



CAL POLY



2023

ANNUAL SECURITY REPORT

**JEANNE CLERY DISCLOSURE OF CAMPUS SECURITY
POLICIES AND CAMPUS CRIME STATISTICS ACT (20 U.S.C. § 1092 [F])
CLERY CRIME STATISTICS 2020-2022**

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MESSAGE FROM THE PRESIDENT



Thank you for taking time to read this year's Annual Security Report. The Jeanne Clery Disclosure of Campus Security Policies and Campus Crime Statistics Act, commonly referred to as the Clery Act, is a federal mandate requiring all institutions of higher education that participate in federal student financial aid programs to disclose information about certain campus policies, procedures, and crimes reported to have occurred on the campus and certain off-campus locations. This report is designed to provide you with important information about safety and security at Cal Poly. In addition to outlining many of the policies and resources the institution offers the campus community, this report also contains crime statistics for the previous three calendar years of January 1, 2020 - December 31, 2022.

Campus safety and security is a shared responsibility. The best protection against campus crime is an aware, informed, alert campus community in partnership with law enforcement. The vast majority of our students, staff, faculty, and visitors do not experience crime at Cal Poly. However, despite our best efforts, crimes sometimes still occur. This information is provided because of our commitment to campus safety and security and in compliance with federal law.

We hope you find this report informative. If you have questions or would like further information about the Clery Act, please visit the **Clery website** at <https://afd.calpoly.edu/clery/>.

Sincerely,

Jeffrey D. Armstrong
President

PREPARING THE ANNUAL SECURITY REPORT

Cal Poly's Civil Rights & Compliance Office (CRCO) prepares this report annually to comply with the [Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act](#). This report is prepared in cooperation with the Cal Poly Police Department (CPPD), local law enforcement agencies surrounding our main campus and alternate sites, University Housing, the Dean of Students, and Student Affairs. Each reporting entity provides updated information on their educational efforts and programs to comply with the Act.

The statistics contained in this report are Clery Act reportable crimes, hate crimes, and violations of state and local drug, liquor, and weapons laws occurring within Clery geography where arrests or referrals for discipline were made. These statistics are derived from reports made by Campus Security Authorities (CSAs) and local law enforcement. Crime reports are collected by the Clery Compliance Team (CCT) and the Cal Poly Police Department. CPPD conducts outreach and establishes collaborative relationships with local and state law enforcement agencies to encourage statistical Clery reporting by those agencies serving the public property areas identified as noncampus properties where CPPD does not patrol or provide primary law enforcement response.

Cal Poly CSAs report crimes to the Cal Poly Police Department throughout the year to be included in this report and for Timely Warning consideration. These CSAs are campus staff and faculty with significant responsibility for student and campus activities and include, but are not limited to the Dean of Students, Residential Student Experience staff, Athletics staff, Student Club advisors and Student Affairs personnel.

CSAs must promptly report allegations of Clery crimes that occur within Cal Poly's Clery Geography that are reported to them. A report may be a written or verbal disclosure made by any person to the CSA, including information shared with the CSA by witnesses or other third parties. CSA reports must include the following, if known: the crime that was reported and the information provided, the exact location where the reported crime occurred, the date and time the reported crime occurred, any witness and perpetrator information, and victim information, unless the victim requests confidentiality (employees may be required to share victim information with other offices if they have responsibilities under other laws and policies including, but not limited to, [Mandatory Reporting of Child Abuse and Neglect](#), and [Nondiscrimination Policy](#)). In the event the victim does request confidentiality, enough information must be obtained and provided by the CSA about the criminal incident to prevent over-reporting or "double-counting" of the incident.

CLERY CRIME STATISTICS 2020-2022

Murder/NonNegligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Negligent Manslaughter

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	6	6	4	0
2021	10	13	3	0
2022	16	17	3	0

Fondling

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	4	5	1	0
2021	8	15	3	0
2022	14	15	3	0

Incest

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Statutory Rape

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Robbery

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Aggravated Assault

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	1
2022	0	0	3	0

Burglary

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	2	11	1	0
2021	2	7	3	0
2022	0	11	0	0

Motor Vehicle Theft

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	5	0	0
2021	0	10	0	1
2022	0	25	0	0

Arson

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	1	1	0	0
2022	0	1	0	0

Domestic Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	5	8	0	0
2021	4	5	2	0
2022	4	4	0	0

Dating Violence

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Stalking

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	23	32	0	0
2021	21	26	0	0
2022	26	40	0	0

Arrests for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	4	0	0
2021	0	0	0	0
2022	1	1	0	0

Arrests for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	3	9	0	1
2021	0	2	0	0
2022	3	13	0	0

Arrests for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	3	0	0
2021	0	2	0	0
2022	0	0	0	0

Referrals to Disciplinary Action for Weapons Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	1	1	0	0
2021	0	0	0	0
2022	2	2	0	0

Referrals to Disciplinary Action for Drug Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	1	0	0
2021	0	0	0	0
2022	0	0	0	0

Referrals to Disciplinary Action for Liquor Law Violations

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	20	20	0	0
2021	2	2	0	0
2022	0	0	0	0

Unfounded Crimes

Year	Total
2020	1
2021	3
2022	2

Hate Crimes

Year	Campus Residential	Campus Total	Noncampus	Public Property	Crime Category	Bias Category
2020	0	0	0	0	N/A	N/A
2021	0	0	1	0	Vandalism	Race
2022	0	0	0	0	N/A	N/A

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

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

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

PROCEDURES FOR STUDENTS & OTHERS TO REPORT CRIMINAL ACTIONS OR OTHER EMERGENCIES ON CAMPUS

All students, employees, and visitors are strongly encouraged to report criminal incidents, suspicious activity, and emergencies promptly and accurately to the Cal Poly Police Department either by phone or in person at the Cal Poly Police Department or by any of the means listed below. Incidents that may or may not be crimes may also be reported to Campus Security Authorities (CSAs) which are defined in this report. These reports can be made in person, via telephone, text, or email to any campus employee who is designated as a CSA. Campus members designated as CSAs are required by the Clery Act to report criminal activity to the Cal Poly Police Department for inclusion in the annual campus crime statistics. The University encourages the reporting of any suspicious incident or crime occurring on campus property through any of the options below:

Directly to the Cal Poly Police Department

The Cal Poly Police Department investigates reported crimes and suspicious incidents to the fullest extent possible. This includes both confidential and anonymous reports. For emergencies call 9-1-1 from any phone or text 9-1-1 if unable to speak. Additionally, Cal Poly has installed emergency two-way call boxes (Blue Light phones) around the campus for use during emergencies. Users are immediately connected with the Cal Poly Police Dispatch Center. For non-emergencies call (805) 756-2281 or report in-person at the Cal Poly Police Department located in Building 36, 24 hours a day, 7 days a week.

Rave Guardian offers Cal Poly users a single safety app that can send anonymous tips, set a safety timer for self-guided on-campus safety walks, text Mustang Patrol directly for safety walks, connect to 24-hour police or support services, and maintain easy emergency communication directly with Cal Poly Police Department.

Reports of Crimes to Campus Security Authorities (CSAs)

The term Campus Security Authority, or CSA, “is a Clery Act-specific term that encompasses four groups of individuals and organizations associated with an institution:”

1. A campus police department or a campus security department of an institution.
2. 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).
3. 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.
4. 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.

CSAs are responsible for promptly reporting allegations of Clery Act crimes that are reported to them in their capacity as a CSA to Cal Poly Police for inclusion in the statistics and potential campus Timely Warning notifications. An online reporting form can be found on Cal Poly’s Clery webpage:

<https://afd.calpoly.edu/clery/csa/csa-reporting>.

Cal Poly has identified and provides training to CSAs on campus. The Clery Act does not require the university to publish the name and title of every CSA, however the following key individuals have been identified for ease of referral:

Cynthia Jackson-Elmoore	Provost and Executive Vice President for Academic Affairs	Bldg. 001, Rm 301	(805) 756-2186
Keith Humphrey	Vice President for Student Affairs	Bldg. 01, Rm 206	(805) 756-1521
Maren Hufton	Assistant Vice President for Civil Rights & Compliance	Bldg. 033, Rm 290	(805) 756-6770
George Hughes	Assistant Vice President for Public Safety and Chief of Police	Bldg. 036, Rm 107	(805) 756-6675
Jo Campbell	Associate Vice President for Student Affairs, Leadership and Service & University Housing	Bldg. 031, Room 219	(805) 756-5956
Juliette Duke	Senior Director for University Housing, Director of Residential Student Experience	Bldg. 031, Rm 220	(805) 756-9315
Joy Pedersen	Assistant Vice President and Dean of Students	Bldg. 081, Rm 004	(805) 756-6749
David Groom	Senior Associate Dean of Students	Bldg. 081, Rm 7	(805) 756-2794
Don Oberhelman	Director of Athletics	Bldg. 042, Rm 206	(805) 756-1407
Cari Vanderkar	Assistant Vice Provost for International Programs	Bldg. 052, Rm E33	(805) 756-2945
Patricia Ponce	Ombuds	Bldg. 035, Rm 113	(805) 756-1380

Voluntary and Confidential Reporting

A crime can be reported for inclusion in the Annual Security Report anonymously by calling the Cal Poly Police Dispatch center at (805) 756-2281 or texting at (805) 431-0483 or through Rave Guardian <https://afd.calpoly.edu/police/services/safety-app> or report in person and ask to remain anonymous. Reports can also be made anonymously through Crime Stoppers at sanluisobispo.com/crimestoppersweb.com or (805) 549-STOP. Reports made through Crime Stoppers will be routed directly to Cal Poly Police.

Cal Poly encourages professional counselors in Cal Poly's Counseling Services to inform individuals they are counseling about the voluntary, confidential reporting options available to them.

Crime of Violence Disclosures

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

California Education Code Section 67380(a)(6)(A)

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

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

TIMELY WARNING POLICY

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

As required by the Clery Act, Cal Poly will keep the community informed by providing a timely warning when appropriate.

- Upon receipt of a Campus Security Authority (CSA) report of a Clery crime on Clery Geography, a Timely Warning analysis shall be completed and documented by the Clery Director. The Clery Director shall have authority to delegate this responsibility as appropriate. It is not necessary to document the completed Timely Warning analysis for referrals to disciplinary action.

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

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

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

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

Additional Considerations

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

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

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

Contents of a Timely Warning

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

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

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

Methods of Distribution

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

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

This list is not intended to be exhaustive or intended to prioritize the method of distribution. The Chief of Police will confer with the Clery Director (or management designee), if available, to determine the most appropriate method(s) to distribute a Timely Warning. The Clery Director (or management designee) is responsible for

distributing a Timely Warning Bulletin. In the absence of the Clery Director (or management designee), the Chief of Police will determine the appropriate method of distribution and will be responsible for its distribution.

EMERGENCY NOTIFICATION POLICY

This policy describes the procedures that will be used to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students and/or employees occurring on the Cal Poly campus, as required by the Clery Act.

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

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

Once CPPD has received the report, the Chief of Police (or management designee) will, without delay and taking into account the safety of the community, confer with any appropriate public official (e.g., fire chief, health department) and any campus officials responsible for managing the on-campus emergency, if available, to confirm both: 1) a legitimate emergency or dangerous situation exists impacting on-campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community. This confirmation process may include, but is not limited to, visual observation, officer investigation, the assistance of key campus administrators, local or campus first responders, and/or official government reporting through agencies such as the National Weather Service.

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

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

Contents of the Emergency Notification

The emergency notification shall contain the following information:

- A statement as to what the emergency or dangerous situation is, in specific terms (e.g., chemical spill, active shooter, building fire)

- A statement providing direction as to what actions the receiver of the message should take to ensure their own safety
- A statement as to where or when additional information may be obtained

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

Methods of Distribution

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

- A campus mass notification system, including but not limited to phone, campus email, or text messaging. Systems should provide currently enrolled students, faculty and staff the ability to adjust their subscription preferences to select multiple contact methods from text messages, emails and phone calls, or if desired, to 'opt out' of the service and not receive any notifications
- Audio/visual message boards
- Audible alarms/sirens
- Campus public address systems
- In person or door-to-door notifications in buildings or residence halls
- Local media
- Social media
- Other means appropriate under the circumstances

Testing and Evacuation System

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

SECURITY OF AND ACCESS TO CAMPUS FACILITIES, AND SECURITY CONSIDERATIONS FOR THE MAINTENANCE OF CAMPUS FACILITIES

Campus facilities are provided primarily for the education-related needs of enrolled students and employees. Use and allocation of University Facilities is governed by Campus Administrative Policy (CAP) 390 Space Management Policy. Academic buildings are open Sunday through Saturday from 7:00 a.m. to 10:00 p.m. and locked each night. Administrative buildings are generally open Monday through Friday from 7:00 a.m. to 5:00 p.m. and locked each evening. During the academic year, the University Union is open Monday through Friday from 6:00 a.m. to 12:00 a.m. and Saturday and Sunday from 8:00 a.m. to 12:00 a.m. During the academic year, the Recreation Center is open Monday through Friday from 6:00 a.m. to 12:00 a.m. and Saturday and Sunday from 8:00 a.m. to 10:00 p.m. Persons without a lawful purpose may be removed from the campus per California Penal Code Section 626.6. Access to campus residences is restricted to building residents and guests, and is regulated by University Housing.

All entrances to residence halls and university apartments are locked 24 hours a day. Students who live in campus housing may enter the building by using their room keys/key cards. Security phones are installed throughout University Housing communities for emergency use. Students who have room or apartment doors open to publicly accessible areas are reminded and encouraged to keep doors closed and locked at all times.

Agriculture Housing is managed by the College of Agriculture, Food and Environmental Sciences (CAFES). Each Ag Housing unit is accessed by a key into the main house and each individual room has a unique key. Students are reminded and encouraged to keep doors closed and locked at all times.

All on-campus facilities are patrolled 24 hours a day, 7 days a week by Cal Poly Police officers. Facilities found unsecured and maintenance problems (e.g., broken locks) are reported immediately to facilities and secured as needed. In addition, residence hall and apartment staff conduct routine maintenance and safety inspections which include exterior door security.

Swanton Pacific Ranch (SPR) facilities are under lock and key 24 hours a day, 7 days a week where a key or key code is required for entry. Facilities are generally open from 8:00 a.m. to 5:00 p.m. each day and locked in the evening. All facilities and housing, except for the main office, are behind gates under lock and key. Gates are generally open during normal business hours from 7:00 a.m. to 5:00 p.m. Monday through Friday and locked each evening. There is wired telephone service in the main office area and at the director's housing location to contact emergency services. Though generally limited, there are also remote locations throughout the Ranch with sufficient cellular phone coverage to reach emergency services. There is also a two-way radio system used by Ranch staff and visitors for onsite communication needs. Facilities found unsecured and maintenance problems (e.g., broken locks) are reported immediately to a SPR facilities and equipment specialist and secured as needed.

On-campus residents in residence halls or apartments should report any residence facilities maintenance needs, such as inoperative door or window locks, non-functioning lights, broken windows, and torn window screens promptly to University Housing staff. University Housing staff will coordinate all requests to facilitate timely repair.

Residents living in Ag Housing should report any residence facilities maintenance needs, such as inoperative door or window locks, non-functioning lights, broken windows, and torn window screens promptly to their supervisor and the College of Agriculture, Food and Environmental Sciences' Dean's Office who will coordinate all requests to facilitate timely repair.

All members of the campus community are encouraged to report maintenance needs, such as non-functioning street or parking lot lights, landscaping that needs trimming for safety reasons, or any other issue directly to Facilities Customer and Business Services at (805) 756-5555. Facility Services staff, including custodial workers, landscapers and building trade employees also participate in a cooperative relationship with the campus community to promote and maintain a safe campus environment. Custodial staff ensure buildings and spaces are appropriately locked or otherwise secured after nightly servicing. Any issues with securing a building are immediately reported to Cal Poly Police and a locksmith is called out to secure the building.

Campus facilities and grounds are frequently checked by various entities for safety consideration and maintenance. Cal Poly Police Department conducts patrols 24 hours a day, 7 days a week of all campus grounds, buildings, roadways, pathways, parking facilities and lots. Security concerns, such as broken lighting in parking areas and pathways, are promptly reported to facilities personnel for maintenance. Environmental Health and Safety is responsible for and conducts facility safety inspections throughout the year including but not limited to egress and evacuation routes, lighting in stairwells and hallways, and fire alarm testing/evacuation. In addition, University Housing staff are required to report any building safety concerns to the proper department for attention, repair, and/or correction depending on the concern (Cal Poly Police, Facilities, Environmental Health and Safety, etc.)

The University takes appropriate precautions to provide security during maintenance of facilities. Routine maintenance of facilities is conducted primarily by University employees. Maintenance and custodial employees in the campus residences are appropriately supervised and do not enter private rooms without University direction. Contractors in the campus residences work either in empty buildings or directly under supervision of University employees. General contractors on campus are also responsible for security for the facilities in which they are working and the sole occupant (new construction or empty facilities). Specific direction and a University liaison are provided for each contractor/project.

SYSTEMWIDE LAW ENFORCEMENT POLICY, LAW ENFORCEMENT AUTHORITY

Persons employed and compensated as members of a California State University police department, when so appointed and duly sworn, are peace officers. However, such peace officers shall not exercise their powers or authority¹ except (a) at the headquarters or upon any campus of the California State University and in an area within one mile of the exterior boundaries of each campus or the headquarters, and in or about other grounds or properties owned, operated, controlled, or administered by the California State University, or by trustees or the state on behalf of the California State University, and (b) as provided in Section 830.2 of the Penal Code.

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

- a. When the officer has probable cause to believe the person committed a felony.
- b. When the officer has probable cause to believe the person has committed a misdemeanor in the presence of the officer and the officer reasonably believes there is immediate danger to person or property or of escape.
- c. When the officer has probable cause to believe the person has committed a misdemeanor for which an arrest is authorized even if not committed in the presence of the officer such as certain domestic violence

¹ Including the authority to make arrests

offenses and there is immediate danger to person or property or of escape or the arrest is mandated by statute.

- d. When authorized by a cross jurisdictional agreement with the jurisdiction in which the arrest is made.
- e. In compliance with an arrest warrant.

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

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

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

Law Enforcement Interagency Cooperation

Cal Poly Police Department has an excellent rapport and effective relationships with allied law enforcement agencies as described below:

City of San Luis Obispo Police Department (SLOPD)

Cal Poly Police maintains an excellent relationship with the City of San Luis Obispo, which borders the campus. The San Luis Obispo Police Department helps to maintain a safer campus by providing mutual aid assistance when requested and jointly trains with Cal Poly Police officers throughout the year. Pursuant to a Memorandum of Understanding (MOU), Cal Poly Police and SLOPD share congruent jurisdiction within a one-mile radius extending from campus borders into the City of San Luis Obispo. Cal Poly Police officers proactively patrol within this one-mile radius and have the ability to enforce city ordinances and issue municipal citations for public disorder crimes.

San Luis Obispo County Sheriff's Office

Pursuant to a Memorandum of Understanding (MOU), if a major crime occurs on campus that exhausts the resources of the Cal Poly Police, the San Luis Obispo Sheriff's Department shall be asked to assist with their resources. All other crimes are routinely investigated by members of the Cal Poly Police Department. The Cal Poly Police Department also partners with the County of San Luis Obispo in county-wide emergency management. San Luis Obispo County also has specialized units such as K-9, Victim Services, SWAT, and Bomb Squad units that may be called to assist if needed.

Federal and State Law Enforcement

Cal Poly Police may also utilize the services of the California Highway Patrol (CHP), U.S. Secret Service, and FBI while investigating major crimes or to provide security during events or for public figures who may visit the campus.

Monitoring and Recording Crime Activity at Noncampus Locations of Student Organizations

The campus records and monitors, via local law enforcement agencies, criminal activity at noncampus locations of student organizations officially recognized by the campus, including student organizations with noncampus housing facilities. These agencies include, but are not limited to, the San Luis Obispo Police Department and the San Luis Obispo County Sheriff's Office. Crimes reported as occurring at locations outside the physical boundaries of the University are generally investigated by the agency having primary jurisdiction over the location. These include campus recognized fraternity and sorority houses, which are located within the City and County of San Luis Obispo. This information is requested by the University and published in the report; however other police agencies are not required by law to provide the requested information.

SECURITY AWARENESS AND CRIME PREVENTION PROGRAMS

The Cal Poly Police Department stresses the importance of security awareness and crime prevention. The department coordinates and administers programs available to members of the campus community and encourages students and employees to be responsible for their personal safety and the safety of others. Cal Poly Police work closely with University Housing staff to provide training and educational information on crime prevention and personal safety techniques throughout the year. Cal Poly Police, Department of Emergency Management, Housing staff, and Safer staff provide presentations of campus safety policies and procedures to all incoming students and their parents at mandatory orientation sessions for all incoming students before they arrive at Cal Poly, and also during mandatory Week of Welcome sessions for all first-year students and residents the week before classes begin.

During mandatory annual orientation sessions, students and parents are informed of safety services offered by Cal Poly Police as well as the San Luis Obispo Police Department. These sessions address topics including personal safety awareness, sexual and dating violence prevention, alcohol and other drugs awareness, protection of personal property, bystander intervention and affirmative consent, and the role of each community member in the development of an overall sense of safety for their own security and the security of others. The sessions also address campus security, inform them about crime on campus and the surrounding neighborhoods, and provide crime prevention information and personal measures to prevent crime. Informal or formal lectures on personal safety, including active shooter training, can be scheduled throughout the year for any size group by contacting Cal Poly Police directly at (805) 756-6652. The campus has also placed Emergency Blue Light phones throughout campus which connect a caller directly to Cal Poly Police Dispatch. During the academic year, Cal Poly Public Safety also provides a free safety Mustang Shuttle seven days a week from 5:30 p.m. to 12:10 a.m. and Mustang Patrol, a walking escort program, available to all students, faculty, and staff on Sunday-Thursday 7 p.m. to 11:00 p.m. and Friday-Saturdays from 8:00 p.m. to 2:00 a.m. to any location on campus as an alternative to walking alone at night.

Cal Poly Police Department has also implemented the safety app, Rave Guardian. Rave Guardian offers Cal Poly users a single safety app that can send anonymous tips, set a safety timer for self-guided on-campus safety walks, text Mustang Patrol directly for safety walks, connect to 24-hour police or support services, and maintain easy emergency communication directly with Cal Poly Police. More information can be found here:

<https://afd.calpoly.edu/parking/safetyprograms/>

The following is a list of programs offered by Cal Poly Police:

Program Type	Audience	Frequency	Description
Railroad Safety (bicycle and pedestrian)	Students, Staff and Faculty	Upon Request	Safety information regarding railroad safety specific to bicycle and pedestrians. Operation Lifesaver Rail Safety Education format.
Personal safety	Students, Staff and Faculty	Upon Request	Address current trends as well as resources both on and off campus.
Active shooter	Students, Staff and Faculty	Upon Request	Prevention, behaviors of concern, surviving, and law enforcement response.
Coffee with the Cops	Residence Hall students	Upon Request	Community building and safety information sessions.
Fire safety	Students and Staff	Upon Request	Evacuation locations, fire extinguisher use, prevention and escape.
ID theft prevention	Students, Staff and Faculty	Upon Request	Current trends and prevention.
Property theft prevention	Students, Staff and Faculty	Upon Request	Current trends and prevention.
Bicycle and Skateboarding Diversion and Safety Class	Students, Staff and Faculty	Upon Request	Laws pertaining to bicycles, skateboards, motorized skateboards, roller skates, roller blades, coasters or similar devices. League of American Bicyclist and NHTSA format.
Alcohol and Drugs Prevention	Students, Staff and Faculty	Upon Request	Laws pertaining to alcohol and drug use/violations and prevention.
Sexual & Dating Violence Prevention	Students, Staff and Faculty	Upon Request	Prevention, advocates (on and off campus), Title IX, law enforcement response, bystander.
Bystander Intervention Prevention	Students, Staff and Faculty	Upon Request	Informing students that they are capable of safely intervening in a situation that may be making others feel unsafe.
Gender Based Violence Prevention	Students, Staff and Faculty	Upon Request	To enhance gender-based violence prevention and response efforts on campus and the surrounding community.

POSSESSION, USE, SALE AND ENFORCEMENT OF FEDERAL AND STATE ALCOHOL AND DRUG LAWS

Cal Poly is fully committed to achieving an alcohol- and drug-free environment for its students and employees. Federal law requires Cal Poly to create and maintain a drug-free environment and implement a prevention program for students and employees.

California's Legalization of Cannabis Does Not Alter the Drug-Free Workplace Policy

California's legalization of cannabis did not alter the Drug-Free Workplace Policy. Cannabis remains a controlled substance under federal law. As a recipient of federal funding, Cal Poly has a legal obligation to maintain a drug-free community, prevent illegal drug use, and discipline employees who unlawfully manufacture, possess, distribute, dispense or use illegal drugs on university property or activities.

STANDARDS OF CONDUCT

Cal Poly employees and students are expected to comply with campus rules and regulations, which expressly prohibit the unlawful manufacture, use, sale, purchase, transfer, or possession of controlled substances, as defined in schedules I through V of the Controlled Substances Act (21 U.S.C. §812) and 21 C.F.R. Part1308. In addition, campus regulations prohibit employees and students from being under the influence of alcohol and/or any legal or illegal drug while engaged in work on or off campus. Legally prescribed medications that do not adversely affect the employee's or student's work ability, job performance, or the safety of that individual or others, are an exception to this policy. The use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs is prohibited. Similarly, the use, possession, manufacture, or distribution of alcohol beverages (except as expressly permitted by law and University regulations) is prohibited. Cal Poly Police Department enforces laws regulating alcohol and drugs, including state underage drinking laws. Students, faculty, and staff in violation of alcohol and drug laws may also be referred to the offices of Student Rights and Responsibilities, Human Resources, or Academic Personnel for administrative discipline.

POSSIBLE SANCTIONS AND PENALTIES

Student violators are subject to discipline through the Student Conduct process which may result in either probation, suspension, or expulsion from the University and/or the CSU system. This may also include removal from University Housing. Parents or guardians may be notified about any disciplinary violation involving alcohol or a controlled substance that has been committed by a student who is under the age of 21.

Employees violating this policy are subject to discipline up to and including dismissal. In addition to, or in lieu of discipline, Cal Poly may require employees violating the policy to participate in a drug-use rehabilitation program.

HEALTH RISKS ASSOCIATED WITH ALCOHOL AND OTHER DRUG ABUSE

Drinking alcohol and other drug misuse can cause a host of negative health outcomes. Overdose and driving while intoxicated are the most recognized but alcohol and drug misuse have been linked to higher rates of cancer, heart disease and cognitive impairment, unintended pregnancy, sexually transmitted infections, and they are associated with higher rates of suicide, among a number of other negative health outcomes.

Health Effects of Alcohol and Other Drugs:

- [Health Effects of Alcohol Use](#)
- [Evaluating Your Drinking](#)
- [Other Health Effects](#)

Fentanyl

According to [local data](#), fentanyl has been found in much of the illegal drug market—including non-opioids. Rates of overdose deaths involving synthetic opioids other than methadone, which includes fentanyl and fentanyl analogs, increased over 56% from 2019 to 2020. Overdose deaths involving synthetic opioids were more than 18 times higher in 2020 than in 2013.

- [Fentanyl Facts](#)
- [Reversing Overdose with Naloxone](#)

STUDENT ASSISTANCE FOR ALCOHOL AND OTHER DRUG ABUSE

Students are encouraged to seek assistance for alcohol and other drug problems. Students seeking guidance and referrals for drug and alcohol counseling may contact Campus Health and Wellbeing, which offers students counseling and resources for alcohol and other drug use.

[Mustangs for Recovery](#) is an on-campus resource and sober-friendly environment for students in recovery, seeking recovery, or those affected by the addiction of a friend or family member.

Overdose Prevention

- Reversing Overdose with Naloxone: [National Institute on Drug Abuse](#)
- Current students can access naloxone through the CHW pharmacy without a prescription or come to Wellbeing Services (lower level of the Health Center) during drop-in hours, Tuesday-Thursday 11:00 am-12:00 pm
- For more information or to schedule a different time contact wellbeing@calpoly.edu
- To schedule a training and receive Narcan contact narcan-wellbeing@calpoly.edu

EMPLOYEE ASSISTANCE FOR ALCOHOL AND OTHER DRUG ABUSE

Cal Poly recognizes drug and alcohol dependency as a treatable condition and offers employee support programs for individuals with substance dependency. Employees in need of guidance and referrals for drug and alcohol counseling may contact [LifeMatters](#), the university's employee assistance program (EAP) provider, for confidential assistance.

[LifeMatters](#) provides information, evaluation, counseling, and referral services to employees seeking assistance with personal, emotional, substance abuse or chemical dependency. LifeMatters provides up to three (3) free counseling sessions for employees and/or their family members to assist with problems related to substance abuse or chemical dependency. LifeMatters can be reached directly at (800) 367-7474 or at mylifematters.com (login: calpoly) More information is available on the [Human Resources website](#).

Employees are encouraged to seek assistance for drug and alcohol related problems. Support services may be provided by your medical plan, and you are encouraged to contact your provider for details.

DRUG-FREE AWARENESS RESOURCES

- Dangers of Drug Abuse - [National Institute on Drug Abuse](#)

- U.S. Dept. of Education - [Higher Education Drug-Free Campus Regulations](#)
- [Drug Enforcement Administration](#)

UNIVERSITY POLICIES

- [Systemwide Policy Sales, Service, and Advertising of Alcoholic Beverages](#)
- [Systemwide Policy on Smoke and Tobacco Free Environment](#)
- [Cal Poly Smoking Policy](#)
- [Cal Poly Alcohol Policy](#)
- [Cal Poly Drug and Alcohol-Free Workplace](#)
- [Standards for Student Conduct](#)

ALCOHOL AND OTHER DRUG PREVENTION PROGRAMS

The following is a list of programs Cal Poly offers designed to increase awareness of the risks of alcohol and other drugs:

Program or Initiative Name	Leading Organization	Audience	Type of Program Frequency	Description
Housing Programming	Health Education & Peer Health Educators	On-Campus Residents	Workshops, Presentations; ongoing	University Housing in collaboration with the peer ACOD team, offers multiple programs throughout the academic year in the Residence Halls and apartments that focus on alcohol and drug awareness, safer partying tools, values identification as they relate to use, and confronting incorrect assumptions about AOD use in students.

Program or Initiative Name	Leading Organization	Audience	Type of Program Frequency	Description
SLO Days: Summer Orientation	New Student & Transition Programs (NSTP)	Incoming and Parents & NSTP student Leaders	Presentation; Annually (several sessions throughout summer)	All parents & supporters who attend mandatory orientation receive information and education about alcohol, overdose, mixing substances, and the importance of establishing communication with their students. NSTP leaders are versed in discussing AOD topics with incoming students and encouraged to utilize their positions of power to help set more accurate norms and expectations.
“Not Anymore” Online Programs	Office of Student Rights & Responsibilities	Incoming & Returning Students	Annual Training	These are mandatory training programs that must be completed by all new and continuing students at the beginning of each academic year. The AOD educational modules focus on dispelling misconceptions of drug and alcohol use in college, reiterate safety and overdose prevention, and educate incoming students about the ramifications of drug and alcohol use.

Program or Initiative Name	Leading Organization	Audience	Type of Program Frequency	Description
Week of Welcome (WOW)	NSTP	Incoming Students & WOW student leaders	Presentation; Annual	All incoming students attending mandatory WOW receive a one-hour presentation on norms, expectations, possible physical & mental ramifications of AOD use, overdose awareness, the Good Samaritan Laws and general safety with alcohol, cannabis, study drugs, opiates, and mixing substances. The student leaders are led through a training to encourage reflection on their roles as leaders for incoming students, setting health, caring and supportive norms, and the importance of maintaining an AOD free orientation experience.
Fraternity & Sorority Narcan and overdose awareness	Wellbeing Services	Fraternity and Sorority leadership	Small Group Facilitation; annually	The leadership teams from each chapter attend a brief training outlining the dangers of illicit drugs and the inclusion of fentanyl in the local drug supply. They are encouraged to maintain awareness that any illicit drug may be cut with this potentially deadly opiate, how to recognize the signs of overdose, and where Narcan—an opioid antagonist—can be obtained.
New Member Institute	Fraternity & Sorority Life (FSL)	New Greek Members	Presentation; Quarterly	Workshop on hazing prevention, healthy relationships, diversity and inclusion, alcohol consumption, sexual assault, bystander intervention, and drug and alcohol abuse. Education is conducted by Dean of Students, Campus Health and Wellbeing, Pride Center, Gender

Program or Initiative Name	Leading Organization	Audience	Type of Program Frequency	Description
				Equity Center, WITH US, and Safer. AOD specific presentation includes awareness and education as well as reflection of how their use may impact their chapter.
Classroom Presentations	Peer Health Educators	Students	Lectures and Workshops, by request	ACOD offers classroom presentations to a broad array of classes on the foundations of tools for safer partying, awareness of overdose, and direct conversations about the realities of AOD use. These presentations are based in de-stigmatization and non-shaming conversational tones.
BASICS/CASICS (Brief Alcohol/ Cannabis Screening & Intervention for College Students)	Wellbeing Services	Students	OSSR or Housing sanction or self-referral	Rooted in Motivational Interviewing techniques and considered a best practice for moderate- significant use issues, BASICS/CASICS are a 2-3 session model allowing students to reflect upon their AOD use and negative consequences that they have suffered as a result. Students may be referred as the result of a significant or multiple AOD sanctions or may self-refer.
Health & Safety staff advisor for Theta Chi	AOD Prevention Specialist	Theta Chi membership	Monthly	Monthly presentations focusing on changing the chapter's culture of drinking and drug use. Trainings included safety with drugs and alcohol, Narcan and overdose awareness and prevention, and talking with a friend about drug & alcohol use.

Program or Initiative Name	Leading Organization	Audience	Type of Program Frequency	Description
First 6 Weeks programming	PULSE (ACOD)	Students, Faculty and Staff	Events; Annually	Freaky Fall programming occurs at the end of the first six weeks of school and aligns with Halloween and the UCSB v. Cal Poly soccer game. Educational efforts are heavily safety focused with additional education about increases in possible legal and conduct related ramifications.
St. Patrick's Day	PULSE (ACOD)	Students, Faculty and Staff	Events; Annually	St. Patrick's Day and the weeks surrounding it, has been identified in the AOD Task Force "High-Risk Guidebook" as one of the higher risk days for drug and alcohol use on campus. The ACOD peer team conducts a comprehensive campaign including: social media education, flyer and specific residence life messaging, and collaborative alternative events in the identified days leading up to St. Patrick's Day.
4/20 Education	PULSE (ACOD)	Graduating Students	Annual	This campaign focuses on the legacy of students' time at Cal Poly and how that may be affected by overuse before or at commencement. Also focuses on safety and DUI awareness.
Commencement	PULSE (ACOD)	Graduating students	Annual	This campaign focuses on the legacy of students' time at Cal Poly and how that may be affected by overuse before or at commencement. Also focuses on safety and DUI awareness.

Program or Initiative Name	Leading Organization	Audience	Type of Program Frequency	Description
Mustangs for Recovery meetings	Mustangs for Recovery	Students and community members	Peer support; ongoing	Mustangs for Recovery events center the experience of students in recovery, seeking recovery, or affected by the use of a friend or family member. Events include weekly recovery meetings, monthly social events, and weekly meetings for those on the journey towards sobriety. Also offered are training and mentorship opportunities for students to connect with staff & faculty who are in recovery.
Mustangs for Recovery Events	Mustangs for Recovery w/various partnerships	Campus and Community members	Ongoing; episodic events	<p>Mustangs for Recovery hosts multiple events throughout the year to grow community and awareness for those seeking or in recovery.</p> <p>-Family dinner: hosted at various times during the year (particularly larger holidays) open to all students in recovery or allies</p> <p>-Game Nights: weekly collaboration with Cal Poly, UCSB, UCLA, Sac State, and East Bay to allow a safe and supportive sober Saturday Night</p> <p>-Sober Tailgates: hosted in the CHW plaza to encourage students to take part in the “college experience” without AOD involvement and begin to destigmatize those in recovery</p>

Program or Initiative Name	Leading Organization	Audience	Type of Program Frequency	Description
ACOD AOD presentations	PULSE (ACOD)	Students	Workshops, Presentations; Ongoing	ACOS, the Alcohol, Cannabis and Other Drug peer team advised by the AOD Prevention Specialist, offers workshops to the campus community regarding general party safety, alcohol and other drug safety, overdose awareness, how to talk to a friend about substance use concerns, and other specific AOD education as requested.
Social Media Outreach	PULSE (ACOD) & Mustangs for Recovery	Campus and Community Members	Ongoing	Safer utilizes their social media platform (particularly Instagram) to engage students and meet them where they are. Successful campaigns include entirely virtual Awareness & Prevention Months, boundary setting, Be That Mustang, interactive Myths vs Facts, IGTV interviews, and more.
Athletics Trainings	AOD Prevention Specialist	Student - Athletes	Fall quarter, Annually	All new and returning student-athletes complete mandatory trainings about alcohol and drug use with a focus on binge drinking, overdose awareness, and ways to manage the stressors of being a student-athlete.

Program or Initiative Name	Leading Organization	Audience	Type of Program Frequency	Description
Peer Health Coach Consultation	PULSE (PCS)	Students	Consultations; Ongoing	Students who are referred for lower risk alcohol or drug involvement meet with peer health coaches trained to utilize Motivational Interviewing and strengths-based interventions to help motivate behavior change and safety with AOD. These students may be self-referred or mandated through a conduct process.
Overdose Prevention Education & Narcan Distribution	AOD Prevention Specialist	Students, Staff & Faculty	Presentations; Ongoing	With the increase of fentanyl in the illicit drug supply and availability of Narcan through various state grants, the AOD Prevention Specialist offered multiple trainings to students and staff regarding opiate awareness, signs of overdose, and ways to obtain Narcan.
ScreenU	AOD Prevention Specialist	Students, Staff & Faculty	Ongoing; available virtually	ScreenU is an SBIRT software program designed and administered by HECAOD. SBIRT (Screening, Brief intervention and Referral to Treatment) have been shown to have significant impact as early intervention strategies. Launched in Winter 2021 anonymous assessments available to all students focused on alcohol, cannabis, or prescription drug use. Students referred through CHW providers, interventions with Health Educators, or by self-selection through the Wellbeing Assessment page.

Program or Initiative Name	Leading Organization	Audience	Type of Program Frequency	Description
With Us	Student Affairs	Students	Ongoing	The With Us program offers prevention strategies for alcohol poisoning by educating teens, young adults and parents on the dangers and symptoms of alcohol overdose. Aware Awake Alive generates awareness and dialogue around amnesty-based policy and legislation, and creates an atmosphere of partnership in which young people, parents, educators, and like-minded organizations share responsibility for supporting and educating one another.

SEXUAL VIOLENCE PREVENTION

The California State University (CSU) promotes a safe living, learning, and working environment through systemwide policies and through a variety of campus educational programs provided to students, faculty, and staff. The CSU prohibits dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, and provides programs to prevent, educate, and promote awareness of these topics, in accordance with the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation (“Nondiscrimination Policy”). These prohibited behaviors are also crimes as defined by 34 C.F.R. §668.46, and California criminal definitions.

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

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

Campus programs must include primary prevention and awareness training: (1) for all new Students²; and new Employees; (2) refresher programs at least annually for all Students; (3) twice a year for all Students who serve as advisors in residence halls; (4) annually for all Student members of fraternities and sororities; (5) annually for all student-athletes and coaches; and (6) annually for all Employees consistent with their role in responding to and reporting incidents. Ongoing prevention and awareness campaigns for all Students and Employees will also be conducted. The CSU system will provide online training for all Employees and each campus will provide online training for all Students. All training must be consistent with the applicable CSU policy and state and federal regulations.

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

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

TRAINING FOR EMPLOYEES

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

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

PREVENTION AND AWARENESS PROGRAMMING

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

² This includes incoming transfer, graduate, online, and extended education Students. The programs should occur no later than the first few weeks of the semester/quarter.

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

INFORMATION ABOUT CAMPUS REPORTING, ADJUDICATION, AND DISCIPLINE PROCEDURES

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

Campuses apply the relevant CSU policy and procedures when responding to all reports of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking. Campuses shall establish processes to provide a print and/or digital copy of the “Rights and Options for Victims” as outlined in the CSU Nondiscrimination Policy to any community member who reports experiencing such harm, regardless of whether the incident occurred on or off campus.

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

- A statement explaining that the campus' primary concern is the safety of members of the campus community; that the use of alcohol or drugs never makes the victim/survivor at fault for sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking; that Students who experience or witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking should not be deterred from reporting incidents out of a concern that they might be disciplined for related violations of drug, alcohol, or other CSU policies; and that Students who experience or witness sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking shall not be subject to discipline for related violations of conduct policies at or near the time of the misconduct unless the violation is egregious (including actions that place the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.)
- A statement that CSU policy prohibits retaliation against a person who: reports sex discrimination, sexual harassment, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking; assists someone with a report of such conduct; or participates in any manner in a related investigation or resolution.

- Retaliation means that a substantial motivating reason for an Adverse Action taken against a person was because the person has or is believed to have:
 - Exercised their rights under this policy,
 - Reported or opposed conduct which was reasonably and in good faith believed to be in violation of this policy,
 - Assisted or participated in an investigation/proceeding under this policy, regardless of whether the Complaint was substantiated,
 - Assisted someone in reporting or opposing a violation of this policy or assisted someone in reporting or opposing Retaliation under this policy.
 - Adverse Action means an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action.
 - Retaliation may occur whether or not there is a power or authority differential between the individuals involved.
- What someone should do if they have experienced or witnessed sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- Individuals to whom incidents may be reported along with information regarding what degree of confidentiality may be maintained by those individuals.
- The availability of, and contact information for, campus and community resources for victims/survivors of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
- A description of campus and systemwide policies and disciplinary procedures available for addressing alleged violations and the consequences of violating these policies, including the fact that such proceedings shall:
 - Provide a prompt, fair, and impartial investigation and resolution; and,
 - Be conducted by officials who receive annual training on issues related to sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking and how to conduct an investigation and hearing process that protects the safety of victims/survivors and promotes accountability.
- The fact that the Complainant and the Respondent will be afforded the same opportunities to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice.
- The fact that both the Complainant and the Respondent shall be simultaneously informed in writing of:
 - The outcome of any disciplinary proceedings that arises from an allegation of a sex discrimination, sexual harassment, sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.
 - The CSU's procedures for the Complainant or Respondent to appeal the results of the disciplinary proceeding.
 - Any change to the disciplinary results that occurs prior to the time such results become final.
 - When disciplinary results become final.
- Possible sanctions or remedies the campus may impose following the final determination of a campus disciplinary procedure regarding sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking.

- How the campus will protect the confidentiality of Complainants, including how publicly available recordkeeping (e.g., campus Clery reports) will be accomplished without the inclusion of identifying information about the Complainant to the extent permissible by law.
- That all students and employees must receive written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims/survivors, both on campus and in the community.³
- That all students and employees who report being a victim/survivor of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking must receive written notification of available assistance in, and how to request changing academic, living, transportation, and working situations, if requested and if such accommodations are reasonably available, regardless of whether the victim/survivor chooses to report the incident to campus police or local law enforcement.
- Procedures victims/survivors are recommended to follow if sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking has occurred, as well as the fact that the following written information must be provided to victims:
 - The importance of preserving evidence following an incident of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking, which may also be used to obtain a temporary restraining or other protective order.
 - The name and contact information of the campus Employee(s) to whom the alleged incident should be reported.
 - Reporting to law enforcement and campus authorities, including the option to: (a) notify law enforcement authorities, including on-campus and local police; (b) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and, (c) decline to notify such authorities.
 - Where applicable, the rights of victims/survivors and the campus' responsibilities regarding orders of protection, no contact directives, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.

RISK REDUCTION

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

SEXUAL MISCONDUCT/SEXUAL ASSAULT

The CSU is committed to maintaining a safe campus for all members of the CSU community. Risk reduction strategies are focused on creating a culture of respect, reducing the risk for perpetration and for victimization. It is important to emphasize that only those who engage in sexual misconduct/sexual assault, dating violence,

³ Cal Poly complies with this requirement by providing this information to the campus community in writing each year through online training assignment.

domestic violence, sexual exploitation, and stalking are responsible for those actions. With this in mind, the following tips provide some possible strategies to help promote a caring community and mitigate personal risk.

- Communication is key to healthy relationships and healthy sexual interactions. Obtain Affirmative Consent from your partner for all sexual activity.
 - Affirmative Consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity.
 - Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.
 - Affirmative Consent can be withdrawn or revoked at any time.
 - Affirmative Consent to sexual activity in the past does not mean consent in future – there must be voluntary consent for all sexual activity.
 - Lack of protest, resistance, or mere silence does not equal Affirmative Consent.
 - Sexual activity between a minor (a person younger than 18 years old) and a person who is at least 18 and two years older than the minor always constitutes Sexual Misconduct, even if there is Affirmative Consent to all sexual activity.
- Do not engage in sexual activity with someone who is incapacitated.
 - A person who is incapacitated by alcohol or drugs cannot give Affirmative Consent.
 - A person who is unconscious or asleep cannot give Affirmative Consent.
 - A person’s own intoxication or incapacitation does not diminish their responsibility to obtain Affirmative Consent from any person with whom they engage in sexual activity.
- Signs that someone does not respect the importance of consent:
 - They pressure or guilt you into doing things you may not want to do.
 - They suggest you “owe” them something (including sexual acts) because you’re dating or because they have done or claim to have done something for you.
 - They react negatively with sadness, anger, or resentment if you don’t consent to something or don’t do so immediately

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

DATING/DOMESTIC VIOLENCE

Common signs of abusive behavior in a relationship

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

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

- Intimidating one's partner with weapons
- Destroying a partner's belongings or home

If you notice warning signs in your relationship or that of someone you care about, remember there are support resources available on campus, including individuals with whom you can speak confidentially and who can assist you with making a safety plan. A good starting place for a list of resources is your campus Title IX webpage. You can also contact the National Domestic Violence Hotline at 1-800-799-SAFE (7233), which is free and confidential.

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

Abusive behaviors can be difficult to recognize in a relationship, even if you are the one engaging in them. In addition to some of the common signs of abusive behavior outlined above, ask yourself if your partner:

- Seems nervous around you,
- Seems afraid of you,
- Flinches, cringes, or retreats when you are emotional,
- Seems scared, or unable to contradict you or speak up around you, and/or
- Restricts their own interactions with friends, family, coworkers, or others in order to avoid upsetting you

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

You could consider contacting the psychological counseling center on your campus to speak with a counselor confidentially, or you could contact the National Domestic Violence Hotline at 1-800-799-SAFE (7233), which is free and confidential.

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

STALKING

Respecting boundaries

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

Recognizing stalking behaviors

A person who engages in stalking may:

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

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

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

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

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

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

BYSTANDER INTERVENTION

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

This training encourages employees and students to:

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

OTHER EVENTS AND PROGRAMS

Trained facilitators from Safer, Civil Rights & Compliance Office, Cal Poly Police Department and additional areas within Student Affairs provide presentations, workshops, and other educational events and programs to the Cal Poly community. Safer also has multi-week awareness programs, training, primary prevention programs, bystander intervention training, student leadership opportunities, and ongoing prevention and awareness campaigns for the campus community. Some are voluntary and others are mandatory. Over the course of the

2022 calendar year, Safer conducted 180 educational presentations and events, reaching 14,746 students, 966 faculty/staff and 3,296 community members, parents and supporters - totaling 19,008 touchpoints for the 2022 calendar year. Descriptions of some of these programs offered to the campus community are listed below.

Program or Initiative Name	Leading Organization	Audience	Type of Program, Frequency	Description
Housing Programming	Safer	On-Campus Residents	Workshops, Presentation; Ongoing	Safer, in collaboration with University Housing, offers multiple programs throughout the academic year in the Residence Halls and apartments that focus on healthy relationships, consent & alcohol, boundary setting, and other pro-social norm setting campaigns.
Professional Trainings for Faculty and Staff	Safer	Faculty and Staff	Workshops; Ongoing	Provide trainings on primary prevention, best practices for responding to disclosures of violence, and creating trauma-informed environments. Formats include workshops, quarterly book circles, small group dialogues and a monthly newsletter.
SLO Days - Summer Orientation	New Student & Transition Programs (NSTP)	Incoming Students and Parents	Presentation; Annually (several sessions throughout summer)	All parents and supporters who attend SLO Days orientation receive information from Safer and CRCO on consent, safety, resources and how to help if made aware of any Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking. Safer also hosted a breakout session available to students regarding healthy relationships.
Online Programs	Office of Student Rights & Responsibilities (OSRR)	Incoming Students	Training; Annual	These are mandatory training programs that must be completed by all new and continuing students at the beginning of each academic year. The educational modules focus on education and risk reduction regarding Sexual Misconduct, Dating Violence, Domestic Violence, Stalking, Bystander Intervention, Consent and Alcohol and Other Drugs.
Gender Equity and Title IX	Civil Rights & Compliance Office (CRCO)	New Employees	Online Training; Annually	This course provides practical training for identifying, reporting, and preventing campus sexual violence, as well as assisting victims of sexual assault. It also provides state-specific legal definitions of sexual violence, and describes victim protections, bystander intervention strategies, and school disciplinary proceedings.

Program or Initiative Name	Leading Organization	Audience	Type of Program, Frequency	Description
Week of Welcome (WOW)	NSTP/Safer	Incoming Students	Presentation; Annual	All incoming students attending mandatory WOW receive a one-hour presentation on Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking, Bystander Intervention, Healthy Relationships, Consent and the Role of Alcohol. They will also go through an awareness gallery that educates students on the prevalence of Sexual Misconduct and what they can do to help prevent Sexual Misconduct.
Violence Prevention Chair Training for Fraternity and Sorority Life	Safer	Fraternity and Sorority Members	Small Group Facilitation; Ongoing	Representatives from each FSL chapter complete an annual training, with a 1-hour orientation. Monthly check-in meetings occur with the Prevention Specialist. Completion of this training allows members to be liaisons for their chapters in receiving continuing education on violence prevention and survivor support.
Safer Leadership Training - Students	Safer	Students	Small Group Training; Quarterly	This in-depth training spans 8 weeks, with 2 hours per session. It offers foundational knowledge about gender- and power-based violence on campus, sharing best practices and primary prevention strategies that lead to an increased sense of confidence and responsibility to address this topic among peers. Campus and community partners from CRCO, Student Diversity & Belonging, CPPD, Lumina Alliance and more are invited to present information to the group.
Safer Leadership Training – Faculty & Staff	Safer	Faculty and Staff	Small Group Training; Quarterly	An abridged 3-session training of the above, focusing on the effects of trauma, how to respond and create trauma-informed educational spaces.
New Member Institute	Fraternity & Sorority Life (FSL)	New Greek Members	Presentation; Quarterly	Workshop on hazing prevention, healthy relationships, diversity and inclusion, alcohol consumption, sexual assault, bystander intervention, and drug and alcohol abuse. Education is conducted by Dean of Students, Campus Health and Wellbeing, Pride Center, Gender Equity Center, WITH US, and Safer.

Program or Initiative Name	Leading Organization	Audience	Type of Program, Frequency	Description
Classroom Presentations	Safer	Students	Lectures and Workshops; by request	Safer offers classroom presentations to a broad array of classes on the foundations of violence, affirmative consent, how to seek support and respond to disclosures.
University Housing Resident Advisor Training	Housing, Safer, CRCO	Resident Advisors	Presentation; Bi-Annually	All new and returning Resident Advisors receive bi-annual training from Safer and Title IX. Additional training is conducted through "Behind Closed Doors," an immersive role-play-based training that allows Resident Advisors to apply skills.
FSL for a Safer Campus	Safer	Fraternity and Sorority Life Students	Meetings; 2x Monthly	Regular committee meetings are held between the Prevention Specialist and FSL members. The students make monthly newsletters about violence prevention in Greek Life, develop dialogue guides for Violence Prevention Chairs, and host FSL-wide community events.
Athletes for a Safer Campus	Safer	Athletes	Meetings, monthly; annual event	Safer intern on athletics team oversees recurring committee meetings, as well as plans our Annual Night Relay.
Prevention Consultations	Safer	Students, Faculty and Staff	Meetings; by request	The Prevention Specialist offers 1:1 or group consultations regarding approaches to violence prevention. Successful collaborations include club bylaws reform, customized presentations and strategic planning input regarding organizational response to violence prevention.
Stalking Action Month (January)	Safer	Students, Faculty and Staff	Events; Annually	This month focuses on stalking, its impacts on survivors and how to prevent it. Programs are guided by professional staff and implemented by student leaders. Event and workshop topics include examining the intersections of marginalized identities with violence, technological abuse, safety planning and how to set boundaries. Events are done in collaboration with many on and off campus partners. For more information, visit safer.calpoly.edu/jansam .
Sexual Action Prevention Month (April)	Safer	Students, Faculty and Staff	Events; Annually	This month is Safer's longest standing awareness month, including numerous large scale outreach events. Topics covered throughout the month include how to infuse

Program or Initiative Name	Leading Organization	Audience	Type of Program, Frequency	Description
				trauma-informed practices into the classroom, intersections with marginalized identities, positive bystander intervention strategies. Highlight events include Denim Day, Take Back the Night, Clothesline Project. Events are done in collaboration with many on and off campus partners. For more information, visit safer.calpoly.edu/saam .
Domestic Violence Action Month (October)	Safer	Students, Faculty and Staff	Events; Annually	This awareness month focuses on creating and maintaining healthy relationships, boundary setting, safety planning, the intersections of abuse with marginalized identities, individual and collective healing and more. For more information, visit safer.calpoly.edu/dvam .
Be That Mustang Campaign	Safer	Students	Campaign; Ongoing	A social norm campaign regarding bystander intervention strategies. To view the campaign, visit safer.calpoly.edu/get-educated/bystander-intervention .
Safer and Student Diversity & Belonging Collaborative Events	Safer, SDAB	Students	Events; Ongoing	Safer and SDAB collaborate on programming that addresses the impacts of violence on marginalized communities, with an emphasis on intersectionality and community healing. Some examples of programming: <ul style="list-style-type: none"> - MultiCultural Center/Safer - Break the Silence: Reproductive and Sexual Health Stories - Black Academic Excellence Center/Safer - Black History Month - Dream Center/Safer – Undocu-Issues: Gender- & Power-Based Violence in the Undocumented Community - Men & Masculinities/Safer - Dialogue Series on Toxic Masculinity & Violence - Gender Equity Center/Safer - Tech Abuse & Online Safety
Social Media Outreach	Safer	Campus and Community Members	Ongoing	Safer utilizes their social media platform (particularly Instagram) to engage students and meet them where they're at.

Program or Initiative Name	Leading Organization	Audience	Type of Program, Frequency	Description
WOW Leader Training	NSTP, Safer, CRCO	WOW Leaders	Winter, Spring Quarters	Safer trains all incoming WOW Leaders in a train-the-trainer capacity, to provide them support and resources prior to them organizing their own group of incoming students. Information covers social norm setting, primary prevention techniques, bystander intervention, responding to disclosures, and resources.
Athletics Trainings	Safer, CRCO, Athletics	Student Athletes	Fall quarter, Annually	All new and returning student athletes complete mandatory trainings about gender- & power-based prevention and response.
PULSE Peer Health Educator Trainings	Safer/PULSE	Peer Health Educators	Spring Quarter, Annually	All incoming Peer Health Educators within PULSE are trained by Safer on primary prevention, bystander intervention, violence as a public health issue, responding to disclosures, mandated reporting requirements, and resources for survivors.
BRIDGE Workshop	Counseling Services	Students	Workshop; Quarterly	BRIDGE (Building Relationship Intimacy and Dialogue Effectiveness) focuses on identifying ways to foster healthy relationships via self-monitoring, effective communication, and conflict resolution skills. The sessions include modules dedicated to help you: (1) better understand your values and boundaries in relationships, (2) learn the role of culture in communication, different styles of communication, and strategies for effective communication, and (3) identify common causes of conflict and effective conflict management techniques.
Trauma-Informed Yoga Therapy Group	Counseling Services	Students	Therapy Group; Weekly	This group uses trauma-informed yoga as a way to assist students in healing from trauma, includes psychoeducation about the importance of movement and breathing techniques in their healing.
Female-Identified Survivors of Sexual Abuse Support Group	Counseling Services	Students	Therapy Group; Weekly	This is a support group for female-identified survivors of sexual trauma, including rape, sexual assault, abuse, exploitation, harassment, etc. The focus of the group will be on providing support to group members, normalizing their experiences, and exploring

Program or Initiative Name	Leading Organization	Audience	Type of Program, Frequency	Description
				ways of building positive self-esteem and healthy coping mechanisms.
Individual/Group Therapy	Counseling Services	Students	Individual, Group Therapy; Weekly	Counseling Services provides a variety of additional individual and group therapy options that focus on evidence-based treatment for trauma and related conditions.
Officer Institute	Fraternity & Sorority Life	All Greek Presidents and Council Officers: approx. 150 Students	Training; Annual	Education on all campus departments: including sexual assault prevention tips from Safer, health and wellbeing awareness, diversity and inclusion discussions
Greek Leadership Institute Winter	Fraternity & Sorority Life	FSL Students	Training; Once	Education on sexual assault, drugs and alcohol, bystander intervention, hate & bias, diversity and inclusion, sexual assault prevention, hazing prevention education, leadership development, COVID-19. Conducted with campus partners.

PROCEDURES TO FOLLOW IN CASES OF SEXUAL MISCONDUCT/SEXUAL ASSAULT, SEXUAL EXPLOITATION, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING

CSU POLICY DEFINITIONS

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

WRITTEN NOTIFICATION

The Title IX Coordinator will provide Complainants alleging Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence or Stalking, with the information in Attachment D to the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation - Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating and Domestic Violence, And Stalking. This same information is provided in writing to all students and employees within the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation, and as part of annually assigned training.

This written notice (annually to all students and employees, and specifically to complaints as outlined above) includes the information below, including:

- Supportive measures
- Rights and options available throughout the reporting process and/or the duration of any formal or informal complaint resolution process, including campus and criminal reporting options, available advocates, preserving evidence, medical care and treatment, and protective orders.
- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available.

You have the right to be offered and receive reasonably available support services and supportive measures, available both on and off campus. You do not have to file a formal complaint or a criminal complaint in order to receive support services and/or supportive measures. Supportive services and supportive measures include, but are not limited to, counseling, victim/survivor advocates, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. Cal Poly's Civil Rights & Compliance Office, Police Department and Safer Office can provide some of these services directly and/or provide you with information about and a referral to these and additional resources on and off campus for support.

SUPPORTIVE MEASURES

Supportive Measures are individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or Respondent regardless of whether a Formal Complaint is filed. Supportive Measures are designed to restore or preserve equal access to CSU education programs or activities, or the workplace without unreasonably burdening the other Party, including to protect the safety of all Parties or the educational or work environment. Supportive Measures may include counseling, extensions of deadlines or other course or work-related adjustments, modifications of work or class schedules, campus escorts, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The Title IX Coordinator/DHR Coordinator is responsible for coordinating the effective implementation of Supportive Measures. Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures.

The following is a list of on-campus and off-campus resources that offer a variety of services in the areas of victim advocacy, counseling, health, mental health, legal assistance, visa and immigration assistance, student financial aid and other areas. Campus advocates can help provide information about and referral to any of these resources if requested. These resources are available to victims/survivors whether or not they choose to make a criminal or administrative report.

Confidential Resources On-Campus

Cal Poly Safer

Safer is Cal Poly's prevention education & confidential advocacy resource for sexual assault, intimate partner violence, domestic violence, stalking, sexual exploitation and harassment.

Phone: 805-756-2282

<https://safer.calpoly.edu/>

Email: safer@calpoly.edu
Health Center, Building 27

Cal Poly Counseling Services

Counseling and mental health services for all Cal Poly students.

Phone: 805-756-2511

Website: <https://chw.calpoly.edu/counseling>

Email: counseling@calpoly.edu

Building 27

Campus Health & Wellbeing

CHW's physicians, nurse practitioners, physician assistants, dietician, pharmacy, laboratory, radiology, and administrative departments offer services to all enrolled students.

Phone: (805) 756-1211

Website: <https://chw.calpoly.edu/>

Email: health@calpoly.edu

Cal Poly Employee Assistance Program (EAP)

The EAP is here to help faculty, staff, and their household members with personal and workplace challenges. This program provides individual assessment and referral, solution-oriented personal issue resolution, face-to-face counseling, life management services, and other resources aimed at assisting members with a variety of issues.

Phone: (800) 367-7474

Website: <https://members2.mylifematters.com/portal/welcome/sso>

Non-Confidential Resources On-Campus

Civil Rights & Compliance Office

Maren Hufton, Assistant Vice President and Title IX Coordinator

The Civil Rights & Compliance Office is the Cal Poly campus Title IX Office. CRCO administers the systemwide CSU Nondiscrimination Policy and investigates potential violations of the CSU Nondiscrimination policy.

Phone: 805-756-6770

Email: crco@calpoly.edu

Website: <https://crco.calpoly.edu/>

Cal Poly Student Ombuds Services

The Office of Student Ombuds Services is a campus resource for all Cal Poly students. The Ombuds staff are committed to hearing about students' experiences. The office offers a safe place to go for assistance in resolving any university related issue, concern, conflict, or complaint.

Phone: 805-756-1380

Website: <https://ombuds.calpoly.edu/>

Email: ombuds@calpoly.edu

Office of Student Rights & Responsibilities

The Office of Student Rights & Responsibilities (OSRR) administers the California State University Standards for Student Conduct.

Phone: 805-756-2794

Email: osrr@calpoly.edu

Website: <https://osrr.calpoly.edu/home>

Financial Aid Office

Cal Poly's Office of Financial Aid is here to help students secure the resources to fund their education.

Phone: 805-756-2927

Email: financialaid@calpoly.edu

Website: <https://www.calpoly.edu/financial-aid>

Cal Poly International Center

The Cal Poly International Center connects students with opportunities to study, intern and research abroad, supports international students and scholars, facilitates international travel for faculty and staff, and more.

Phone: 805-756-1477

Email: international@calpoly.edu

Website: <https://international.calpoly.edu/>

Cal Poly Dream Center

The Dream Center is committed to establishing resources and programming that promotes the academic, professional, and personal development and success of all undocumented students, mixed status families, and allies at Cal Poly.

Phone: 805-756-6362

Email: dreamcenter@calpoly.edu

Website: <https://dreamcenter.calpoly.edu/>

Gender Equity Center

The Cal Poly GEC supports students of all marginalized genders, inclusive of all those who are womxn, feminine-of-center, trans, and nonbinary.

Phone: 805-756-2600

Email: genderequitycenter@calpoly.edu

Website: <https://gec.calpoly.edu/>

Building 65-217

Pride Center (LGBTQ Campus Life)

The Cal Poly Pride Center supports and empowers people of all sexual orientations, gender identities, and expressions to strengthen and unite our central coast community.

Phone: 805-756-7733

Email: pride@calpoly.edu

Website: <https://pride.calpoly.edu/>

Building 65-209

Men & Masculinities

Men & Masculinities assesses the status of men at Cal Poly, and to realize the importance of men's role in ending sexual assault.

Phone: 805-756-5836

Email: menandmasculinity@calpoly.edu

Website: <https://masculinities.calpoly.edu/>

Building 65-217F

The Black Academic Excellence Center

The Black Academic Excellence Center (BAEC) program is committed to supporting the advancement and excellence of Black students and Black student groups within the Cal Poly community.

Phone: 805-756-6774

Email: baec@calpoly.edu

Website: <https://baec.calpoly.edu/>

Native American & Indigenous Cultural Center

The Native American and Indigenous Cultural Center seeks to embrace and encourage students to (re)connect to the traditions and cultures of Native American and Indigenous peoples.

Email: naicc@calpoly.edu

Website: <https://culture.calpoly.edu/native>

Building 172- Room H1-44

Law Enforcement Resources

Cal Poly University Police Department

Emergency Phone: Dial 911

Non-Emergency Phone: (805) 756-2281

<https://afd.calpoly.edu/police/>

San Luis Obispo Police Department

Emergency: Dial 911

Non-Emergency Police Services: (805) 781-7317

San Luis Obispo County Sheriff's Department

Emergency: Dial 911

Non-Emergency Police Services: (805) 756-4550

Community, National, Global Resources

Lumina Alliance

(formerly RISE and Stand Strong)

Lumina Alliance empowers those impacted by sexual and intimate partner violence through innovative advocacy, healing, and prevention programs.

(805) 545-8888

<https://luminaalliance.org/>

Rape, Abuse, and Incest National Network (RAINN)

RAINN is the nation's largest anti-sexual violence organization and carries out programs to prevent sexual violence, help survivors, and ensure that perpetrators are brought to justice.

<https://www.rainn.org/>

National Sexual Assault Hotline

To be connected to the rape crisis center nearest you, dial 1(800) 656-4673.

SLO County Victim and Witness Assistance Services

The San Luis Obispo County Victim Witness Assistance Center works to reduce the trauma, frustration and inconvenience experienced by victims, witnesses, and family members affected by crime.

Phone: (805) 781-5821

<https://www.slocounty.ca.gov/Departments/District-Attorney/Victim-Witness-Assistance-Center.aspx>

Lumina Alliance Advocacy Services

Lumina Alliance provides a holistic legal approach to adult and youth survivors of intimate partner violence, dating violence, stalking, sexual assault, elder abuse, and human trafficking in San Luis Obispo County.

<https://luminaalliance.org/advocacy-legal-services/>

(805) 545-8888

SLO Legal Assistance Foundation

The mission of SLO Legal Assistance Foundation is to provide legal services and resources to people in need.

<https://slolaf.org/>

(805) 543-5140

California Rural Legal Assistance, Inc.

California Rural Legal Assistance, Inc. (CRLA) is a nonprofit law firm founded in 1966 to provide free civil legal services to low-income residents of California's rural counties.

<https://crla.org/>

(800) 337-0690

National Sexual Violence Resource Center (NSVRC)

Their mission is to provide leadership in preventing and responding to sexual violence through collaborating, sharing and creating resources, and promoting research.

<http://www.nsvrc.org/>

The National Human Trafficking Hotline

The National Human Trafficking Hotline connects victims and survivors of sex and labor trafficking with services and supports to get help and stay safe. The Trafficking Hotline also receives tips about potential situations of sex and labor trafficking and facilitates reporting that information to the appropriate authorities in certain cases.

Emergency: Call 911

Hotline: 1- (888) 373-7888

<https://humantraffickinghotline.org/en>

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

The U.S. Department of Health and Human Services (HHS) Office for Civil Rights (OCR) enforces federal civil rights laws, conscience and religious freedom laws, the Health Insurance Portability and Accountability Act (HIPAA) Privacy, Security, and Breach Notification Rules, and the Patient Safety Act and Rule, which together protect your fundamental rights of nondiscrimination, conscience, religious freedom, and health information privacy.

1(800) 421-3481 or ocr@ed.gov

If you wish to fill out a complaint form online with the OCR, you may do so at:

<https://www2.ed.gov/about/offices/list/ocr/complaintprocess.html>

U.S. Department of State – Office of Overseas Citizens Services

Assist victims/survivors who are overseas with local and/or US-based resources for victims of crime, including local legal representation

From the US or Canada: 1-(888)-407-4747

From overseas: +1-(202)-501-4444

<https://travel.state.gov/content/travel/en/international-travel/emergencies.html>

Regardless of whether a victim/survivor decides to maintain confidentiality, these individuals will still assist victims/survivors in receiving other necessary protection and support, such as victim advocacy, medical, mental health services, and/or legal services. However, these individuals may have limited ability to assist a victim/survivor with university academic support or accommodations, or changes to university-based living or working schedules, as such accommodations likely require the involvement of other University officials.

Accommodations can be requested by contacting Cal Poly's Title IX Coordinator:

Maren Hufton, Assistant Vice President

Civil Rights & Compliance Office

Fisher Science Building - Bld. 33, Room 290

1 Grand Avenue, San Luis Obispo, CA 93407

E-mail: crco@calpoly.edu

Phone: (805) 756-6770

Website: <https://crco.calpoly.edu/>

Office Hours: Monday – Friday (except holidays) 8:00am – 5:00pm

REPORTING OPTIONS

Reporting to University Administration

Complaints of discrimination, harassment, sexual misconduct/sexual assault, dating and domestic violence, sexual exploitation, and stalking may be addressed through the University administrative process⁴. A complainant or reporting party can report an incident to the University by contacting the Title IX Coordinator. A complainant has the right to have a support person present with them while making a complaint.

The University will protect the privacy of everyone involved in a report to the greatest degree possible under applicable law and University policy. Personally-identifiable information about the involved parties will be shared only on a need-to-know basis, e.g., to those who are investigating/adjudicating the report or those involved in providing support services. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any supportive measures and remedies provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures and remedies.

⁴ See page 52

The CSU does not publish the name of victims/survivors or other identifiable information regarding victims/survivors in the Daily Crime Log or in the crime statistics that are disclosed in the *Annual Security and Fire Safety Report*. Furthermore, if a Timely Warning is issued on the basis of a report of sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the name of and other personally identifiable information about the victim/survivor will be withheld.

Reporting to Law Enforcement and Making a Criminal Report

Some forms of misconduct prohibited under the Nondiscrimination Policy may also be prohibited by law. You have a right to be informed of law enforcement options and information regarding the availability of a criminal or civil prosecution for victims of crime.

It is a victim's/survivor's choice to report a crime. You have the right to report or decline to report an incident to law enforcement. You have the right to not be forced, coerced, or pressured into reporting to law enforcement. A victim/survivor may report an incident to law enforcement at any time. In the event of an emergency where immediate assistance is required, a victim/survivor should dial 9-1-1 to be connected with the nearest police department. If there is no emergency, victims/survivors can file a police report at any time in the jurisdiction where the assault occurred. A confidential victim advocate can assist the victim/survivor in filing the report if requested.

Victims/survivors of crimes such as sexual assault, sexual exploitation, stalking, dating violence, domestic violence, abuse, threats of abuse and/or serious harassment all have a right to petition the court in the appropriate jurisdiction for a protective order (also referred to as a restraining order).

Cal Poly's Civil Rights & Compliance Office, Police Department and Safer Office are all able to provide you with more information about pursuing criminal prosecution, civil prosecution and/or protective orders.

A victim/survivor of specific offenses [enumerated in California Government Code section 7923.61 (b)(1)] has the right to request to be listed as a confidential victim in a law enforcement agency's report. Being listed as a confidential victim in a law enforcement agency's report prevents the law enforcement agency from disclosing the confidential victim's name and address as a matter of public record. However, the confidential victim's information can be released to the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies where authorized or required by law. Please see California Penal Code section 293 for more information.

PRESERVATION OF EVIDENCE

Victims/survivors are encouraged to preserve all physical evidence, including but not limited to: clothing worn during the assault, bed sheets, and/or photos of any injuries. This evidence may be helpful in proving that a crime occurred, in the event the victim/survivor chooses to report now or in the future. It may also be helpful in obtaining a court-ordered protective or restraining order. If a victim/survivor does not have any evidence preserved, they still have an option to report the crime and request a medical evidentiary examination.

Victims/survivors of sexual misconduct, sexual assault, sexual exploitation, stalking, dating violence and domestic violence are also encouraged to preserve evidence by saving text messages, instant messages, social networking

pages, other communications, pictures, logs or other copies of documents that may be useful to University investigators or police should the victim/survivor decide to report now or in the future.

PROTECTIVE ORDERS

Civil reporting options & protective orders

A victim/survivor may choose to file a civil lawsuit against the alleged offender, whether or not criminal charges have been filed. A civil lawsuit provides an opportunity to recover actual money damages, which may include compensation for medical expenses, lost wages, pain, suffering and emotional distress. An Advocate can assist a victim/survivor with identifying the necessary steps and processes for filing a lawsuit if requested.

Court-Ordered Restraining Orders

A victim/survivor may choose to obtain a 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 help protect a victim/survivor who has experienced or is reasonably in fear of physical violence, sexual violence, domestic violence, dating violence and stalking.

Emergency Protective Order (EPO)

An Emergency Protective Order (EPO) is a type of restraining order that only law enforcement can ask for by calling a judge. Typically, this is done by an officer responding to the scene of a domestic violence incident. Judges are available to issue EPOs 24 hours a day. The EPO takes effect immediately and can last up to seven calendar days. The judge can order the alleged abuser to leave the domicile and stay away from the victim and their children for up to a week. This provides the victim with time to go to court to request a temporary restraining order.

Temporary Domestic Violence Restraining Order (TRO)

A TRO is a type of protective order. In order to obtain one, the victim/survivor must fill out paperwork explaining the facts and why a protective order is needed. If a judge agrees that protection is needed, the judge will issue a temporary restraining order. Temporary restraining orders usually last until the court hearing date, typically 20 to 25 days after the petition is filed.

Criminal Protective Order (CPO)

When there is a claim that a domestic violence incident occurred, a criminal charge (or charges) may be filed by a prosecutor (such as the City Attorney or District Attorney) against the person who allegedly committed the criminal act. The prosecutor commonly asks a judge to issue a Criminal Protective Order while the criminal case proceeds. A CPO typically requires the defendant (the person who allegedly committed the criminal act) to stay away from and not to hurt, threaten, or communicate with the victim/accuser. If the defendant is convicted of or pleads guilty to the criminal charge(s), the CPO may last for up to ten years after the case is over.

Civil Harassment Restraining Order

This type of court order is available to individuals who have been harassed by any of the following: a neighbor, roommate (as long as no dating/romantic relationship existed or exists), friend, family member more than two

degrees removed (e.g., an aunt/uncle, niece/nephew, cousin, or more distant relative), stranger, or another person not closely related to the victim of the harassment.

An individual who has been civilly harassed by a current or former spouse/partner, or someone with whom a dating/romantic relationship existed, or a close relative (parent, child, brother, sister, grandmother, grandfather, in-law) may qualify for a domestic violence restraining order but would not qualify for a civil harassment restraining order.

The CSU, Restraining Orders and Protective Orders

The CSU complies with California law in recognizing restraining orders and protective orders. If you obtain a restraining order a copy should be provided to the Cal Poly Police Department. In order to comply with the restraining order, Cal Poly's Civil Rights & Compliance Office, Safer Office, or the Cal Poly Police Department may assist with setting up escorts, establishing special parking arrangements, changing classroom or employment locations, or additional measures as needed. Cal Poly's Safer Office can offer assistance with obtaining a restraining order.

DISCIPLINARY PROCEDURES IN CASES OF SEXUAL MISCONDUCT/SEXUAL ASSAULT, SEXUAL EXPLOITATION, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING

Disciplinary procedures for sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking will provide a prompt, fair, and impartial process and resolution, outlined in the following excerpts from the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \("the Policy"\)](#). As required by law, the excerpts in this Annual Security Report capture the steps, decisionmakers, and anticipated timelines for both formal and informal resolution processes, as applicable. For details beyond the steps, decisionmakers, and anticipated timelines, please see the policy.

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

Disciplinary complaints can be filed by contacting Cal Poly's Title IX Coordinator:

Maren Hufton, Assistant Vice President
Civil Rights & Compliance Office
Fisher Science Building - Bld. 33, Room 290
1 Grand Avenue, San Luis Obispo, CA 93407

E-mail: crco@calpoly.edu

Phone: (805) 756-6770

Website: <https://crco.calpoly.edu/report-to-crco>

Office Hours: Monday – Friday (except holidays) 8:00am – 5:00pm

Complaints against a Chancellor's Office employee, or a campus Title IX Coordinator/ Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator") will be made to the Chancellor's Office at eo-wbappeals@calstate.edu.⁵

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

After receiving a report, the Title IX Coordinator will assess the report and provide outreach to the possible Complainant named in the report. This outreach will include the following:

- A statement that the campus has received a report of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, or Retaliation.
- A description of the role of the Title IX Coordinator/DHR Administrator.
- Information regarding counseling and other support resources.
- A statement regarding the importance of preserving evidence.
- A statement that the Complainant may, but is not required to, report to law enforcement any allegations that could constitute criminal behavior.
- A request for the Complainant to meet with the Title IX Coordinator/DHR Administrator, or other designated employee, to discuss the Complainant's options and next steps.
- A statement that the Complainant can be accompanied by an Advisor of their choice during any meeting relating to the report and any subsequent Complaint process.
- Information regarding potential Supportive Measures, where applicable.
- A brief summary of the investigation procedures.
- An explanation of how the campus responds to reports of Nondiscrimination Policy violations and a description of potential disciplinary consequences.
- A statement that retaliation for making a Complaint or participating in a Complaint process is prohibited by the Nondiscrimination Policy.

Along with the information provided in the outreach communication, the Title IX Coordinator will provide Complainants alleging Sexual Misconduct, Sexual Exploitation Dating Violence, Domestic Violence or Stalking, with the information in Attachment D - Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating And Domestic Violence, And Stalking. The Title IX Coordinator will describe and offer Supportive Measures to Complainants during the initial assessment (even if the Complaint is ultimately not investigated).

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

All persons involved in implementing these procedures (e.g., the campus Title IX Coordinator and any Deputy Title IX Coordinator(s), Investigators, Human Resource Directors and Hearing Officers presiding over hearings) shall have relevant annual training on issues related to Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual

⁵ Complaints against a President should be made to the Chancellor's Office, but only if it is alleged that the president directly engaged in conduct that violates the Policy. Any other Complaints against a president (for example, that the president had no substantial involvement other than to rely on or approve a recommendation made by another administrator) will be made to and addressed by the campus.

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

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

APPLICABLE PROCEDURES

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

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

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

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

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

THE TRACK SYSTEM

There are three possible sets of procedures ("tracks") for formal resolution of Complaints against a Student ⁶ (Track 1, Track 2, Track 3) as required by federal and state law. There are two sets of procedures ("Tracks") for formal resolution of Complaints against an Employee or a Third-Party (Track 1 or Track 3) as required by federal and state law. The remaining track, track 2: State Mandated Hearing Process, is not applicable to Complaints against Employees or Third-Parties, as it applies only to certain Complaints against Students. Which procedure applies to any given Complaint will depend on a variety of factors described below. Questions about which procedures apply to any specific case should be directed to the campus Title IX Coordinator and/or the Discrimination, Harassment, and Retaliation Administrator ("DHR Administrator").

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

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

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

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

⁶ A Complaint against a Student-Employee where the alleged conduct arose out of the Respondent's status as an Employee and not their status as a student, should be made using the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third-Party.

STANDARD OF EVIDENCE

The Preponderance of the Evidence based on the facts available at the time of the decision is the standard for demonstrating facts and reaching conclusions in an investigation and hearing that uses the Procedures.

Preponderance of the Evidence means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side.

DISMISSAL/REFERRAL

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

At any time after a Complaint has been accepted for investigation, it is within the discretion of the Title IX Coordinator/DHR Administrator to dismiss a Complaint, or any part of a Complaint, if the Complainant notifies the Title IX Coordinator/DHR Administrator in writing that they would like to withdraw the Complaint or any part of it, or if the specific circumstances prevent the campus from gathering evidence necessary to reach a determination as to the Complaint or part of the Complaint.⁷

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

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

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

Systemwide Title IX Unit
Systemwide Human Resources
Office of the Chancellor
TIX-Dismissal-Appeals@calstate.edu

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

⁷ Formal complaints under track 1 may be discretionarily dismissed for the additional reason that the Respondent is no longer a student or Employee

Equal Opportunity and Whistleblower Compliance Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802
eo-wbappeals@calstate.edu

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

INFORMAL RESOLUTION

The CSU recognizes some Parties may desire resolution of their matter through an Informal Resolution process ("Informal Resolution"), instead of through the formal resolution process (described below). Accordingly, Parties may mutually agree, with the agreement of the Title IX Coordinator, to resolve a Complaint through an Informal Resolution process, instead of undergoing the formal resolution process⁸. The Informal Resolution process is entirely voluntary and will not occur unless both Parties agree in writing to participate in an Informal Resolution process.

The Title IX Coordinator/DHR Administrator will oversee the Informal Resolution process, conduct an initial and on-going assessment as to whether the Informal Resolution process should continue, and make the final determination on all Informal Resolutions facilitated by the Title IX Coordinator or designee regarding whether the terms agreed to by the Parties are appropriate in light of all of the circumstances of the Complaint. In some circumstances, depending on the nature and/or severity of the allegations, an Informal Resolution may not be appropriate, and the Title IX Coordinator/DHR Administrator will not approve an Informal Resolution. Prior to approving an Informal Resolution, the Title IX Coordinator/DHR Administrator will consult with the appropriate administrator in human resources or faculty affairs.⁹

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

- An explanation that at any time prior to agreeing to a resolution, any Party has the right to withdraw from the Informal Resolution process and resume the investigation process.
- The Parties' right to consult with an Advisor.
- Any resolution must be in writing and signed by both Parties and the Title IX Coordinator/DHR Administrator.

⁸ Track 1, a Formal Complaint must be filed before the informal resolution process may take place and that under Track 1, informal resolution cannot be used to resolve allegations that an employee sexually harassed a student.

⁹ For matters involving students, this consultation will be with the student conduct administrator.

- Once the Informal Resolution process is finalized, neither Party is permitted to file another Complaint arising from the same allegations.

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

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

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

INVESTIGATION AND HEARING FOR TRACK 1

SUPPORTIVE MEASURES

After receiving a report of Sexual Harassment, the Title IX Coordinator will contact the Complainant promptly to discuss the availability of Supportive Measures. The Title IX Coordinator will conduct an intake meeting with any Complainant who responds to outreach communication, or otherwise makes a report of a potential Policy violation to discuss the Complainant's options, explain the process, and provide information about Supportive Measures. During the discussion, the Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint¹⁰, and explain the process for filing a Formal Complaint.

NOTICE OF ALLEGATIONS

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

INVESTIGATION OF A FORMAL COMPLAINT

The Title IX Coordinator will either promptly investigate the Formal Complaint or assign this task to another Investigator. If assigned to another Investigator, the Title IX Coordinator will monitor, supervise, and oversee all

¹⁰ Formal Complaint means a document or electronic submission filed by a Complainant that contains the Complainant's physical or digital signature or a document signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting an investigation of the allegation of Sexual Harassment. At the time that the Formal Complaint is filed, a Complainant must be participating in or attempting to participate in an Education Program or Activity of the CSU.

such delegated tasks, including reviewing all investigation draft reports before they are final to ensure that the investigation is sufficient, appropriate, impartial, and in compliance with Track 1.

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

The Complainant and the Respondent may each elect to be accompanied by an Advisor to any meeting, interview, or proceeding regarding the allegations that are the subject of a Formal Complaint. The advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or, in the case of the Complainant, a Sexual Assault Victim's Advocate.

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

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

REVIEW OF EVIDENCE

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

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

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

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

witnesses about the new evidence only. The investigator determines when it is appropriate to conclude the review of evidence.

FINAL INVESTIGATION REPORT

After the review of evidence phase is concluded, the Parties will receive a final investigation report that will summarize all Relevant evidence (inculpatory and exculpatory), including additional Relevant evidence received during the review of evidence. Any Relevant documentary or other tangible evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator will be attached to the final investigation report as exhibits. The final investigation report shall be sent to the Parties and their respective advisors, if any, in electronic format (which may include use of a file sharing platform that restricts the Parties and any Advisors from downloading or copying the evidence) or hard copy. The Parties and their advisors will be provided 10 Working Days to review and provide a written response to the final investigation report.

TIMEFRAME

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

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

TRACK 1 HEARING

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

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

No later than 10 Working Days before the hearing, the hearing coordinator will share a final witness list with the Parties, and notify each witness of the date, time, and location of the hearing. Witnesses will be directed to attend

the hearing and to promptly direct any questions or concerns about their attendance at the hearing to the hearing coordinator.

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

The hearing will begin with an overview of the hearing process given by the hearing officer, after which the Parties will be given an opportunity to ask questions about the hearing process. Each Party will be given an opportunity to make an opening statement that may not last longer than 10 minutes. Only the Parties themselves will be permitted to make opening statements. The hearing advisor and any advisor are not permitted to make the opening statement. The advisor may not speak during the hearing. Closing arguments will not be made.

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

DETERMINATION AND NOTIFICATION REGARDING RESPONSIBILITY UNDER TRACK 1

After the hearing, the hearing officer will make written findings of fact and conclusions about whether the Respondent violated the Policy with respect to the definition of Sexual Harassment¹¹. The hearing coordinator will Simultaneously send the hearing officer's report promptly to the Parties, the Title IX Coordinator, and the appropriate campus administrator, usually within 15 Working Days of the close of the hearing.

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

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

Within 5 Working Days after receiving and considering any impact or other statements submitted by the Parties and other statements described above, the hearing officer will submit the hearing officer's report to the president

¹¹ See definition of Sexual Harassment in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#)

(or designee). The hearing officer's report will be amended to include a statement of, and rationale for, any recommended disciplinary sanctions to be imposed on the Respondent ("final hearing officer's report"). The final hearing officer's report will attach the final investigation report.

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

The president (or designee) will simultaneously send the decision letter electronically to the Respondent and Complainant at the campus-assigned or other primary email address linked to their campus accounts.¹² The decision letter will include:

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

The determination regarding responsibility and any sanctions become final either on the date that the Chancellor's Office provides the Parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely (11 working days after the date of the decision letter).

INVESTIGATION AND HEARING (IF APPLICABLE) FOR TRACKS 2 AND 3

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

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

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

¹² Communication with Parties who are neither Students nor Employees will be sent to an email address that they designate.

Party will be given a reasonable opportunity to respond to the preliminary investigation report and any attached evidence and ask questions.

In matters where a hearing is not required (Track 3 cases)¹³, a final investigation report will be provided to the Parties along with a notice of investigation outcome. The final investigation report will include a summary of the allegations, the investigation process, the Preponderance of the Evidence standard, a detailed description of the evidence considered, analysis of the evidence including relevant credibility evaluations, and appropriate findings. Relevant exhibits and documents will be attached to the written report. The final investigation report will be attached to a notice of investigation outcome and include the following: a summary of the allegations and the investigative process, that the Preponderance of the Evidence standard was employed, a summary of the findings of fact, a determination as to whether the Nondiscrimination Policy was violated, and if so, any Remedies to be afforded to the Complainant, and notice of Parties' right to appeal under these procedures. The notice may be delivered to the Parties electronically. If the notice includes a determination that the Policy was violated, the Title IX Coordinator/DHR Administrator will notify the campus student conduct administrator (where the Respondent is a student)/appropriate campus administrator (where the Respondent is an employee) of the investigation outcome and provide a copy of the final investigation report.

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

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

TRACK 2 HEARING PROCESS:

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

PRIOR TO A HEARING:

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

¹³ Under Track 2, the process will proceed to a hearing, as outlined below, and the final investigation report will include all of the information included in the preliminary investigation report as well as additional relevant evidence received during the review of evidence. Any relevant evidence provided by the Parties or witnesses, or otherwise gathered by the Investigator, will be attached to the final investigation report, or made available for review by the Parties. Evidence offered by the Parties or any other witnesses that the Investigator concluded is not relevant will be noted but not included in the final investigation report and should be available at the time of the hearing such that it can be provided to the hearing officer if requested.

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

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

Parties must provide the name of, and contact information for, the Party's Advisor and Support Person (if any) to the hearing coordinator 15 Working Days before the hearing. No later than 10 Working Days before the hearing, the hearing coordinator will share a final witness list with the Parties, and notify each witness of the date, time, and location of the hearing. Witnesses will be instructed to attend the hearing and to promptly direct any questions or concerns about their attendance at the hearing to the hearing coordinator. No later than 5 Working Days before the hearing, the Parties will submit to the hearing coordinator any objections to, or questions about, the witness list.

AT THE HEARING:

Each Party will be given an opportunity to make an opening statement that will last no longer than 10 minutes. The Parties will not make closing statements. An opening statement is intended to give the Parties the opportunity to share their perspective regarding the facts and discuss the core disputes in the investigation. It should focus on the facts of the matter and not be argumentative. Parties will have the opportunity to submit written questions to the hearing officer in advance of the hearing. The Parties may also submit written follow-up questions to the hearing officer during the hearing, at appropriate times designated by the hearing officer. The hearing officer will ask the questions proposed by the Parties except for questions that:

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

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

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

AFTER THE HEARING:

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

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

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

Within 5 Working Days after receiving and considering the statements described above, the hearing officer will submit the hearing officer's report to the president (or designee), including recommended sanctions (as defined in Executive Order 1098 Student Conduct Procedures¹⁴) if a Respondent has been determined to have violated university Policy.

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

SANCTIONS

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

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

¹⁴ See Sanctions, below

The following sanctions may be imposed for violation of the Student Conduct Code:¹⁵

- **Restitution.** Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.
- **Loss of Financial Aid.** Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, canceled or denied.
- **Educational and Remedial Sanctions.** Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities and sororities), and/or University events, or other remedies intended to discourage similar misconduct or as deemed appropriate based upon the nature of the violation.
- **Denial of Access to Campus or Persons.** A designated period of time during which the Student is not permitted: (i) on University Property or specified areas of Campus, or (ii) to have contact (physical or otherwise) with the Complainant, witnesses or other specified persons.
- **Disciplinary Probation.** A designated period of time during which privileges of continuing in Student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current Student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate the Student Conduct Code or any University policy during the probationary period.
- **Suspension.** Temporary separation of the student from active Student status or Student status.
 - A Student who is suspended for less than one academic year shall be placed on inactive Student (or equivalent) status (subject to individual Campus policies) and remains eligible to re-enroll at the University (subject to individual Campus enrollment policies) once the suspension has been served. Conditions for re-enrollment may be specified.
 - A Student who is suspended for one academic year or more shall be separated from Student status but remains eligible to reapply to the University (subject to individual Campus application policies) once the suspension has been served. Conditions for readmission may be specified.
 - Suspension of one academic year or more, withdrawals in lieu of suspension, and withdrawals with pending misconduct investigations or disciplinary proceedings shall be entered on the student's transcript permanently without exception; this requirement shall not be waived in connection with a resolution agreement.
- **Expulsion.** Permanent separation of the Student from Student status from the California State University system. Expulsion, withdrawal in lieu of expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the student's transcript permanently, without exception; this requirement shall not be waived in connection with a resolution agreement.

APPEALS

A written appeal may be submitted to the Chancellor's Office no later than 10 Working Days after the date of the decision letter (Tracks 1 & 2) or notice of investigation outcome (Track 3). All arguments and/or evidence supporting the appeal must be submitted by the deadline to file the appeal. Evidence/arguments submitted after the appeal submission deadline will not be considered by the Chancellor's Office. A written appeal may not exceed 3,500 words, excluding exhibits. Appeals will be submitted to:

¹⁵ Found in Article V, Executive Order 1098 Student Conduct Procedures

Equal Opportunity and Whistleblower Compliance Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802
eo-wbappeals@calstate.edu

The Chancellor's Office will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the campus Title IX Coordinator/DHR Administrator. The notice will include the right of the non-appealing Party and the campus to provide a response to the appeal within 10 Working Days of the date of the notice. The appeal response will be limited to 3,500 words, excluding exhibits. Any response to the appeal received by the Chancellor's Office will be provided to the appealing Party for informational purposes only.

The Chancellor's Office will not conduct a new investigation; however, the Chancellor's Office may make reasonable inquiries to determine if the new evidence could have affected the investigation or hearing determination. A copy of the final Chancellor's Office appeal response will be forwarded to the Complainant, the Respondent, and the Title IX Coordinator/DHR Administrator.

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

If the Chancellor's Office determines that no reasonable fact finder (Investigator or hearing officer) could have made the findings as determined by the Investigator or hearing officer, the Chancellor's Office may vacate and reverse the investigation or hearing outcome, but only with respect to whether the Policy was violated (and not with respect to factual findings). If the Chancellor's Office vacates and reverses the investigation or hearing outcome, it will notify the Parties simultaneously in writing, as well as the Title IX Coordinator/DHR Administrator. Following a reversal of an investigation or hearing outcome by the Chancellor's Office, the Chancellor's Office decision is final and is not subject to further appeal.

The Chancellor's Office will respond to the appealing Party no later than 30 Working Days after receipt of the written appeal unless the timeline has been extended¹⁶

¹⁶ The Chancellor's Office has discretion to extend the timelines for the appeal process for good cause or for any reasons deemed to be legitimate by the Chancellor's Office. This includes the time for filing an appeal, the time for a reopened investigation or hearing to be completed, and the time for the Chancellor's Office to respond to the

REGISTERED SEX OFFENDERS

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

MISSING STUDENT NOTIFICATION PROCEDURES FOR ON-CAMPUS STUDENT HOUSING FACILITIES

Campus Administrative Policy (CAP) 351.5.1 requires that any incident involving missing or potentially missing persons be reported directly to Cal Poly Police without delay. There is no requirement that a person be missing for 24 hours before a report is made. The University requires all on-campus housing missing student reports to be immediately referred to Cal Poly Police. The local law enforcement agency will also be notified within 24 hours of the official determination that they are missing. The report may be initiated by calling the Cal Poly Police Dispatcher at (805) 756-2281, or by dialing 9-1-1. Every student has the option to register a confidential contact person (separate from an emergency contact) to be notified not later than 24 hours after the student is determined to be missing. Students may register a confidential contact person by logging into the Student Center and navigating to the "Missing Person Contact" link under "Personal Information" within their portal; my.calpoly.edu. Missing person contact information is retained and confidential, accessible only to the authorized university officials who retain the information, and may not be disclosed except to law enforcement personnel in furtherance of an official missing person investigation.

Even if a confidential contact person has not been named, Cal Poly Police shall be notified if a student is missing. If a person has been missing for 24 hours, Cal Poly Police shall notify the registered confidential contact person. A parent or guardian will be notified in addition to any confidential contact person named by the student not later than 24 hours after the student is determined to be missing if the missing student is less than 18 years of age and is not emancipated.

Cal Poly Police will investigate reports of missing persons as set forth in California Penal Code and other applicable regulations and protocols. Depending on the circumstances an investigation may involve, but not be limited to: timely notification to local law enforcement agencies, entry of the missing person and his/her vehicle into a state or nation-wide law enforcement missing person database, and involvement of other law enforcement agencies outside the local area.

FIRE SAFETY REPORT

The 2023 Annual Fire Safety Report (AFSR) is available at the following link:
<https://afd.calpoly.edu/clery/reports/fire-safety-report.pdf>

appeal. The Chancellor's Office will notify the Parties and the Title IX Coordinator of any extensions of time granted pertaining to any portion of the appeal process.

APPENDIX A: JURISDICTIONAL DEFINITIONS¹⁷

Rape (CA Penal Code Chapter 1 Section 261)

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

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

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

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

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

(A) Was unconscious or asleep.

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

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

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

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

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

¹⁷ Note that these are not the definitions used to compile the statistics at the beginning of this document. The federal definitions of rape, fondling, incest, statutory rape, domestic violence, dating violence, and stalking are used for the statistics, as required by federal law.

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

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

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

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

Sodomy (CA Penal Code Chapter 1 Section 286)

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

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

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

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

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

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

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

(3) Any person who commits an act of sodomy where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility

that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for three, six, or eight years.

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or aiding and abetting that other person, commits an act of sodomy when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, seven, or nine years.

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

Oral Copulation (CA Penal Code Chapter 1 Section 287)

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

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

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

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

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

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

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

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

(d) (1) Any person who, while voluntarily acting in concert with another person, either personally or by aiding and abetting that other person, commits an act of oral copulation (A) when the act is accomplished against the victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person, or (B) where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, or (C) where the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act, shall be punished by imprisonment in the state prison for five, seven, or nine years. Notwithstanding the appointment of a conservator with respect to the victim pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime described under paragraph (3), that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

(k) Any person who commits an act of oral copulation, where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the

victim has a reasonable belief that the perpetrator is a public official, shall be punished by imprisonment in the state prison for a period of three, six, or eight years.

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

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

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

Section 285

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

Section 289

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

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

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

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

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

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

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

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

(1) Was unconscious or asleep.

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

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

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

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

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

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

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

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

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

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

(k) As used in this section:

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

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

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

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

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

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

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

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

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) To intentionally or recklessly cause or attempt to cause bodily injury.
- (2) Sexual assault.
- (3) To place a person in reasonable apprehension of imminent serious bodily injury to that person or to another.
- (4) To engage in any behavior that has been or could be enjoined pursuant to Section 6320.

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

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

- (a) A spouse or former spouse.
- (b) A cohabitant or former cohabitant, as defined in Section 6209.

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

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

- (a) Any person who willfully inflicts corporal injury resulting in a traumatic condition upon a victim described in subdivision (b) is guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not more than one year, or by a fine of up to six thousand dollars (\$6,000), or by both that fine and imprisonment.
- (b) Subdivision (a) shall apply if the victim is or was one or more of the following:
 - (1) The offender's spouse or former spouse.
 - (2) The offender's cohabitant or former cohabitant.
 - (3) The offender's fiancé or fiancée, or someone with whom the offender has, or previously had, an engagement or dating relationship.
 - (4) The mother or father of the offender's child.

CA Penal Code 243(e)

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

Stalking: CA Penal Code, Chapter 2, Section 646.9

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

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

- (a) Every person who, with intent to annoy, telephones or makes contact by means of an electronic communication device with another and addresses to or about the other person any obscene language or addresses to the other

person any threat to inflict injury to the person or property of the person addressed or any member of his or her family, is guilty of a misdemeanor. Nothing in this subdivision shall apply to telephone calls or electronic contacts made in good faith.

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

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

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

In prosecutions under Section 261, 286, 287, or 289, or former Section 262 or 288a, in which consent is at issue, evidence that the victim suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.