke detectors, and the presence of prohibited items (e.g. source of open flame such as candles; non-surge protected extension cords; halogen lamps) or prohibited activity (e.g. smoking in the room; tampering with fire safety equipment). This assessment will also include a general assessment of food and waste storage and cleanliness of room.

MANDATORY FIRE DRILLS AND PROCEDURES FOR EVACUATION

Fire drills in University Courtyard were conducted each semester during the academic year (2 times a year). In 2015, fire drills were conducted on January 26-29th and August 31-September 3rd. All residents must evacuate their room, suite and building area immediately during the sounding of a fire alarm or upon the direction of a University Courtyard staff member. The University Courtyard evacuation assembly point is in Parking Lot P27. Attempting to re-enter a building area without permission from University or Housing staff is prohibited. Referral to the University Courtyard conduct system or to University Police for criminal/legal action may also be some of the consequences for failing to comply with the evacuation policy.

Fire Drills

Date	Type	Location
January 26, 2015	Fire Drill-Unannounced	Graves/Sycamore Halls
January 27, 2015	Fire Drill-Unannounced	Baker/Aspen/Ponderosa Halls
January 28, 2015	Fire Drill-Unannounced	Homan/Birch Halls
January 29, 2015	Fire Drill-Unannounced	Atrium/Cedar/Sequoia Halls
August 31, 2015	Fire Drill-Unannounced	Baker/Sycamore Halls
September 1, 2015	Fire Drill-Unannounced	Homan/Cedar/Sequoia Halls
September 2, 2015	Fire Drill-Unannounced	Graves/Birch Halls
September 3, 2015	Fire Drill-Unannounced	Atrium/Aspen/Ponderosa Halls

REPORTABLE FIRES

Date	Incident	Location	Cause	Value of Property
January 15, 2015 4:45PM	Burnt Scantron/Burnt Paper	Graves 1 st floor west wing and Graves 121	Undetermined	N/A
January 21, 2015 3:40PM	Smell of burning wood in building	Baker 216	Resident used incense	N/A
February 9, 2015 3:00PM	Flyers burnt on the wall and doors	Baker Hall middle stairwell and 2 nd floor west hall.	Undetermined	N/A
August 27, 2015 10:45PM	Smell of something burning	Baker 208	Resident used candle	N/A
December 12, 2015 8:45PM	Fire	Lot P27	Jumper cables caught fire while trying to jump start a vehicle	\$142.00 car battery replacement

HOUSING POLICIES

University Courtyard has policies and regulations that give clear direction to residents who live on campus. A portion of the policies pay particular attention to fire and life safety issues. The policies are outlined below:

Candles/Incense/Open Flames

Because of fire marshal regulations, candles in any form are prohibited in University Courtyard. Open fires, including burning candles and activities potentially dangerous to property or disruptive to the community, such as incense and aromatic oils are also prohibited within University Courtyard. All items (including candles) will be confiscated and violators of any of these policies are subject to disciplinary and/or legal action.

Cooking

Fire regulations require that certain cooking appliances not be permitted in rooms or suites except for the micro-fridge provided by University Courtyard. For safety reasons, any resident found using any prohibited cooking items will have the item(s) confiscated and returned at check-out. Please consult the Facilities policies (appliances) for a list of approved appliances.

Evacuations

In the event of an evacuation of any building(s), residents are to exit the building immediately per directions of staff. Staff may knock and then key in to each room to be sure all residents have exited the building. In the event of any emergency, be alert and responsive to instructions from staff.

Explosives/Fireworks

Discharging firecrackers, fireworks, projectiles or any explosive device. Violations of this include, but are not limited to, discharging or in any way attempting to discharge types of manufactured or homemade fireworks or flaming projectiles including cannons or bottle rockets inside or adjacent to University Courtyard. The size of the explosive is irrelevant. Violations of this policy may result in the termination of your housing license upon the first offense.

Facility Policies:

- **Appliances:** Electrical devices such as stereos, TVs, hair dryers, coffee pots, air popcorn poppers, blenders, radios and personal computers are permitted, if they are UL approved and portable. Space heaters and cooking appliances (examples: hot plates, toasters, rice cookers) are NOT permitted!
- **Balconies/Patios:** NO SMOKING! No personal items, trash, or bikes may be kept on the balconies. No BBQs are permitted on the balconies, sidewalks or grass. Anyone in violation of these policies will have the bike, furniture or BBQ confiscated and returned at check-out. Lawn furniture may be brought onto the patios.
- **Ceilings:** You may not display any type of wall hangings, flags or posters on the ceiling. This is a fire hazard. During health and safety inspections you will be required to remove them. If not removed by resident in the time stipulated, Housing reserves the right to remove them.
- **Fire Equipment:** Tampering with fire equipment, e.g. fire alarms, extinguishers and smoke detectors is a violation of University Courtyard policies and California Law. Violations of this include, but are not limited to, removing a fire extinguisher from its prescribed location, fully or partially discharging a fire extinguisher for any purpose other than putting out a fire, tampering with smoke alarms located in public areas, taping smoke alarms in bedrooms, setting off false fire alarms, or removing or damaging exit lights and starting fires. Violations of this policy may result in the termination of your housing license upon the first offense and/or criminal prosecution.

Fire Alarms/Drills/Evacuation

Fire drills will be held periodically. Please note that all rooms are checked as a standard evacuation procedure and that all University policies are enforced during this time. You are REQUIRED to leave the building whenever the fire alarm is sounded. Residents with disabilities are cleared from their room first. Staff is directed to knock on the door first, then key into every room. Failure to evacuate may subject you to criminal prosecutions, fines and/or disciplinary action. In the event of a fire alarm/drill, all residents are required to report to Lot P27. It is important for all residents and staff to evacuate immediately to designated areas in order for Residential Life Staff and emergency personnel to be able to determine if halls have been evacuated.

Fire Extinguishers and Equipment

All residence halls are equipped with fire extinguishers which are to be used in the event that a minor fire should occur. If you find a fire extinguisher that is not in its proper place, please notify a member of the Residential Life Staff. Tampering with extinguishers is a \$50 fine. False alarms, removal or unnecessary discharge of fire extinguishers, propping doors and removal of exit signs compromise the safety of the residence halls. Residents found engaging in the above listed activities may be dismissed from the residence halls. Other fire safety violations will be dealt with through the disciplinary process. Whenever a smoke detector alarm sounds, it is important to determine whether or not a fire emergency exists. If one does, or if it cannot be determined because the door to the room is locked, then immediately pull a fire alarm located in the center and at the end of every hallway. An alarm will sound throughout the building and the University Police will be notified automatically. Smoke detector alarms sound only in the room where they are activated, so you must pull a fire alarm to notify the University Police and the hall residents if there is a fire. Fire alarm pull boxes are located throughout the complex. You should become familiar with their locations. Once a fire alarm is pulled, it is the responsibility of each resident to evacuate their residence hall when the alarm sounds or be subject to criminal prosecution, fine and/or Residence Hall disciplinary action. Tampering with a smoke detector or a fire alarm is a \$100 fine. Certain items are not allowed on University Courtyard premises because of the fire hazard they pose to residents. For a list of prohibited items, please see inside front cover.

Fire Safety

It's up to you to keep your living areas safe and prevent fire hazards. Always use a surge protector when plugging in multiple cords, especially computers or laptops. Use caution when cooking or utilizing the kitchens located in the community style halls.

Health and Safety Inspections

University Courtyard Staff, together with RLS staff, will check resident rooms to ensure that all health and safety requirements are being met. These checks are scheduled once per semester. Typically, you are informed at least twenty four hours in advance of a room check, unless an emergency arises, when no notice may be given. During wet and cold months, facilities may be entering rooms to check for any mold issues. In addition, room checks are done during periods such as Winter Recess and Spring Recess. See University Courtyard Policies section for more information.

Smoke Detectors

All resident rooms are equipped with smoke detectors. If your smoke detector needs maintenance, notify staff immediately by filling out a Facility Service Request at the Atrium Desk. If a smoke detector emits a low battery beep, fill out a Facility Service Request form at the Atrium Customer Service Desk so the battery can be replaced.

Smoking and Tobacco Policy

As of April 1, 2003, Fresno State adopted a smoke-free campus policy and allotted for designated smoking areas on campus. This policy applies to all University facilities, owned or leased, regardless of location, athletic facilities, the amphitheater, and all state and auxiliary vehicles. This policy pertains to students, faculty, staff, administrators, visitors and the general public attending campus events. University Courtyard, in conjunction with the University, has designated five (5) areas of University Courtyard where smoking (including electric cigarettes) is permitted. They are: table located outside on the north side of the Atrium; table located outside to the south of Birch and north of Cedar; and tables located outside between Graves and Homan next to the BBQs. Students found smoking in other areas (including their rooms) may be subject to disciplinary action. Because of the potential fire hazards of smoking tobacco in pipes and hookahs, they are not allowed in University Courtyard and will be confiscated.

Training

University Courtyard facilitates training for the Resident Advisors (RAs), Public Safety Assistants (PSAs), Assistant Resident Directors (ARDs) and Resident Directors (RDs), as well as other housing staff members.

Yearly staff training covers:

- Fire extinguisher training
- Fire alarm evacuation procedures
- Fire alarm reset procedures
- Business Continuity Plan (BCP) procedures

Contact Information for Reporting a Fire

911

Fresno State Police Department: 559.278.8400

University Courtyard Housing Office: 559.278.2677

Future Improvement of Fire Safety

University Courtyard will make improvements to on-campus student housing fire safety systems when necessary.

AGRICULTURE LIVING QUARTERS

Fresno State Agricultural Operations has a total of eight (8) units and eight (8) bed spaces available for Ag Operations Living Quarters.

FIRE SAFETY EQUIPMENT

Smoke Detectors: All Living Quarters are equipped with smoke detectors. If your smoke detector needs maintenance, or emits a low battery beep, notify Ag Operations staff immediately by calling 559.278.2011.

Whenever a smoke detector alarm sounds, it is important to determine whether or not a fire emergency exists. If one does, or if it cannot be determined because the door to the room is locked, contact Fresno State Police Department at 559.278.8400. Smoke detector alarms sound only in the room where they are activated, so you must notify the Fresno State Police Department if there is a fire. It is the responsibility of each resident to evacuate their Living Quarters when the alarm sounds or be subject to criminal prosecution, and fine. Tampering with a smoke detector or a fire alarm is a \$100 fine.

Fire Extinguishers and Equipment: All Living Quarters are equipped with fire extinguishers which are to be used in the event that a minor fire should occur. If you find a fire extinguisher that is not in its proper place, please notify a staff at Agricultural Operations. Tampering with extinguishers is a \$50 fine. False alarms, removal or unnecessary discharge of fire extinguishers, propping doors and removal of exit signs compromise the safety of the Living Quarters. Residents found engaging in the above listed activities may be dismissed from the Living Quarters. Other fire safety violations will be dealt with through the disciplinary process.

SMOKE DETECTORS AND FIRE EXTINGUISHERS CHECKS

Smoke detector checks are conducted each semester during the academic year and during the summer (3 times a year). Fire Extinguisher checks are conducted annually each January by Jorgensen and Co. and organized thru Plant Operations. In addition to the regularly scheduled checks, Ag Operations Maintenance Technicians periodically check the smoke detectors and fire extinguishers during routine maintenance checks.

In the upcoming year, Ag Operations will prepare a scheduled timetable for Smoke Detector and Fire Extinguisher checks.

Date	Type	Location
3 x year	Smoke Detector Check	Beef Unit Living Quarters
3 x year	Smoke Detector Check	Dairy Unit Living Quarters #1
3 x year	Smoke Detector Check	Dairy Unit Living Quarters #1
3 x year	Smoke Detector Check	Horse Unit Living Quarters
3 x year	Smoke Detector Check	Calf Barn Living Quarters #1
3 x year	Smoke Detector Check	Calf Barn Living Quarters #1
3 x year	Smoke Detector Check	Sheep Unit Living Quarters
3 x year	Smoke Detector Check	Swine Unit Living Quarters
Annually, first of January	Fire Extinguisher Check	Beef Unit Living Quarters
Annually, first of January	Fire Extinguisher Check	Dairy Unit Living Quarters #1
Annually, first of January	Fire Extinguisher Check	Dairy Unit Living Quarters #1

Annually, first of January	Fire Extinguisher Check	Horse Unit Living Quarters
Annually, first of January	Fire Extinguisher Check	Calf Barn Living Quarters #1
Annually, first of January	Fire Extinguisher Check	Calf Barn Living Quarters #1
Annually, first of January	Fire Extinguisher Check	Sheep Unit Living Quarters
Annually, first of January	Fire Extinguisher Check	Swine Unit Living Quarters

Fire Drills

Ag Operations does not conduct fire drills for the eight (8) Living Quarters. The Living Quarters are single units, and residents have been instructed on emergencies and the evacuation assembly point location is nearby at O’Neill Park.

AG OPS LIVING QUARTERS POLICIES

Ag Operations has policies and regulations that give clear direction to residents who live in the Living Quarters. A portion of the policies pay particular attention to fire and life safety issues. The policies are outlined below:

Candles/Incense/Open Flames

Open fires, including burning candles and activities potentially dangerous to property or disruptive to the community, such as incense and aromatic oils are also prohibited within Living Quarters. All items (including candles) will be confiscated and violators of any of these policies are subject to disciplinary and/or legal action.

Evacuations

In the event of an evacuation of any building(s), residents are to exit the building immediately per directions of staff. Staff may knock and then key in to each room to be sure all residents have exited the building. In the event of any emergency, be alert and responsive to instructions from staff.

Explosions/Fireworks

Discharging firecrackers, fireworks, projectiles or any explosive device are prohibited. Violations of this include, but are not limited to, discharging or in any way attempting to discharge types of manufactured or homemade fireworks or flaming projectiles including cannons or bottle rockets inside or adjacent to Living Quarters. The size of the explosive is irrelevant. Violations of this policy may result in the termination of your housing license upon the first offense.

Appliances

Electrical devices such as stereos, TVs, hair dryers, coffee pots, air popcorn poppers, blenders, radios and personal computers are permitted, if they are UL approved and portable. Space heaters are NOT permitted!

No Smoking!

Smoking is prohibited in and around all buildings except were designated. As of April 1, 2003, California State University, Fresno adopted a smoke-free campus policy and allotted for designated smoking areas on campus. This policy applies to all University facilities, owned or leased, regardless of location, athletic facilities, the amphitheater, and all state and auxiliary vehicles. This policy pertains to students, faculty, staff, administrators, visitors and the general public attending campus events.

Ceilings

You may not display any type of wall hangings, flags or posters on the ceiling. This is a fire hazard. During health and safety inspections you will be required to remove them. If not removed by resident in the time stipulated, Ag Operations reserves the right to remove them.

Fire Equipment

Tampering with fire equipment, e.g. fire alarms, extinguishers and smoke detectors is a violation of Ag Operations policies. Violations of this include, but are not limited to, removing a fire extinguisher from its prescribed location, fully or partially discharging a fire extinguisher for any purpose other than putting out a fire, tampering with smoke alarms located in public areas, taping smoke alarms in bedrooms, setting off false fire alarms, or removing or damaging exit lights and starting fires. Violations of this policy may result in the termination of your housing license upon the first offense. Do not block firefighting equipment, fire doors, or exits with any material or equipment.

Fire Safety

It's up to you to keep your living areas safe and prevent fire hazards.

1. Always use a surge protector when plugging in multiple cords, especially computers or laptops.
2. Use caution when cooking or utilizing the kitchen.
3. Firefighting equipment and emergency exits must be kept clear and ready for immediate use. Do not block them with equipment or material. All personnel should be familiar with the position of firefighting equipment.
4. Know where your primary exist route is, and what alternative emergency routes are available. Always use the closest emergency door to exit when evacuating the building.
5. Make sure flammable liquids and vapors are not exposed to ignition sources. All flammable liquids must be dispensed from and transported in approved containers. Glass containers are expressly forbidden.
6. Report all fires, no matter how small to the Fresno State Police Department – 559.278.8400.
7. Immediate response to small fires is essential. If a fire occurs, the first consideration must be the safety of personnel. All employees must be evacuated in the immediate area before attention can be given to the saving of property. Notify your Supervisor and the University Police as soon as possible.
8. Learn how to use the extinguisher in your area (frequently read the instructions label on extinguisher) and know where they are located. If you are not sure, ask Ag Operations

REPORTABLE FIRES

There were no fires in Agricultural Operations Living Quarters during the calendar year 2015.

There were no fires in Agricultural Operations Living Quarters during the calendar year 2014.

There were no fires in Agricultural Operations Living Quarters during the calendar year 2013.