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MESSAGE FROM THE PRESIDENT

As a part of our responsibility and commitment to keeping the campus community informed, Cal State East Bay makes the Annual Security Report available for review. Produced annually, it includes statistics regarding crimes committed on or around campus as well as University Police Department services, crime prevention, victims’ rights, and resources that can raise awareness of how we create and maintain a supportive and safe campus community.

I am proud of the efforts that our faculty, staff and students make to keep our campus secure and safe. Under Chief Mark Flores, the University Police Department strives to collaborate with all members of the university community, with an emphasis on developing partnerships which allow for the sharing of information and ideas. However, it is incumbent upon each of us to look out for one another and to speak up by reporting potentially unsafe situations.

I encourage each of you to read the report and familiarize yourself with the resources available. With best wishes for the upcoming year.

Leroy M. Morishita, President
PREPARING THE ASR

In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 (HEA). This act required all postsecondary institutions participating in HEA’s Title IV student financial assistance programs to disclose campus crime statistics and security information.

This report is prepared in collaboration with the University Police Department (UPD) and our Clery Compliance Team (CCT) members from Academic Affairs, Student Affairs, and Administration and Finance. Each reporting entity provides updated information on their educational efforts and programs to comply with the Clery Act. The crime statistics and referrals for discipline contained in this report are collected by the UPD through its record management system and from CSUEB Campus Security Authorities (CSAs). These CSAs are campus staff and faculty with significant responsibility for student and campus activities and include, but are not limited to: Residential Life staff, Athletics staff, Student Club advisors and Student Affairs personnel.

Under the Clery Act, a crime is “reported” when it is brought to the attention of a CSA, the University Police or local law enforcement personnel by a victim, witness, other third party or even the offender. In addition to gathering information from our campus stakeholders, the UPD requests crime statistics from local law enforcement agencies that have jurisdiction over locations the university has identified as non-campus buildings or property according to Clery reporting requirements.

The Clery Act requires our institution to include four general categories of crime statistics:

- Criminal Offenses which include: Criminal Homicide, including Murder and Non-negligent Manslaughter, and Manslaughter by Negligence; Sexual Assault, including Rape, Fondling, Incest and Statutory Rape; Robbery; Aggravated Assault; Burglary; Motor Vehicle Theft; and Arson.
- Hate Crimes—Any of the above-mentioned offenses, and any incidents of Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/ Vandalism of Property that were motivated by bias due to: race, gender, religion, sexual orientation, ethnicity, national origin, gender identity or disability, where evidence indicates that the victim was intentionally selected because of the perpetrator’s bias against the victim.
- VAWA Offenses—Any incidents of Domestic Violence, Dating Violence and Stalking. (Note that Sexual Assault is also a VAWA Offense but is included in the Criminal Offenses category for Clery Act reporting purposes); and

The statistics include crimes that occurred on campus, in residential facilities, in adjacent public property, and on non-campus buildings or property. Crimes that occurred in residence halls are reported both in the “On-Campus” category and in the “Campus Residential” categories. Thus, “Campus Residential” category is a subset of the “On-Campus” category. The presentation of the statistics in this report is designed to enable the reader to compare crimes committed during the past three years. The federal definition of each crime may differ from the definition of comparable crimes under California statutes and University policy.
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Note: For calendar year 2017, CSUEB created a guidance document that changes the way drugs and alcohol statistics are counted in 2017 and going forward, in compliance with the State of California’s laws.
## Offense Reports

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*Note: There is no student housing located at the Concord Campus.

**Public property offenses are those offenses reported to the Concord Police Department.
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*Note: There is no student housing located at the Oakland Center.*

**Public property offenses are those offenses reported to the Oakland Police Department.**
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HATE CRIMES
Hayward, Concord and Oakland Campuses
2017 – There were no reported hate crimes.
2018 – There were no reported hate crimes.
2019 – There were no reported hate crimes.

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 non-negligent 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, non-campus buildings or property, and public property.

REPORTING CRIMINAL ACTIONS & EMERGENCIES
All members of the CSUEB community are strongly encouraged to accurately and promptly report all criminal activity occurring on or immediately adjacent to the campus, to the University Police Department. The University police will respond immediately or as reasonably possible to each incident. The University Police Department recognizes how important it is to empower victim survivors to report a crime on their own, however, if a victim survivor elects to or is unable to report a crime, the University Police encourages other campus community members to report crimes directly to the University Police. If a crime occurs off campus, members of the community can always contact the University Police Department at 510-885-3791, who can help determine if the crime should be reported to University Police or to another appropriate law enforcement jurisdiction.

Directly to the Police
- Hayward Campus - The University Police Department can be contacted at 510-885-3333 or by dialing 911 at any time. If visiting in person, the police department is located at the street level basement of the library building. Office hours are Monday through Friday from 8:00 am– 5:00 pm. University Police Dispatch is available 24 hours a day, 365 days a year.

- Concord Campus - The University Police Department can be contacted at 925-602-6737 or by dialing 911 at any time. If visiting in person, the police station is located in the Facilities building, room FO180. A University Police Department staff member is available Monday through Thursday from 9:30 a.m. to 6:30 p.m. This schedule will remain in place at least through the Spring 2021 semester. There are no on-site police services Friday through Sunday. However, University Police Dispatch is available 24 hours a day, 365 days a year.

- Oakland Campus - There are no university police services available at the Oakland campus. All police services at the Oakland campus are provided by the Oakland Police Department. The Oakland Police
Anonymous/Confidential Reports of Crimes to the Police

The California State University, East Bay Police Department accepts voluntary reports of criminal activity in confidence. To make a voluntary report, call University Police at 510-885-3791 and request to be confidential.

Reports of Crimes to Campus Security Authorities (CSAs)

In some instances, members of the campus community may feel more comfortable reporting criminal activity to a Campus Security Authority. The term Campus Security Authority, or CSA, “is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution.”

- A campus police department or a campus security department of an institution
- 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)
- 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
- Any official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and student conduct proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

If a CSA has knowledge of a reportable crime that was not reported for investigation or disciplinary action, that person is required, in most instances, to report the crime to the Clery Director or the university police department for inclusion in the statistics and potential campus timely warning notifications.

For Clery purposes, a crime is considered “reported” when, in good faith, it is brought to the attention of a Campus Security Authority by anyone (victim, witness, offender, 2nd/3rd party), whether or not they are affiliated with the University. CSUEB 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, here is a list of key individuals who have been identified as campus security authorities that can accept reports of crimes:

- The University Police Department and its employees, including officers, dispatchers, community service officers and student service officers
- All resident advisors (RAs) in Student Housing and Residence Life
- All professional on-call staff members in student housing
- Director and Associate Director of Student Housing and Residence Life
- Director of Athletics, athletic staff and all athletic coaches, for all sports
- Director of Student Life and Leadership Programs
- Director of Student Health and Counseling Services
- Director of Student Conduct, Rights, and Responsibilities
- Coordinators of Greek organizations and affairs
- Faculty and staff advisors for Greek organizations
- Faculty and staff advisors for academic and social clubs and organizations
• Faculty and/or Staff who chaperone CSUEB study abroad programs and field trips
• Coordinator for Alternative Transportation Services
• Director, Parking Enforcement
• Title IX Coordinator and Investigators
• Ombudsperson for faculty, staff, and administrators
• Program Counselors and Advisors

VOLUNTARY CONFIDENTIAL REPORTING
The California State University, East Bay Police Department accepts voluntary reports of criminal activity in confidence. To make a voluntary report, call University Police at 510-885-3791 and request to be confidential. Cal State East Bay encourages professional counselors to inform individuals they are counseling about the voluntary, confidential reporting options available to them.

Pursuant to California Education Code section 67380(a)(6)(A), 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 non-campus location as defined by the Clery Act, may not disclose to UPD 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:

i. The alleged assailant represents a serious or ongoing threat to the safety of students, employees, or the institution; and

ii. The immediate assistance of the local law enforcement agency is necessary to contact or detain the alleged assailant.

Note: all publicly available record keeping will be maintained without the inclusion of personally identifiable information about the victim.

TIMELY WARNINGS
Hayward, Concord, and Oakland Campuses

The university will issue a timely warning as soon as pertinent information is available when a Clery reportable crime is reported to UPD or a designated campus security authority, occurred in a Clery defined geographical area, and a case by case analysis of pertinent facts known is completed and a determination is made a serious or continuing threat to the community exists.

The Chief of Police is responsible for the decision to issue a timely warning (or a management designee in the absence of the Chief) and will confer with the Clery Director if one is designated by the campus and available, upon receiving a report of an incident reported to a CSA and/or UPD. The Chief of Police, with the Clery Director if one is appointed and is available, will complete a case by case analysis utilizing open communication and collaboration analyzing the reported crime, the known pertinent facts of a reported incident, and determine whether the incident meets all of the following factors: 1) is a Clery reportable crime; 2) occurred in Clery defined geography; and 3) poses a serious or ongoing threat to the community.
If it is determined that any of the three factors are not met, then no timely warning will be issued. If it is determined that all three factors are met, the Chief of Police (or management designee is the absence of the Chief) will determine the content of the timely warning bulletin, disseminate the timely warning expeditiously in a manner likely to reach the entire campus community utilizing one or more, and not limited to, the following methods to issue the timely warning bulletin:

- All employee and student e-mail distribution
- University website
- Public area video display monitors
- Hard copies posted on campus building entrance doors
- Press release
- University emergency notification system – phone and/or text

For clarity to the community when a timely warning is issued it will be titled “Timely Warning Crime Bulletin” and include the following:

- A statement that the 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.
- The Clery Act reportable crime that occurred
- The date, time, and location the crime occurred
- The date the Timely Warning Bulletin is issued
- A description of the suspect, and name if known, when the suspect is at large and evading apprehension and/or law enforcement is seeking assistance from the public to locate
- Preventative information specifically related to the type of crime which occurred that could help others from becoming the victim of a similar crime
- The phone number for UPD and a statement encouraging community members to report all information about crimes to UPD

The Timely Warning Bulletins will not include, under any circumstances, the name of the victim, or information so specific that would or likely could identify the victim of the crimes of sexual violence to include rape, dating violence, domestic violence, or stalking. Issuance of timely warnings will be delayed only if the issuance would compromise the apprehension of the suspect or compromise the ability of law enforcement to investigate the crime.

SECURITY OF AND ACCESS TO CAMPUS FACILITIES

Hayward Campus

Access to campus buildings is restricted during non-business hours. Campus buildings are opened by University custodians on weekdays at approximately 7:00 a.m. and are secured by University police at approximately 11:00 p.m. All campus buildings are secured using a combination of key and electronic card access.

On weekends, buildings are opened and closed by Department personnel for scheduled classes, events and by building pass only. It is the responsibility of each staff and faculty member on campus to ensure
that all doors allowing access to their offices, rooms and other areas are secured at the conclusion of their workday. The University Police Department conducts routine patrols and provides assistance as requested.

Within the Student Housing and Residence Life buildings, access is restricted. Residents and staff use access cards and keys for entrance into residential communities. Overnight guests are only permitted with an Approved Guests form. Housing policy requires all residents to ensure that all doors allowing access to residential buildings remain closed when not in use. Visitors are only permitted to enter a building with the escort of the host. Entrance by any other means is not permitted. Student Housing allows 24-hour visitation for guests, when an Overnight Guest Request form is submitted and approved at least 72 hours prior to arrival. Licensees may have non-Licensee overnight guests stay in Licensee’s room for up to three nights total per semester. Housing live-in staff conducts community rounds of the Student Housing and Residence buildings on a daily basis. Students and staff are required to complete a LiveScan prior to employment. Surveillance cameras are available through Housing facilities to monitor community areas and frequent passageways. Camera footage is accessible by the University Police Department and the Housing staff as needed.

Concord Campus
Access to campus buildings is restricted during non-business hours. Campus buildings are opened by the custodial staff on weekdays at approximately 7:00 a.m. and are secured at approximately 11:00 p.m. On Fridays and Saturdays, buildings are both opened and closed by custodial staff for scheduled classes, events and by building pass only. It is the responsibility of each staff and faculty member on campus to ensure that all doors allowing access to their offices, rooms and other areas are secured at the conclusion of their workday. The campus is closed on Sunday. The University Police Department will provide assistance as requested from Monday through Thursday only.

Oakland Campus
University classrooms are open during standard business hours, Monday through Friday from 8:00 a.m. – 5:00 p.m. Contingent on course scheduling, the Oakland Center is often open Monday through Friday evenings until 10:00 p.m. The Center is also typically open on Saturdays from 8:00 a.m. to 5:00 p.m., contingent on extended education class meeting patterns. There are occasional instances in which the Center is open on Sundays. University classrooms are opened by administrative staff and student assistants. There are no University Police services available at this location. Staff are available on site at the welcome desk during normal business hours. General building security is available from the kiosk in the lobby across from the Oakland Center or they can be called at 510-839-5078. Police services for the Oakland Center are provided by the Oakland Police Department, which can be reached at 510-777-3333 or dial 911.

LAW ENFORCEMENT AUTHORITY
The University Police Department is a professionally trained department established pursuant to section 89560 of the California Education Code to meet the public safety requirements of the campus community. University police officers are sworn police officers as established by section 830.2 (c) of the California Penal Code. All University police officers have the same responsibilities and powers of arrest as any other police officer in the State of California. As a State Agency, the University Police Department shares law enforcement information with all the law enforcement agencies in California including the California
Highway Patrol (CHP) and California Department of Corrections and Rehabilitation. The University Police Department maintains a close working relationship with surrounding law enforcement agencies through mutual aid agreements.

Hayward Campus
At the Hayward Campus, the primary jurisdiction of the University Police Department is the campus and a radius of 1 mile beyond the campus borders. By a written memorandum of understanding (MOU) with the City of Hayward, university police officers may also enforce federal, state and local laws within the City of Hayward. The Hayward Police Department is notified whenever a Part 1 violent crime occurs on campus.

Concord Campus
At the Concord Campus, the primary jurisdiction of the University Police Department is the campus and a radius of 1 mile beyond campus borders. By a written memorandum of understanding (MOU) with the City of Concord, our police officers may also enforce federal, state and local laws within the City of Concord. The Concord Police Department is notified whenever a Part 1 violent crime occurs on campus.

Oakland Campus
The Oakland campus is completely within the jurisdiction of the Oakland Police Department.

Accurate and Prompt Reporting
The University encourages the accurate and prompt reporting of all campus criminal activity occurring on or immediately adjacent to the campus directly to the University Police Department. For crimes occurring at off-campus locations, including the University’s non-campus property, the law enforcement agency with jurisdiction in that area should be contacted. Police services for non-campus properties are the responsibility of the local law enforcement agency in that area. The University Police Department maintains a close working relationship with surrounding law enforcement agencies through mutual aid agreements. The University encourages accurate and prompt reporting of all crimes to the University Police Department and the appropriate police agencies, when the victim elects to or is unable to make such a report. If a crime occurs off campus members of the community can always contact the University Police Department at 510-885-3791, who can help determine if the crime should be reported to University Police or to another appropriate law enforcement jurisdiction.

SECURITY PROCEDURES AND PRACTICES
CSUEB stresses the importance of campus safety through a variety of means. Various departments coordinate and administer programs available to members of the campus community and encourage students and employees to be responsible for their personal safety and the safety of others. Below is a list of programs offered:

- The University Police Department offers several trainings that encourage students and employees to be responsible for their own personal safety and the safety of others. The Active Shooter Training is offered throughout the year upon request. University Police personnel provide training on “what to do” during an active assailant incident. The training assists attendees in learning how to take active steps to protect themselves during an emergency. Attendees are shown a “Run,
The police department offers a program of self-defense for students and employees called “Rape Aggression Defense” (RAD) offered throughout the year upon request. This 2-hour UPD instructed program, geared towards women (but everyone is welcomed), is designed for participants to gain knowledge of self-defense techniques, including: awareness, assault deterrence, verbal compliance and physical boundaries. This program enables participants to feel confident with basic self-defense techniques. It is designed to teach empowerment; each of the participants will have the self-assurance to protect and to defend themselves. Please be aware that this is a contact program. Physical contact with the instructors will be a common part of this course. Participants should wear comfortable athletic clothing and shoes. This program is tailored so participants of any skill level can participate. The
course is limited to 15 students per class session, as such spaces are provided on a first to sign-up basis. If you have any questions, please email upd@csueastbay.edu or call UPD at (510) 885-3791.

- New Student Orientations – Offered annually during orientation led by Student Life and Leadership. University Police personnel provide personal safety tips and emergency contact information to new students on a regular basis. Students are informed of policies, voluntary confidential crime reporting procedures, and safety programs.

- New Employee Orientations – Offered throughout the year during new employee orientation led by Human Resources. University Police personnel provide personal safety tips and emergency contact information to new employee on a regular basis. Employees are informed of policies, voluntary confidential crime reporting procedures, and safety programs.

- Student Service Officers and Parking Officers are trained when they are hired to contact University Police should they see any vehicle with open windows or doors, or if they see any valuables left in plain sight. Periodically, they are reminded as necessary.

- Student Housing and Residence Life annually promotes a “See Something, Say Something” campaign to keep the housing community safe.

- Housing Move-In Weekend Campaign - Residents are provided with personal safety tips and emergency contact information annually. New students are provided with this information on a regular basis. Students are informed of policies, voluntary confidential crime reporting procedures, and safety programs.

- All students are required to take mandatory sexual violence prevention training annually. The training includes myths and facts about sexual violence, dating violence, domestic violence, stalking, consent, and bystander intervention. The training is administered by Risk Management through a third-party software.

- New employees are required to take mandatory sexual misconduct training upon onboarding. Continuing employees must take the training annually. The training is administered by Risk Management through the learning management system.

CRIMINAL ACTIVITY AT NONCAMPUS LOCATIONS OF STUDENT ORGANIZATIONS
The University does not have any non-campus properties that are owned or controlled by officially recognized student organizations and therefore does not require monitoring or recording of criminal activity by students at this type of location, nor does such a policy for this exist.

ALCOHOL AND DRUGS
The California State University, East Bay complies with the Drug Free Workplace Act of 1990 and the Higher Education Act section 120(a) through (d). The University is committed to creating and maintaining a safe and healthy learning environment for all members of the campus community. In keeping with this commitment, the University prohibits the illegal use and/or abuse of alcohol and other drugs, intoxication, and any resulting
misconduct. The University Police Department (UPD) enforces Business and Professions (B&P) code BP 2556 for underage drinking. The possession and/or consumption of alcoholic beverages by anyone under 21 years of age is prohibited at any time on campus and is enforced. UPD also enforces California Penal Code (PC) PC 23140 for drivers under the age of 21 for driving while intoxicated. The University Police Department also enforces all California laws regarding the possession, use and sale of illegal drugs. Any person found to be in violation of these laws may be arrested and transported to jail or arrested and cited out with a notice to appear in court.

- The sale of alcoholic beverages is not permitted on campus, with the exception of the sale of beer and/or wine conducted in accordance with applicable campus regulations.
- Alcoholic beverages may be served to persons 21 years of age or older on special occasions with prior approval.
- Non-alcoholic beverages and food that are appropriate to the nature, size, time of day, and duration of the event on campus must be served at all events where alcoholic beverages are served.
- Alcohol drinking contests are prohibited on campus.
- In cases where an individual becomes intoxicated, event sponsors will immediately alert the University Police Department to intervene to prevent the individual from driving.
- The sale of alcohol on campus or university sponsored facilities is limited to beer and wine. Exceptions may be granted to faculty, staff, off-campus groups and auxiliary organizations upon approval of the Vice President, Administration and Finance/CFO.
- The Office of Student Conduct, Rights & Responsibilities, in collaboration with Student Housing and Residence Life, and Recreation & Wellness offers educational sanctions, known as AOD classes, for students who have been found responsible in incidents related to alcohol or other drugs.

Enforcement of these laws does not necessarily mean they will be arrested and taken to jail. University Police Officers are able to exercise discretion and offer alternative resources, referral or assistance in lieu of an arrest and transport to jail. When enforcing Federal and State drug laws which differ, the University will enforce the law of the State of California. Students found suspected to be in violation of state laws and campus policies regarding alcohol and other drugs, will be referred to the Office of Student Conduct, Rights & Responsibilities for a student conduct investigation. Potential discipline sanctions for students could range from disciplinary warning, disciplinary probation, and educational remedies such as AOD workshops, written reflection assignments, and referrals to resources (ie, counseling, outside agencies, etc). The conduct process is outlined at www.csueastbay.edu/studentconduct. Disciplinary proceedings for employees shall be subject to applicable collective bargaining agreements (contracts). Employees undergoing investigatory interviews (Weingarten Rights) as part of corrective action shall be provided with appropriate notice and given the right to representation as outlined in their respective contracts. Additionally, as public employees who enjoy permanent employment status have a property interest in their employment they shall be provided with “due process of the law,” as described in Skelly v. State Personnel Board.

Steps, timelines, and the decision-making process for employee-related disciplinary proceedings are subject to applicable collective bargaining agreements (contracts). Proceedings that may result in property interest being taken away will undergo the Skelly Review.
Alcohol education is presented by Wellness Services through a variety of educational workshops, outreach events, and tabling activities. Often messaging is infused into general prevention curriculum (nutrition, self-care, fitness, sexual health, sexual violence) to provide a holistic approach to overall student wellness. The alcohol education campaign incorporates three learning outcomes for the campus community: (1) Being an Informed Pioneer - students gaining basic knowledge of alcohol use effects upon the body, serving sizes, correcting misinformation gained from social media/urban myths, and providing statistics of social mores regarding alcohol use for Cal State East Bay; (2) Choose to Use Responsibility - challenging students' notion of what is responsible use, increasing motivation to adopt personal protective behaviors when drinking alcohol including moderating, designated drivers, balancing priorities of work/school/family against partying, and enhanced decision-making skills; and (3) Taking Action to Help a Friend - increasing students' confidence to become active bystanders, actively engage their peers in harm reduction when they have had too much to drink, overcoming groupthink and peer pressure when someone has alcohol poisoning, and supporting a peer if they are showing signs of alcohol misuse/abuse and encouraging them to seek help to reduce/quit use. Additionally, Wellness Services co-developed sanctions curriculum with the Office of Student Conduct, Rights, and Responsibilities as well as Student Housing and Residence Life. The curriculum incorporated the three learning outcomes from the wellness education campaign along with marijuana education.

Additionally, the Vice President for Student Affairs includes information about alcohol abuse awareness and prevention in the annual welcome letter to incoming students. For more information, please see the Alcohol, Tobacco, and Other Drugs (ATOD) Advisory Council at [http://www.csueastbay.edu/atod/](http://www.csueastbay.edu/atod/).

**SEXUAL VIOLENCE**

The California State University does not discriminate on the basis of sex, gender, including gender identity or expression, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of sex, gender, or sexual orientation in employment, as well as all education programs and activities operated by the University (both on and off campus), including admissions, and protect all people regardless of their gender from Sex Discrimination, including Sexual Harassment, Sexual Misconduct, including Sexual Assault, Dating or Domestic Violence, and Stalking.

The University seeks to provide an education environment free of Sexual Misconduct/Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence and Stalking. Every member of the University community shall be aware that Sexual Misconduct, and/or acts of violence with a sexual nature directed toward another person will not be tolerated and are prohibited by federal and state law and University policy. As members of the University community, students shall comply with University policies and guidelines in addition to federal, state, and local laws whether on or off campus. The University will discipline persons identified as responsible for Sexual Misconduct/Sexual Assault Dating or Domestic Violence, or Stalking as described in this report and University policy.

In an ongoing effort to prevent Sexual Misconduct/Sexual Assault Dating Violence, Domestic Violence and Stalking, the University provides education and prevention programs, investigates complaints, dispenses corrective or disciplinary action where appropriate, provides referrals for medical care/counseling, modified classes, reduced course loads, campus housing changes, work assignment assistance, stay away orders, leaves of absence, and more. The University also provides information to victims on pursuing criminal action and obtaining protective orders if needed. University officials who are responsible for investigating and/or
adjudicating cases of Sexual Misconduct, Dating Violence, Domestic Violence, and Stalking receive annual training for compliance with federal, state and CSU system regulations.

The University is committed to empowering victims of Sexual Misconduct/Sexual Assault Dating Violence, Domestic Violence, and Stalking by providing ample supportive services, and encouraging their choice of action, regardless of their decision to seek criminal prosecution of offender(s). If requested by the victim, University personnel will assist the victim in notifying the appropriate law enforcement authorities.

PREVENTION, EDUCATION, AND AWARENESS

Primary prevention programs include the following information: Cal State East Bay prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking; includes crime definitions for the local jurisdiction for dating violence, domestic violence, sexual assault, stalking, and of consent; includes a description of safe and positive options for bystander intervention; and includes information on risk reduction.

- **Freshman and Transfer Orientations – Offered annually.** All incoming students and their parents who attend orientation receive a presentation centered around awareness and prevention of sexual violence, dating violence, domestic violence, rape, acquaintance rape, stalking, consent, bystander intervention, healthy relationships, alcohol awareness, the role of alcohol and violence, safety information and resources. CSUEB participates in the national It’s On Us campaign.

- **“Not Anymore” Sexual Assault Prevention Training – Offered as needed throughout the year and upon request.** An interactive online module required for all students, faculty and staff of CSUEB. The educational modules focus on awareness of sexual misconduct by defining affirmative consent, sexual violence, dating violence, domestic violence, stalking, and bystander intervention.

- **Employee Sexual Harassment Prevention training – Offered annually.** Employees are directed to contact Risk Management to request Sexual Harassment Prevention training for employees in supervisory roles and non-supervisorial roles. A training link is provided during the onboarding of new employees and renewed annually as part of their employment with the university.

- **In-Person Training – Offered as needed throughout the year and upon request.** Students, faculty and staff in leadership roles including Resident Advisors, Student Service Officers, Peer Mentors, student athletes, Greeks, and others, receive in-person training on sexual assault awareness and prevention and bystander intervention.

- **Associated Students, Inc. – Offered as needed throughout the year and upon request.** ASI sponsors multiple events, workshops, and presentations throughout the academic year to promote education and awareness of sexual violence, dating violence, domestic violence, stalking, and bystander intervention.

- **University Events - Offered as needed throughout the year and upon request.** The Title IX Coordinator disseminates information and collaborates with the University Police Department, ASI, and other departments to create awareness and prevention of sexual violence, dating violence, domestic violence, rape, acquaintance rape, and stalking. CSUEB participates in hosting programs during the month of April for Sexual Assault Awareness Month (ie, the Clothesline Project, Denim Day, and Take Back the Night).

- **Title IX Website - Available online** - Our Title IX Website contains information and resources for the university community, including: CSU Executive Orders 1095 - 1098, Victim’s Rights and Options
document, Myths and Facts document, information on risk reduction and protective measures, bystander intervention, on and off-campus resources, resources specific to faculty and staff, and links to training. See the Title IX website at http://www.csueastbay.edu/titleix.

- **NCAA Coaches Assist for Sexual Violence Prevention - NCAA required training for all coaches.** Through this interactive module, coaches will learn effective ways to support student-athletes in distress and strategies for building a safe and positive team culture. They will also become familiar with their duties as responsible persons and how to comply with Board of Governor's policies on sexual violence.

- **Visa and Immigration Assistance -** The Center for International Education (CIE) provides a range of immigration and advising services to international students and scholars. Staff can be reached by calling 510-885-2880 or by email at cie@csueastbay.edu or visiting our website at www.csueastbay.edu/cie. Students and employees have access to direct immigration legal services through Immigrant Legal Defense, a nonprofit agency dedicated to providing immigration legal services. For more information and contact information, please visit http://www.immigrantlegaldefense.org/.

- **Financial Aid Assistance -** Cal State East Bay offers a range of enrollment related services such as financial aid and scholarships. Information regarding financial aid and scholarships is available at the Enrollment Information Counter located on the first floor of the Student Services and Administration Building on the Hayward Campus and is open Monday – Thursday, 8:30 a.m. to 5:30 p.m., and Fridays, 10:30 a.m. to 5:00 p.m. They may also be reached by calling 510-885-2784.

**DEFINITIONS PER EXECUTIVE ORDERS 1095-1097**

These policy definitions are derived from the local jurisdiction, and based on the California Penal Code, the California Family Code, and the California Evidence Code. In some instances, these definitions may differ slightly from the federal definitions set forth in the next section for mandatory crime statistic reporting. For reportable crime statistics, the Clery Act regulations mandate definitions from the Federal Bureau of Investigation’s (FBI’s) Uniform Crime Reporting (UCR) Handbook.

In 2020, through Secretary of Education Betsy DeVos, the United States Department of Education, Office for Civil Rights (OCR) issued and amended federal regulations (Federal Regulations) implementing Title IX of the Education Amendments of 1972. The Federal Regulations are titled *Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance* (34 C.F.R. 106). The Federal Regulations were published in the Federal Register on May 19, 2020. The Federal Regulations have been implemented in CSU policy by way of an Addendum to Executive Orders 1096 and 1097 known as “Addendum B – Federal Mandated Hearing Addendum.” The definitions required by the Federal Regulations are included below and identified as “Addendum B Definitions.” These definitions will apply where the campus Title IX Coordinator determines that a Formal Complaint of Sexual Harassment, Sexual Assault, Dating Violence, Domestic Violence, or Stalking falls within the scope of Addendum B. Additional Executive Order definitions are included. These definitions apply to conduct that falls outside of the scope of Addendum B.

**SEX DISCRIMINATION**

An adverse action taken against an individual because of gender or sex (including Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking) as prohibited by Title IX; Title IV; VAWA/Campus SaVE Act; California Education Code § 66250 et seq.; and/or California Government Code
§ 11135. See also Title VII of the Civil Rights Act of 1964, the California Fair Employment and Housing Act (Cal. Govt. Code § 12940 et seq.), and other applicable laws. Persons of all genders and gender identities can be victims of Sex Discrimination.

ADDENDUM B: SEXUAL HARASSMENT
Sexual Harassment means conduct on the basis of Sex that satisfies one or more of the following:

1. An Employee conditioning the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity.

EXECUTIVE ORDER: SEXUAL HARASSMENT
Sexual Harassment is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes but is not limited to sexual advances, requests for sexual favors, and any other conduct of a sexual nature where:

1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant’s academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or
2. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; or
3. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, as creating an intimidating, hostile or offensive environment.

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom or work environment that are unrelated to the coursework or employment. Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature. The University’s policy covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Sexual Harassment or Sexual Misconduct, including Dating or Domestic Violence, or Stalking, subject to University policy.

EXECUTIVE ORDER: SEXUAL MISCONDUCT
All sexual activity between members of the CSU community must be based on Affirmative Consent. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.
Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, and Dating Violence. When based on gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person’s intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person’s incapacitation (including voluntary intoxication) to engage in sexual activity. Persons of all genders can be victims of these forms of Sexual Misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

**ADDENDUM B: SEXUAL ASSUALT:**

a. Rape is the penetration, or attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant. Rape also includes the attempted penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.

b. Fondling is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.

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

d. Statutory Rape is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.

**AFFIRMATIVE CONSENT (Applicable in Addendum B and non-Addendum B matters)**

An informed, affirmative, conscious, voluntary, and mutually agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean Affirmative Consent, nor does silence mean consent. Affirmative Consent must be voluntary, and given without coercion. Force, threats, or intimidation.

- The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent. A request for someone to use a condom or birth control does not, in and of itself, constitute Affirmative Consent.
- Affirmative Consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
• Affirmative Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious or is incapacitated due to the influence of drugs, alcohol or medication so that the person could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack the physical and/or mental ability to make informed, rational decisions,

• Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person’s decision-making ability, awareness of consequences, and ability to make informed judgments. A person’s own intoxication or incapacitation from drugs or alcohol does not diminish that person’s responsibility to obtain Affirmative Consent before engaging in sexual activity.

• A person with a medical or mental disability may also lack the capacity to give consent.

• Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.

• It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:
  o The person was asleep or unconscious;
  o The person was incapacitated due to the influence of drugs, alcohol or medication, so that the person could not understand the fact, nature or extent of the sexual activity;
  o The person was unable to communicate due to a mental or physical condition.

• It shall not be a valid excuse that the respondent believed that the person consented to the sexual activity under either of the following circumstances:
  o The respondent’s belief in Affirmative Consent arose from the intoxication or recklessness of the respondent;
  o The respondent did not take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the person affirmatively consented.

ADDENDUM B: DOMESTIC VIOLENCE
Physical violence or threat of physical violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant.

EXECUTIVE ORDER: DOMESTIC VIOLENCE
Abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the Respondent has a child; someone with whom the Respondent has or had a dating or engagement relationship; or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to: (1) sexual relations between the Parties while sharing the same living quarters; (2) sharing of income or expenses; (3) joint use or ownership of property; (4) whether the Parties hold themselves out as spouses; (5) the continuity of the relationship; and, (6) the length of the relationship. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in
reasonable apprehension of imminent serious bodily injury to self, or another. Abuse does not include non-physical, emotional distress or injury.

ADDENDUM B: DATING VIOLENCE
Physical violence or threat of physical violence committed by a person—
   a. who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
   b. where the existence of such a relationship shall be determined based on a consideration of the following factors:
      i. The length of the relationship.
      ii. The type of relationship.
      iii. The frequency of interaction between the persons involved in the relationship.

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

ADDENDUM B: STALKING
Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others; or suffer substantial emotional distress.

EXECUTIVE ORDER: STALKING
Engaging in a repeated Course of Conduct directed at a specific person that would cause a Reasonable Person to fear for his or her safety or the safety of others, or to suffer Substantial Emotional Distress. For purposes of this definition:
- Course of Conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through Third Parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;
- Reasonable Person means a reasonable person under similar circumstances and with the same Protected Status(es) as the complainant;
- Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

Protected Status includes Age, Disability (physical or mental), Gender (or set), Genetic Information, Gender Identity or Expression, Nationality, Marital Status, Rac or Ethnicity, Religion, Sexual Orientation, and Veteran or Military Status.
PROCEDURES FOR REPORTING A CRIME OF SEXUAL VIOLENCE/SEXUAL MISCONDUCT WHEN FACING IMMEDIATE HARM OR THREAT OF HARM

Persons who have experienced Sexual Misconduct/Sexual Assault, including Rape, Dating Violence, Domestic Violence, or Stalking, are encouraged to seek immediate assistance from police and healthcare providers for their physical safety, emotional support and medical care. University or local police can escort victims to a safe place and transport them to a hospital for medical treatment, if needed. University police can also provide access to a Sexual Assault Victim Advocate. Regardless of whether an individual chooses to notify the police, they are strongly encouraged to seek assistance from the campus Title IX Coordinator and/or a Sexual Assault Victim Advocate or counselor who can provide information on options, rights and remedies.

A written explanation of rights and options must be provided to a Student, Employee or Third Party who reports to the University that s/he has been a victim of Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking, whether the offense occurred on or off Campus. It is the Title IX Coordinator’s responsibility to ensure this written Notice is provided to the complainant/victim(s). The Title IX Coordinator annually provides the written explanation of Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking (Attachment C in Executive Order 1095) to all members of the campus community including Sexual Misconduct/Sexual Assault, Dating or Domestic Violence, or Stalking victims. This includes information on preservation of evidence, how and to whom to report the alleged offense, the options available regarding and involving law enforcement and campus authorities (including notification of law enforcement authorities, being assisted by campus authorities in notifying law enforcement if the victim chooses, and declining to notify the authorities), and notification of the rights of victims to seek orders of protection and request “no-contact” orders, and restraining orders.

Victims have the right to decide who and when to tell about Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking. However, it is very important that they get medical attention after being assaulted. Following the incident, a victim may be physically injured, may have contracted a sexually transmitted disease, or may become pregnant.

The University’s primary concern is the safety and well-being of every member of the campus community. The use of alcohol or drugs never makes the victim at fault. If a campus community member has experienced Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking they should not be deterred from reporting the incident out of a concern that they might be disciplined for related violations of drug, alcohol, or other University policies. A person who participates in investigations or proceedings involving Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking will not be subject to discipline for related violations of the Student Conduct Code or other University policies at or near the time of the incident unless the University determines the conduct places the health and safety of another person at risk, or is otherwise egregious.

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

Certain University employees, listed below, are required by law to maintain near or complete confidentiality; talking to them is sometimes called a “privileged communication.” University law enforcement employees may maintain the victim’s identity as confidential, if requested by the victim, but will report the facts of the incident to the Title IX Coordinator, including the identity of the perpetrator. Most other University employees are required to report all details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator so the University can take immediate action to protect the victim, and take steps to correct and eliminate the misconduct.

University Police, the Title IX Coordinator, University-employed physicians, professional counselors, licensed clinical social workers, sexual assault and domestic violence counselors and advocates, and certain other University employees are required to explain to victims their rights and options with respect to confidentiality.

**PRIVILEGED AND CONFIDENTIAL REPORTS**

Treating physicians, psychotherapists, professional counselors, and clergy who work or volunteer providing medical or mental health treatment or counseling (including those who act in that role under their supervision may not report any information about an incident of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking to anyone else at the University, including the Title IX Coordinator, without the victim’s consent. A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal the victim’s identity or the fact of the victim’s disclosure. However, see limited exceptions below regarding when these professionals must report to local law enforcement agencies. These confidential professionals should explain these limited exceptions to victims, if applicable.

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a treating physician, psychotherapist, professional counselor, or clergy member, and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the University and a separate complaint with local or University Police. If a victim insists on confidentiality, the University will likely not be able to fully assist the victim with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. Counselors and advocates can provide victims with that assistance if requested. Treating physicians, psychotherapists, professional counselors, and clergy will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if it occurs.
EXCEPTIONS TO CONFIDENTIALITY

Under California law, any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if they provide medical services for a physical condition to a patient/victim who they know or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including Sexual Misconduct/Sexual Assault, Domestic Violence, and Dating Violence).

This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable. Finally, some or all of these professionals may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual violence incident. If applicable, these professionals will explain this limited exception to victims.

PRESERVATION OF EVIDENCE

In cases of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking, the preservation of physical evidence is important to facilitate the identity and successful prosecution of the offender. The victim should not change clothes, bathe, douche, or shower following the attack. Sexual Assault Response Team (S.A.R.T.) medical personnel are trained to collect, process, and preserve physical evidence of Sexual Misconduct, and are committed in their assistance to the victim. Victims may request a S.A.R.T. exam to preserve forensic evidence without completing a police report. This evidence may be used in the case a victim wishes to report the assault at a later date. Victims are not financially responsible for S.A.R.T. exams and the cost will be the responsibility of the local law enforcement jurisdiction.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult. Victims who choose not to make a complaint regarding an incident, nevertheless should consider speaking with University Police or other law enforcement to preserve evidence in the event that they change their mind and wish to report the assault at a later date.

A victim has the right to have a confidential advocate present when reporting to law enforcement and during examinations. With the victim’s consent, the confidential advocate will assess the victim’s immediate needs and provide support and referral as appropriate. This confidential assistance may include: counseling, information concerning rape trauma syndrome; information on the collection of medical evidence and available health services to test for injuries, sexually transmitted diseases, and/or pregnancy. Assistance is also available with access to other resources and services, including assistance in obtaining emergency protection orders and restraining orders.
REPORTING OPTIONS

Victims have several reporting options including those with confidentiality, and may pursue one or all of these options at any time. Victims have a right to have a friend, family member, sexual assault victim advocate, or other representative present while reporting the incident. They also have the right to have a sexual assault victim advocate and support person of their choice present with them during a rape examination. The campus Title IX Coordinator can assist in notifying the police. Victims may also take any of the actions below.

REPORTING TO THE POLICE

Reporting to University Police and/or local police is an option at any time. Victims who choose not to report to the police immediately following a Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, or Stalking incident, can still make the report at a later time. However, with the passage of time, the ability to gather evidence to assist with criminal prosecution may be limited. Depending on the circumstances, the police may be able to obtain a criminal restraining order on the victim’s behalf.

As soon after the incident as possible, victims of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking are strongly encouraged to report the incident to the police. Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking may be reported to the University Police Department by dialing 911. The University Police will support all victims of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking regardless of their decision to seek criminal prosecution of the offender or not. Victims have the option to report anonymously to the police and the decision to seek criminal prosecution remains with the victim. University Police will protect the confidentiality of the victim to the extent permitted by applicable California State law.

If a victim reports to a local police agency or the University Police about Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that their identity be kept confidential, their name will not become a matter of public record and the police will not report the victim’s identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself, including the identity of the perpetrator if known, to the Title IX Coordinator being sure not to reveal the victim names/identities or compromise their own criminal investigation. The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

REPORTING TO A CSA

Any member of the University community may report incidents of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence or Stalking to any Campus Security Authority (CSA’s). These University personnel will assist the victim in notifying the appropriate law enforcement agency if the victim requests the assistance of law enforcement. In addition, most campus employees including CSA’s are required to report incidents of Sexual Misconduct/Sexual Assault, Dating Violence, Dating Violence and Stalking to the Title IX Coordinator. Title IX Coordinator reporting responsibilities are described in detail below.
NOTE: If the University determines that the perpetrator poses a serious and immediate threat to the campus community, under the Clery Act the campus may be required to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

ADMINISTRATIVE
Victims may report to the campus Title IX Coordinator, who will provide written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident. The Title IX Coordinator will also provide information regarding resources available to victims, as well as information regarding their rights and options. Contact information for the Title IX Coordinator is listed under Complaint Procedures.

The Campus Title IX Coordinator will also provide information regarding any reasonable Supportive Measures the University may offer prior to conclusion of an investigation to reduce or eliminate negative impact and provide available assistance. Examples include: adjustment to work assignments, housing locations, course schedules or supervisory reporting relationship; mutual restrictions on contact between the Complainant and the Respondent; leaves of absence; or campus escorts. These options may be available whether or not the victim chooses to report the incident to Campus police or law enforcement. The Title IX Coordinator remains available to assist the victim and provide reasonable Supportive Measures requested throughout the reporting, investigative, and disciplinary processes, and thereafter.

REPORTING TO A TITLE IX COORDINATOR OR RESPONSIBLE EMPLOYEE
Many resources and options are available on and off campus including confidential and privileged communication options. The University has designated a Title IX Coordinator as the primary point of contact to provide victims with assistance and support, and to monitor and oversee overall compliance with laws and policies related to Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking. The campus Title IX Coordinator is available to explain and discuss rights to file a criminal complaint and to assist in doing so; the University’s relevant formal complaint process, and rights to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters.

Most University employees have a duty to report disclosed incidents of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking when they are on notice of it. When a victim tells the Title IX Coordinator or another non-confidential University employee about a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the University strongly encourages victims to report Sexual Misconduct, Dating Violence, Domestic Violence, or Stalking directly to the campus Title IX Coordinator.

As detailed above, most University employees except treating physicians, licensed counselors, and clergy must report to the Title IX Coordinator all relevant details about any Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incidents of which they become aware. The University will need to determine what happened and will need to know the names of the victim(s) and the alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.
To the extent possible, information reported to the Title IX Coordinator or other University employees will be kept private and shared only with individuals responsible for handling the University’s response to the incident. Any Supportive Measures will remain confidential except when it is not possible to maintain confidentiality in order to provide the Supportive Measures. The University will protect the privacy of individuals involved in a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking incident except as otherwise required by law or University policy. A Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking report may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim’s identity and privacy and the privacy of other involved individuals. Except as detailed in the section on Privileged and Confidential Communications above, no University employee, including the Title IX Coordinator, should disclose the victim’s identity to the police without the victim’s consent or unless the victim has also reported the incident to the police.

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

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

- Provide Supportive Measures requested by the victim and the other party to a complaint, if they are reasonably available, regardless of whether the victim chooses to report to campus or local police;
- Assist victims in accessing available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Assist victims in accessing available financial aid assistance, assistance with transportation, and visa or immigration assistance.
- Provide security and support, which could include issuing a mutual no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules or adjustments for assignments, tests, or work duties; and
- Inform victims of their right to report a crime to University or local police – and provide victims with assistance if desired.
The Title IX 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 University will not require a victim to participate in any investigation or disciplinary proceeding if the victim does not wish to participate.

The University will not generally notify parents or legal guardians of a Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking report unless the victim is under 18 years old or the victim provides the University with written permission to do so.

The institution 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 the institution 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.

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

Because the University is under a continuing legal obligation to address the issue of Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, or Stalking campus-wide, reports (including non-identifying reports) may also require the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported incident(s) occurred; increased education, training and prevention efforts, including to targeted population groups; climate assessments/victimization surveys; and/or revision of policies and practices.

NON-REPORTING
Victims are strongly encouraged to formally report any incident of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, or Stalking to the police and/or campus Title IX Coordinator so that steps may be taken to protect them and the rest of the campus community. However, non-reporting is also an option.

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

RESTRAINING ORDERS
Victims may also choose to obtain a protective or restraining order (such as a Domestic Violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, Sexual Misconduct/Sexual Assault, Dating Violence, Domestic
Violence, or Stalking. The campus Title IX Coordinator or Sexual Assault Victim's Advocate can offer assistance with obtaining a protective or restraining order. Information on how to do so, including how to obtain and file a DV-110 form is provided to the victim and can be found at the following link: 

**DISCIPLINARY PROCEDURES**

The investigation and hearing process (when applicable) from initial formal complaint to final result shall be prompt, fair, and impartial. An investigator will meet separately with the complainant and the respondent and other potential witnesses to gather information.

Victims are not required to participate in any University disciplinary process and may choose not to be a part of it. Disciplinary procedures will:

- Provide a prompt, fair, and impartial process and resolution;
- Be conducted by officials who receive annual training on Sexual Misconduct/Sexual Assault, Dating Violence, Domestic Violence, and Stalking and how to conduct a hearing process that protects members of the campus community and promotes accountability;
- Provide the complainant and respondent the same opportunity to be accompanied to any related meeting or proceeding by the Support Advisor of their choice;
- Simultaneously inform the complainant and respondent in writing of:
  - The outcome of the disciplinary proceeding;
  - The University’s procedures to appeal the results of the disciplinary proceeding;
  - Any change to the disciplinary results that occurs prior to the time such results become final; and
  - When disciplinary results become final.

**COMPLAINT PROCEDURES**

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

The following is a list of individuals and/or departments where a formal complaint can be made:

- CSUEB Title IX Coordinator - Terri La Beaux, title9@csueastbay.edu
- CSUEB Deputy Title IX Coordinators:
  - James A. Carroll, Director of Student Conduct, James.carroll@csueastbay.edu
  - Bethany Hobbs-Helmus, Assistant Athletics Director, Bethany.helmus@csueastbay.edu
  - Dr. My-Lan Huynh, Associate Director of Housing, My-lan.huynh@csueastbay.edu
  - Jill Millican, Director of Community Welfare and Coverage, Jill.millican@csueastbay.edu
  - Ed Park, Human Resource Manager, Ed.park@csueastbay.edu
  - Jennifer Toor, Director of Fiscal Services, Jennifer.toor@csueastbay.edu
  - Rosalina Johnson, Discrimination, Harassment & Retaliation Administrator, Rosalina.johnson@csueastbay.edu
• University Police - Lieutenant Omar Miakhil, 510-885-3791 | Anonymous Line: 510-885-2444
• Hayward Police Department Special Victims Unit, Non-emergency: (510) 293-7034 | (510) 293-7000
• Concord Police Department, Non-emergency: (925) 671-3220 | Emergency: (925) 671-3333 from mobile
• Oakland Police Department, Non-emergency: (510) 777-3333 | Emergency: (510) 777-3211 from mobile

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

COMPLAINTS MADE BY STUDENTS
Executive Order 1097, entitled "Systemwide Policy Prohibiting Discrimination, Harassment, and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students" is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking made by CSU students against the CSU, a CSU employee, another CSU student, or a third party. Executive Order 1097 can be viewed at https://calstate.policystat.com/policy/6742744/latest/

COMPLAINTS MADE BY EMPLOYEES, FORMER EMPLOYEES, THIRD PARTIES, AND APPLICANTS FOR EMPLOYMENT
Executive Order 1096, entitled “Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties” is the appropriate systemwide procedure for all complaints of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Violence, Domestic Violence, Dating Violence, and Stalking made by employees and former employees against the CSU, another CSU employee, a CSU student or a third party.

Employees covered by a collective bargaining agreement that provides a grievance procedure for raising allegations of Sex Discrimination or Sexual Harassment, including Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking shall use the grievance procedure specified in their collective bargaining agreement. Executive Order 1096 can be viewed at https://calstate.policystat.com/policy/6743499/latest/

COMPLAINTS MADE BY STUDENT-EMPLOYEES
Executive Order 1096 is the appropriate system-wide procedure for all complaints of Sex Discrimination, including Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking, made by
student-employees where the alleged Sex Discrimination, Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking arose out of the person’s status as an employee and not their status as a student. Executive Order 1096 can be viewed at https://calstate.policystat.com/policy/6743499/latest/

When the Title IX Coordinator receives a Formal Complaint, or where new information or events arise, the Title IX Coordinator will assess whether the Formal Complaint meets the requirements of the Federal Regulations to move forward under the process in Addendum B. A determination that allegations in a Formal Complaint do not meet the requirements of the Federal Regulations will result in a 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 University may have an obligation to address the matter under other laws and policies.

Written notice of a mandatory or discretionary dismissal and reason(s) for the dismissal will be sent Simultaneously to the Parties when a Title IX Coordinator dismisses a Formal 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. This notice may be accompanied by a Notice of Allegations, as described in Article VI. below, where a Notice of Allegations has not already been provided.

Either Party may appeal from a dismissal of a Formal Complaint or any part of the Complaint. The appeal must be filed within 10 Working Days from the date of the Notice of Dismissal. The appeal will be in writing and will be based only on one or more of the following grounds: a procedural irregularity occurred that affected the dismissal of the Formal Complaint; new evidence that was not reasonably available at the time the dismissal decision was made that could affect the decision to dismiss the Formal Complaint; or the Title IX Coordinator (or designee) who dismissed the Formal Complaint had a conflict of interest or bias for or against the complainant or respondent in this case or complainants or respondents in general.

Appeals 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

If you are unable to file an appeal or a response to an appeal electronically, please 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.

The CO review will not involve a new assessment of the Dismissal/Referral or consideration of evidence that was not introduced during the Campus review, unless the new evidence was not reasonably available at the time of the review.
If the CO review determines that the Dismissal/Referral should be reviewed to cure any defects, the matter will be remanded back to the Campus to reassess within a timeframe specified by the CO. The Parties will be informed Simultaneously of the review and the timeframe. Once the review is complete the Campus will provide the Parties and the CO with either a Notice of Dismissal/Referral or Notice of Allegations, depending on the outcome, that reflects any changes to the determination. The notice will inform the Parties of their right to appeal and the CO will contact the appealing Party to determine whether that Party wishes to continue with the appeal.

The CO appeal response is final and concludes the Dismissal/Referral process under Addendum B. If there is a mandatory dismissal of a Formal Complaint, it does not preclude the Campus from later identifying a relevant policy or policies that address the alleged conduct, notifying the Parties of the policy or policies, and moving forward under the procedures of those policies.

When the Title IX Coordinator receives a Formal Complaint, the Title IX Coordinator will Simultaneously provide both Parties a written Notice of Allegations.

The Notice of Allegations will be provided to both Parties regardless of whether the Formal Complaint must be dismissed. See section above on dismissal of formal complaints. If a Formal Complaint is dismissed at this stage of the process, the Notice of Allegations will also include the Notice of Dismissal and appeal rights.

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.

**INFORMAL RESOLUTION**

At any time prior to the issuance of the Hearing Officer’s Report, if the Title IX Coordinator or either Party believes that it may be possible to resolve the Formal Complaint in a prompt, fair, and reasonable manner without a hearing, the Parties may consider an Informal Resolution that does not involve a full investigation and adjudication, subject to the following:

A. informal Resolution under Addendum B may only be offered where a Formal Complaint has been filed;

B. the University cannot offer or facilitate Informal Resolution under Addendum B to resolve allegations that an Employee sexually harassed a Student; and

C. the University must obtain the Parties’ voluntary, written consent before starting the Informal Resolution process.

Once the Title IX Coordinator determines that Informal Resolution is appropriate, the Parties should Simultaneously be provided written notice regarding Informal Resolution that includes the following:
A. the allegations of Sexual Harassment, as defined by Addendum B;
B. the requirements of the Informal Resolution process including that once the Informal Resolution process is finalized neither Party is permitted to file another Formal Complaint arising from the same allegations;
C. 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 Formal Complaint process;
D. an explanation of any consequences resulting from participating in the Informal Resolution process, including the records that will be maintained or could be shared; and
E. the Parties’ right to consult with a Support Advisor, if any.

The Title IX Coordinator will oversee the Informal Resolution process 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 Formal Complaint. The Informal Resolution process will be completed prior to any determination of responsibility being made, but no later than 60 Working Days after both Parties provide voluntary, written consent to participate in the Informal Resolution process.

The University may not require the Parties to participate in an Informal Resolution process under Addendum B, nor may a Party be required to waive their right to the investigation and adjudication of a Formal Complaint as a condition of enrollment or employment, or continuing enrollment or employment. The terms of any Informal Resolution must be put in writing and signed by the Parties, and the Title IX Coordinator. Prior to signing the Informal Resolution, the Title IX Coordinator will consult with the Student Conduct Administrator and/or other appropriate University Administrator responsible for the implementation of the terms. Use of electronic signatures is permitted.

Any agreed-upon Remedies and disciplinary sanctions will have the force and effect of sanctions imposed following a hearing.

The resolution will be final and not appealable by either party.

INVESTIGATIVE PROCEDURES
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 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 the relevant Executive Order, including Addendum B.

GATHERING OF EVIDENCE
The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the University and not on the Parties. 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. Parties should be aware that all evidence Directly Related to the investigation will be provided to the other Party, subject to the exceptions described below. The University cannot access, consider, disclose, or otherwise use a Party’s records that are
made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the Party, unless the University obtains that Party's voluntary, written consent to do so for a Formal Complaint process under Addendum B. The University will not restrict the ability of either Party to discuss the allegations under investigation or to gather and present Relevant evidence (for example, contacting a potential witness).

ADVISORS
Support Advisor - The Complainant and the Respondent may each elect to be accompanied by a Support Advisor to any meeting, interview, or proceeding regarding the allegations that are the subject of a Formal Complaint. The Support Advisor may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, or, in the case of the Complainant, a Sexual Assault Victim's Advocate. The Support Advisor may not answer questions regarding the subject matter of the investigation for the Complainant or the Respondent or speak on behalf of a Complainant or Respondent. However, the Support Advisor may observe and consult with the Complainant or Respondent.

Hearing Advisor - The Complainant and Respondent must have a Hearing Advisor at the hearing. A Hearing Advisor will be responsible for asking the other Party and any witnesses all Relevant questions and follow-up questions, including those that challenge credibility, during the hearing. During a hearing, Parties may not ask questions of the other Party or any witnesses. Questioning at the live hearing will be conducted directly, orally, and in real time by the Party's Hearing Advisor of choice or a Hearing Advisor provided by the University if the Party does not have a Hearing Advisor. The Hearing Advisor may be the same person as the Support Advisor. A Party may have both a Support Advisor and a Hearing Advisor present at a hearing. If a Party does not have a Hearing Advisor to perform questioning during the hearing, the University shall provide the Party with a Hearing Advisor for this purpose.

The Title IX Coordinator or Investigator will explain to the Complainant and Respondent that they may request that their Support Advisor, if any, be copied on communications during the Formal Complaint process. Any such request will be in writing to the Title IX Coordinator or Investigator and should include the Support Advisor's name and contact information. The Title IX Coordinator or Investigator will also explain that Support Advisors will receive a copy of the evidence and Final Investigation Report, unless the Party specifically directs in writing that this information should not be sent to their Support Advisor. Although reasonable efforts will be made to accommodate Hearing Advisors and Support Advisors, undue delays affecting the complaint resolution timeline will not be permitted. Disruptive, abusive, or disrespectful behavior also will not be tolerated. At the discretion of the Investigator or Title IX Coordinator during meetings or interviews and of the Hearing Officer during hearings, a Hearing Advisor or Support Advisor who engages in disruptive, abusive or disrespectful behavior will not be permitted to participate. If a Hearing Advisor is excused during a hearing, the University will either provide a Party with another Hearing Advisor or allow the Party to obtain another Hearing Advisor. It is within the Hearing Officer's discretion to proceed with or postpone the hearing in order to address the situation.

NOTICE OF MEETINGS, INTERVIEWS AND HEARINGS
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 Addendum B.

If a Party requests to meet 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 (Final Investigation Report), the Investigator will send to the Complainant and Respondent, and their respective Support Advisors, all evidence (including evidence upon which the University 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). This includes inculpatory or exculpatory evidence whether obtained from a Party or other source, redacted if required by law.

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:

1. Meet again with the Investigator to further discuss the allegations;
2. Identify additional disputed facts;
3. Respond to the evidence in writing;
4. Request that the Investigator ask additional specific questions to the other Party and other witnesses;
5. Identify additional relevant witnesses; or
6. Request that the Investigator gather additional 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. As part of an Informal Resolution, at the request of both Parties, Campuses will provide a written preliminary assessment of the evidence by the Title IX Coordinator. Neither the fact nor the substance of the assessment will be shared with the Hearing Officer or considered Relevant at the Hearing. The Final Investigation Report shall be sent to the Parties and their respective Support Advisors, if any, in electronic format (which may include use of a file sharing platform that restricts the Parties and any Support Advisors from downloading or copying the evidence) or hard copy. The Parties and their Support Advisors will be provided 10 Working Days to review and provide a written response to the Final Investigation Report. Campuses will inform Parties not to include any reference to the preliminary assessment and that any such references will be redacted. The written response will be attached to the Final Investigation Report and provided to the Hearing Officer, if appropriate, and the Parties. Any references to a preliminary assessment, assuming one was requested, will be redacted from this written response. No documentation should be provided to the Hearing Officer if an Informal Resolution is reached.
TIMEFRAME FOR COMPLETION OF INVESTIGATION
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, and notice to the Parties given, as set forth in Article V. E. of EO 1096 and EO 1097. 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 in Article IX 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.

HEARING PROCEDURES
A Hearing Coordinator, (either the Student Conduct Administrator, Title IX Coordinator, or other appropriate Administrator) will be responsible for coordinating the hearing process. The Hearing Coordinator's duties will include: scheduling the hearing; notifying witnesses of the hearing; ensuring that the Hearing Officer is provided with appropriate materials including a copy of the report and any exhibits; coordinating videoconferencing (if necessary); and securing a location for the hearing. The Hearing Coordinator will also act as liaison between the Parties and the Hearing Officer on procedural matters.

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 e-mail address, unless the recipient has specifically requested in writing to the Hearing Coordinator that notice be given to a different e-mail 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. The objection may only be based on an actual conflict of interest. A conflict of interest exists if the Hearing Officer has a personal relationship with one of the Parties or witnesses or has demonstrated actual bias towards a Party or witness. The fact that a Hearing Officer has previously served as a Hearing Officer in a University proceedings will not constitute a conflict of interest. The Hearing Coordinator will determine if a conflict of interest exists. In that event, the Parties will be notified in writing of the name of the new Hearing Officer. The date for the hearing may need to be rescheduled. Any objection to the new Hearing Officer will be made in accordance with this section.

No later than 15 Working Days before the hearing, each Party may: a. 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’s testimony and the disputed issue to which the witness’s testimony relates. 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.

**DETERMINATION REGARDING RESPONSIBILITY**

After the hearing, the Hearing Officer will make written findings of fact and conclusions about whether the Respondent violated Addendum B with respect to the definition of Sexual Harassment.

The standard of proof the Hearing Officer will use is whether each allegation is substantiated by a Preponderance of the Evidence. The Title IX Coordinator will review the Hearing Officer’s Report to ensure procedural compliance with Addendum B.

The Hearing Coordinator will Simultaneously send the Hearing Officer’s Report promptly to the Parties, the Title IX Coordinator, and the appropriate University Administrator, usually within 15 Working Days of the close of the hearing.

If no violation of the addendum 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 addendum 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 University 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 (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 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.

**PRESIDENT’S SANCTION DECISION/NOTIFICATION**

The president (or designee) may impose the recommended sanctions, adopt a different sanction or discipline, or reject sanctions or disciplines altogether. If the president (or designee) adopts a sanction other than what is
recommended by the Hearing Officer, the president (or designee) must set forth the reasons in the Decision Letter.

The president will simultaneously send the Decision Letter electronically to the Respondent and Complainant at the University-assigned or other primary e-mail address linked to their University accounts. The decision letter will also be sent to the Student Conduct Administrator or other appropriate University Administrator responsible for Employee discipline and the Hearing Officer.

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).

EMPLOYEE SANCTIONS
Where a complaint is made against an employee, Human Resources or Academic/Faculty Affairs shall be notified and provided a copy of the investigation reports. Sanctions are imposed in accordance with current collective bargaining agreement, when applicable, and may include:

- verbal reprimand
- written reprimand
- reduction in salary
- temporary or permanent demotion
- paid or unpaid administrative leave
- suspension
- denial or curtailment of emeritus status
- mandated education or training
- change in work location
- restrictions from all or portions of campus
- restrictions to scope of work
- dismissal
- suspension in service credit

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

1. **RESTITUTION**
   Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.

2. **LOSS OF FINANCIAL AID**
   Scholarships, loans, grants, fellowships and any other types of state financial aid given or guaranteed for the purposes of academic assistance can be conditioned, limited, cancelled or denied.
3. EDUCATIONAL AND REMEDIAL SANCTIONS
Assignments, such as work, research, essays, service to the University or the community, training, counseling, removal from participation in recognized student clubs and organizations (e.g., fraternities misconduct) or as deemed appropriate based upon the nature of the violation.

4. DENIAL OF ACCESS TO CAMPUS OR PERSONS
A designated period of time during which the student is not permitted: (i) on University Property or specified areas of campus; or (ii) to have contact (physical or otherwise) with the complainant, witnesses or other specified persons.

5. DISCIPLINARY PROBATION
A designated period of time during which privileges of continuing in student status are conditioned upon future behavior. Conditions may include the potential loss of specified privileges to which a current student would otherwise be entitled, or the probability of more severe disciplinary sanctions if the student is found to violate the Student Conduct Code or any University policy during the probationary period.

6. SUSPENSION
Temporary separation of the student from 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.

7. EXPULSION
Permanent separation of the student from student status from the California State University system. Expulsion, withdrawal in lieu of expulsion, and withdrawal with pending misconduct investigation or disciplinary proceeding shall be entered on the student’s transcript permanently, without exception; this requirement shall not be waived in connection with a resolution agreement.

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

OTHER CONSIDERATIONS RELATED TO SANCTIONS:

1. ADMINISTRATIVE HOLD AND WITHHOLDING A DEGREE
The University may place an administrative hold on registration transactions and release of records and transcripts of a student who has been sent written notice of a pending investigation or disciplinary
case concerning that student, and may withhold awarding a degree otherwise earned until the completion of the process, including the completion of all sanctions imposed.

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

3. INTERIM SUSPENSION
A president may impose an interim suspension pursuant to Title 5, California Code of Regulations section 41302 where there is reasonable cause to believe that separation of a student is necessary to protect the personal safety of persons within the University community or University property, and to ensure the maintenance of order. An investigative finding of a violation of Executive Orders 1096 or 1097 standing alone may be sufficient to constitute reasonable cause to believe that an interim suspension is necessary to protect the personal safety of persons within the University community or University property, and to ensure the maintenance of order.

4. DENIAL OF PRESENCE ON CAMPUS DURING INTERIM SUSPENSION
During the period of an interim suspension, the student charged may not, without prior written permission from the campus president, enter any campus of the California State University other than to attend the hearing regarding the merits of the interim suspension and any disciplinary hearing. The president may also restrict the student’s participation in University-related activities on a case-by-case basis, such as attending off-campus activities and/or participating in on-line classes. Violation of any condition of interim suspension shall be grounds for expulsion.

5. ADMISSION OR READMISSION
Applicants for admission or readmission into any University program are subject to appropriate sanctions for violations of the Student Conduct Code, including qualification, revocation or denial of admission or readmission. For students who withdraw while a disciplinary matter is proceeding, the campus has discretion whether to continue proceedings or hold proceedings in abeyance.

APPEAL OF PRESIDENT’S SANCTION
Filing an Appeal to the Chancellor’s Officer. Any Complainant or Respondent who is not satisfied with a Formal Complaint Process outcome (determination regarding responsibility or recommended sanction) may file an appeal with the Chancellor’s Office (CO) no later than 10 Working Days after the date of the Decision Letter. All arguments and/or evidence supporting the appeal must be submitted by the deadline to file the appeal.

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1 For matters involving processes other than those that fall under addendum B, this is not applicable.
2 For matters involving processes other than those that fall under addendum B, this is not applicable.
appeal. Evidence/arguments submitted after the appeal submission deadline will not be considered by the CO.

The appeal must be in writing and may be based only on one or more of the grounds for appeal listed below: the hearing outcome is not supported by substantial evidence (in other words, there was no reasonable basis for such findings or conclusions); a procedural irregularity occurred that affected the outcome of the matter; new evidence that was not reasonably available at the time of the hearing and would have affected the Hearing Officer’s decision about whether the Respondent violated the Executive Order, including addendum B; the Title IX Coordinator, Investigator, or Hearing Officer had a Conflict of Interest or Bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter; and the sanction(s) imposed as part of the outcome of the Formal Complaint process constituted an abuse of discretion based on the substantiated conduct.

Issues and Evidence on Appeal. The issues and evidence raised on appeal will be limited to those raised and identified during the Campus hearing, unless new evidence becomes available that was not reasonably available at the time of a Campus hearing that could affect the outcome of the matter and is submitted by the appealing party. The CO may communicate, at the CO’s discretion, with the appealing party, the responding party, and/or the Campus to clarify the written appeal. Appeals will be addressed to:

Equal Opportunity and Whistleblower Compliance Unit Systemwide Human Resources Office of the Chancellor 401 Golden Shore, 4th Floor Long Beach, California 90802 eo-wbappeals@calstate.edu. Electronic submission to the email address listed above is the preferred method of submitting appeals.

The CO will provide prompt written acknowledgement of the receipt of the appeal to the appealing Party, and will provide prompt written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the Campus Title IX Coordinator. 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 and appeal response shall be limited to 3,500 words, excluding exhibits.

REGISTERED SEX OFFENDERS
California’s sex offender registration laws require convicted sex offenders to register their status with the University 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/

EMERGENCY NOTIFICATION
The University will issue emergency notifications, without delay, in response to a confirmed significant emergency or a dangerous situation, occurring in the Clery defined on campus geography that, in the judgment of the University, constitutes an immediate threat to the health or safety of members of the on-campus community.
Once UPD has received the report, the Chief of Police, (or management designee in the absence of the Chief), will confer with the 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) an emergency or dangerous situation in fact exists in on-campus geography; and 2) the emergency or dangerous situation poses an immediate or imminent threat to members of the on-campus community.

If both of the above factors are not met, no emergency notification will be issued.

If it is determined that both of the above factors are met, then an emergency notification will be issued to the community. The Chief of Police (or management designee in the absence of the Chief), will confer with the Clery Director if one is designated and if available, to prepare the content of the notification taking into account the safety of the on-campus community. They will also determine, based on the confirmed facts of the emergency, if the entire campus community or only a specific segment of the on campus community is threatened and need to be notified. Examples of emergencies where only a segment might be alerted would be a fire contained in a dorm laundry room where only the residents of that one dorm floor or of that one dorm building are at risk and need to evacuate, or a chemical spill in a lab where only the one room, floor, or the occupants of that one building are at risk and need to evacuate.

Once the notification is prepared, the Chief of Police or the Clery Director if one is designated, or in their absence, the management designee(s) will, without delay and taking into account 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.

Distribution methods of emergency notifications may include but are not limited to one or more of the following methods:

- The campus mass notification system, including but not limited to phone, campus email, or text messaging
- Audio/visual message boards
- Audible alarms/sirens
- Campus public address systems
- In person or door-to-door notifications in a building or residence halls
- Other means appropriate under the circumstances (such as social media or community notification system)

Students and employees who need information on how to add contact information to be included for emergency notification or to remove information and “opt out” of notifications can do so via text upon receiving an initial notification or may call University Police at 510-885-3791 for assistance.

The larger community has the ability to sign up for AC alert by registering at: https://member.everbridge.net/index/453003085612570#/login.

If a campus emergency impacts the surrounding campus community, the University Police will coordinate the dissemination of that message by contacting the Hayward Police Department’s Emergency Communication
Center (ECC). The Hayward ECC has access to the AC Alert system which can provide emergency notification to the larger community area.

The Chief of Police or the Clery Director if one is designated, or in their absence, the management designee(s) will provide follow-up notifications and information until the emergency is mitigated and no longer poses a threat.

If an emergency notification is issued, a timely warning will not be issued to the community for the same incident.

TESTING THE EMERGENCY NOTIFICATION 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, at least one test will be publicized in conjunction with the campus’ emergency response and evacuation procedures. 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 manner in which CSUEB conducts emergency operations on campus is governed by State and Federal legislation. The ability to declare a campus State of Emergency is governed by CSUEB policy. The President has the authority to declare a State of University Emergency. Usually, such a declaration will be made upon the recommendation of the emergency operations center with the advice of the Chief of Police and other administrators. The CSUEB Emergency Operations Plan fulfills the university’s responsibilities to adhere to the:

• Standardized Emergency Management System (SEMS)
• Incident Command System (ICS)
• National Incident Management System (NIMS)

The overall objective of emergency management is to ensure the effective management of response resources in preparing for and responding to situations associated with catastrophic emergencies. To carry out its responsibilities, the emergency operation center will accomplish the following objectives during an emergency/disaster:

• Support and coordinate emergency response and recovery operations
• Coordinate and work with appropriate federal, state, and local government agencies, and private sector
• Submit resource needs and coordinate requests for resources from outside agencies and jurisdictions
• Establish priorities and resolve any conflict demands for support
• Prepare and disseminate emergency public information to alert, warn, and inform the campus
• Collect and disseminate damage information and other essential data about the situation
• Fulfill our obligation for intelligence gathering and information flow throughout the incident
• Provide logistical support for the emergency response
In a campus-wide emergency, the decision to implement evacuation procedures rests with the emergency operations center (EOC), if the EOC is activated. In situations requiring immediate action, public safety responders (Police/Fire) can also order a local area evacuation. When evaluating possible evacuation, consideration will be given to the specific threat (bomb, fire, storm, earthquake, explosion, hazardous materials incident, etc.), its context (time of day, likelihood, etc.), and the recommendation of public safety officials.

In a major earthquake, individuals should “duck, cover, and hold” until the shaking stops, and then evacuate the building if necessary. The procedures for a campus-wide evacuation will vary, depending on the nature of the event. In all cases when the decision has been made to evacuate, the campus will likely be evacuated in stages, beginning with the areas that are in the immediate vicinity of the threat. Other areas may then be evacuated, depending on the nature of the threat. This graduated evacuation is preferable to a total, immediate evacuation, as it triages the populations most in danger, minimizes the likelihood of gridlock and congestion, and provides for ingress of emergency vehicles and personnel. In all cases, evacuees would be directed away from the vicinity of the threat.

The EOC will initially focus on the dissemination of information and instructions to the people at risk on the campus. For some hazards, the campus may have only a few minutes to alert those at risk. Pre-scripted information may go out with the initial warning. These messages will be followed up with what is happening, what the response organization (police, fire, etc.) is doing, and what else the campus should do for its safety. The emergency operation center will feed preparedness information into an established media-public link, and give updates to the media and the campus after impact. If, in the professional judgment of responsible authorities, a notification would compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency, a notification will not be issued.

The CSUEB Emergency Management conducts training, drills and exercises to ensure the EOC and campus community are prepared to carry out emergency response functions during any emergency situation. Training, drills, exercises and assessments are designed to meet the following goals:

- Provide general instructions to the campus population regarding potential hazards, methods of alerting and protective actions
- Familiarize the campus community with evacuation procedures and routes to reduce panic during an actual emergency
- Provide training to members of the EOC staff
- Provide problem-solving drills to the members of the EOC to enhance their skills
- Continually improve emergency management and response training incorporating new ideas and lessons learned

Training, drills, and exercises are scheduled yearly and conducted in a no-fault learning environment wherein systems and processes, not individuals, are evaluated. The campus mass alert system is activated to notify faculty, staff and students that training, drills and exercises are being conducted. Participant evaluation forms are utilized to assess training, drill and exercise functionality. The evaluation forms contain information regarding the description of the exercise, the date the event was held, the time the test started and ended,
and whether the test was announced or unannounced. This information is used to compile an incident After Action Report (AAR).

An AAR will be written after a training, exercise, drill or incident. The AAR results will provide an opportunity to identify weaknesses, enhance strengths and improve capabilities. The AAR will provide, at minimum, response actions taken, necessary modifications to plans and procedures, identified training needs, and recovery activities to date. The AAR will be completed within 90 days of the close of the incident period.

The AAR will serve as a source for documenting CSUEB’s emergency response activities, identifying areas of concerns and successes. It will also be utilized to develop and describe a work plan for implementing improvements. The AAR is a public document and will be available through the University Police Department via a public records request. The AAR will be concise, well-constructed, written in simple language and geared to multiple audiences. Oversight and completion of the AAR is the responsibility of the Emergency Operations Manager/Coordinator. Since CSUEB tests emergency plans, skills, resources, and relationships in response to a dynamic homeland security environment, drills and/or exercises may result in multiple findings and recommendations for improvement.

The Emergency Manager/Coordinator will ensure CSUEB employees are aware of this plan, and are trained to the levels required by the guiding directives in SEMS and relevant national plans. Training requirements are listed in the CSUEB EOP and are available to the public online at http://www.csueastbay.edu/upd/updated-2019-eop.pdf. Those with responsibilities under the EOP must ensure their personnel are properly trained to carry out these responsibilities. The Emergency Manager/Coordinator is responsible for the maintenance of the training records.

There are several drills that are conducted throughout the University. The following is the 2019 drill schedule:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Location/Building</th>
<th>Date</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>AlertME Notification System</td>
<td>VBT, EOC Staff</td>
<td>2nd Thursday</td>
<td>Monthly</td>
</tr>
<tr>
<td>Evacuation Drill</td>
<td>Concord Campus</td>
<td>4/30/2019</td>
<td>Annually</td>
</tr>
<tr>
<td>Evacuation Drill</td>
<td>SHCS, Li, PE</td>
<td>5/10/2019</td>
<td>Annually</td>
</tr>
<tr>
<td>Evacuation Drill</td>
<td>RAW, Unions, Bookstore, MI</td>
<td>4/26/2019</td>
<td>Annually</td>
</tr>
<tr>
<td>Evacuation Drill</td>
<td>FM, SCN, SCS</td>
<td>3/29/2019</td>
<td>Annually</td>
</tr>
<tr>
<td>Evacuation Drill</td>
<td>SSA, VBT, SFS</td>
<td>2/22/2019</td>
<td>Annually</td>
</tr>
<tr>
<td>Evacuation Drill</td>
<td>MB, AE, TH</td>
<td>5/31/2019</td>
<td>Annually</td>
</tr>
<tr>
<td>Evacuation Drill</td>
<td>PH, DC, UV</td>
<td>3/18/2019</td>
<td>Annually</td>
</tr>
</tbody>
</table>
MISSING STUDENT NOTIFICATION

If a member of the University Community has reason to believe that a student who resides in on-campus Housing is missing, they should immediately notify the University Police Department by calling (510) 885-3791. All appropriate efforts will be made to locate the student to determine their state of health and well-being through the collaboration between UPD and the Student Housing and Residence Life department. There is no waiting period for reporting a missing person, University Police will accept any report, including by telephone of a missing person, without delay and will give priority to the handling of such cases within 24 hours of notification that the student is missing.

The Jeanne Clery Act requires the institution to allow a student who resides in on-campus Housing to identify an individual as a separate confidential contact to be notified in the event they are determined to be missing. This separate missing person confidential contact is collected during the application and contracting process to live on campus. The separate missing person confidential contact information is stored and will only be accessible to authorized Student Housing and Residence Life staff and it will only be disclosed to law enforcement officials in the furtherance of a missing person investigation. Once the University Police Department has determined that the student has been missing, the University Police may contact the individual identified as a missing person confidential contact. If the student is under 18 years old and is not emancipated, the university will notify both the student's custodial parent or guardian and the student's contact person within 24 hours of notification that the student is missing. The University Police will notify local law enforcement within 24 hours unless the local law enforcement agency receives the original report.

FIRE SAFETY ACT

The 2020 Fire Safety Act Report is available at the following link: