



# 2021 Clery Report

**DEPARTMENT OF OPERATIONS**

**OFFICE OF SECURITY**

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## **Preparation of the Annual Security Report and Disclosure of Crime Statistics**

This 2021 Annual Security Report is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and the Violence Against Women Reauthorization Act of 2014 (“VAWA”).

These acts require California Health Sciences University (“CHSU” or the “University”) to distribute the information contained in this report to all current University students and employees. The link to this report is distributed to all students and employees via email. This information is also available on the University’s website at [www.chsu.edu](http://www.chsu.edu) under the Resources tab. A paper copy of this report may be obtained in person from the University’s Clery Coordinator at 2500 Alluvial Avenue, Clovis, California 93611.

## **Overview of Clery Act**

Selecting the right University to attend is an important decision for students and their families. Additionally, deciding where to work and build a career is also a big decision, and one that needs to be made based on an assessment of a number of factors. Campus safety and security is a factor that goes into both of these decisions and should not be taken lightly.

In response to concerns regarding campus safety and security at colleges and universities, Congress enacted the “Crime Awareness and Campus Security Act of 1990,” which amended the “Higher Education Act of 1965.” The 1998 amendments to this Act renamed it the “Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act,” in memory of Jeanne Clery, a freshman student at Lehigh University who was raped and murdered in her dorm room in 1986. This federal law has largely become known across the United States as the “Clery Act.”

All public and private postsecondary institutions that participate in Title IV student financial assistance programs must comply with the Clery Act. Among the various requirements, these colleges and universities are required to prepare, publish, and distribute a report concerning campus crime statistics, safety and security policies on an annual basis through appropriate publications, mailings or via an online computer network. Specifically, the Clery Act requires annual reporting of statistics for various criminal offenses, including sexual assault and aggravated assault. VAWA and the Campus Sexual Violence Act (“SaVE Act”) provisions which add domestic violence, dating violence, and stalking to the categories that, if the incident was reported to a CSA (defined below) or local police agency, must be reported under Clery. This report must be distributed to all current students and employees, as well as all prospective students and employees upon request.

Compliance with the final regulations and provisions of the Violence Against Women Reauthorization Act of 2014 (“VAWA”) does not constitute a violation of §444 of the General Education Provisions Act (20 USC 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (“FERPA”).

All Title IV institutions with on-campus student housing are required to prepare and distribute an Annual Fire Safety Report with specific statements of fire safety policies and procedures as well as the annual fire safety statistics for the past three calendar years. The University does not have any on-campus student housing and therefore does not publish an annual fire safety report.

This report contains information about safety and security policies and practices intended to promote awareness about security and safety at the University. Specifically, this report provides statistics concerning reported crimes that occurred on campus, and property owned, leased, or controlled by the University, including statistics for the School of Pharmacy and College of Osteopathic Medicine located at the following addresses: 120 N. Clovis Ave., 45 and 65 N. Clovis Ave., and 2500 E Alluvial Ave, all located in Clovis, California.

### **Reporting the Annual Disclosure of Crime Statistics**

Compilation of information for this report, as well as required criminal statistical data, is accomplished through cooperation efforts with multiple departments within the University and with outside local law enforcement agencies as described below.

Specifically, the Clery Coordinator at the University prepares this report by working collaboratively with the following University departments to achieve compliance with the Clery Act:

- i. Vice President of Operations;
- ii. Office of Student Affairs;
- iii. Office of the Title IX Equity and Diversity Coordinator/Office of Human Resources;  
and
- iv. The University's CSAs and various other stakeholders.

To meet its reporting obligation under Clery, the University makes a good faith effort to obtain Clery crime statistics by requesting them, in writing, from the private Campus Security company (i.e., CIS Security) which the University hires to provide campus security, as well as from local law enforcement agencies that have jurisdiction where the University owns or controls buildings or property within the jurisdiction (e.g., see Clery Geography defined below). The University relies on the information obtained from these sources but is not responsible if the information is inaccurate or not provided.

Campus Security Authority (CSA). Campus Security Authority is a Clery specific term that encompasses four groups of individuals and organizations associated with an institution.

- i. An official of the institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a pastoral or professional counselor, the official is not considered a campus security authority when acting as a pastoral or professional counselor.
- ii. A campus police department or a campus security department.

- iii. Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department, such as an individual who is responsible for monitoring entrances into institutional property.
- iv. 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.

The following list denotes the positions at the University that have been identified as meeting the federal definition of a CSA for the purposes of Timely Warning notifications and the annual statistical disclosure.

The list is intended to be comprehensive, but certain positions may not be specifically listed.

- i. All employees in the Student Affairs Office of each of the component colleges;
- ii. Title IX Coordinator;
- iii. Faculty advisors to student groups;
- iv. President;
- v. Front desk receptionist (responsible for letting persons into the building);
- vi. CFO;
- vii. Vice President of Operations;
- viii. All Campus Security staff; and
- ix. Academic counselors and advisors.

Importantly, the University's Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures, defines a "Confidential Resource" (e.g., also defined below). Confidential Resources at the University are not considered CSAs when acting within the scope of their license and are not required to report crimes for inclusion in the annual security report. While Confidential Resources are exempt from reporting requirements, the University encourages counselors, if and when they deem it appropriate, to inform those they counsel of procedures for reporting crimes on a voluntary, confidential basis for inclusion in the annual security report.

The University's Confidential Resources ("Confidential Resources") include only mental health counselors and other persons working pursuant to professional license requiring confidentiality while working on campus when working within the scope of their licensure. Physicians, pharmacists, and other health care professionals employed by the University as faculty and not employed to provide healthcare services to employees or students are not Confidential Resources. Confidential Resources are exempt from reporting Sex-Based Misconduct when working in the course and scope of their licensure. When Confidential Resources are not working in the course and scope of their licensure and they learn about allegations of Prohibited Conduct they are required to report that conduct as any other Responsible Employee.

The University's Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures defines "Responsible Employees" as follows:

"All employees of the University who receive, in the course of their employment, information that a violation of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures has occurred shall promptly report that information to the Title IX, Diversity and Equity Coordinator. This includes all students who are also employees of the University when the disclosure is made to them in their capacity as an employee. The online reporting form can be accessed at <https://University.edu/title-ix/>. Exceptions to the duty to report include:

- i. University employees who are Confidential Resources (as defined above) who receive, in the course of employment, information that a student has or may have suffered Sex-Based Misconduct, including, but not limited to, Title IX Sexual Harassment.
- ii. Employees who learn of a report of Sex-Based Misconduct during the course of participation in a public awareness event such as a "Take Back the Night" or similar event."

In accordance with the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures, a Responsible Employee must report to the school's Title IX coordinator, or other appropriate designee, all relevant details about the alleged sexual violence, sexual harassment, or other prohibited behavior that the person has shared. This includes the names of the alleged perpetrator (if known), the person who experienced the alleged sexual violence or sexual harassment, other witnesses involved in the alleged incident, as well as relevant facts, including the date, time, and location.

The University encourages all campus community members to promptly report all crimes and other emergencies to campus security, as well as local law enforcement. Specifically, when a CSA becomes aware of an incident that involves an ongoing or imminent threat to the community that might require a Timely Warning or Emergency Notification to be distributed, the CSA should call 9-1-1 immediately or as soon as practicably possible. CSAs are responsible for immediately reporting crimes and incidents that occur on the University's Clery Geography to the Clery Coordinator (or designee).

Statistical crime information from CSAs and outside law enforcement agencies, such as the Clovis Police Department, is integrated into a single document, included at the end of this report, and is also available on the University web page, and provided in a hard copy document upon request. These statistics are also submitted by the University to the US Department of Education. An annual email notification is sent to the campus community from the Vice President of Operations (or designee) reminding students and employees that safety is a priority and referring them to the annual security report on the University's website to review the complete report.

## Defining the University's Clery Geography

The University is required to report data regarding crimes that take place On-Campus, on Public Property and in Non-Campus Buildings or Property, as defined further below.

**Clery Geography.** The campus geographic areas, as defined by the Clery Act, for which Clery Crimes are required to be reported are defined by law below. Based on the below Clery Geography definitions, the University's Clery Geography contains the following boundaries, and is shown in a University Clery Map attached as Exhibit A and made part of this report. The geographic categories include the following under the Clery Act:

**On-Campus.** Any building or property (i) owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University's educational purposes, including residence halls<sup>1</sup>; (ii) that is within or reasonably contiguous to the campus that is owned by the University but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

This includes the following: The buildings located at 120 N. Clovis Avenue, 45 N. Clovis Avenue, 65 N. Clovis Avenue, and 2500 Alluvial Avenue including the adjacent University parking lots.

**Public Property.** All public properties, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

This includes the following: (i) 120 N. Clovis Avenue building is bordered on the east by a four-lane roadway (Clovis Avenue), on the west by a portion of the walking trail that is adjacent to the building maintained by the City of Clovis, on the south by the Fairfield Inn & Suites Hotel located at 50 N. Clovis Avenue, and on the north by an open field. This includes the following: Clovis Avenue and Alluvial Avenue thoroughfares and sidewalks that border University property. The portion of the walking trail that is adjacent to 120 N. Clovis Avenue; (ii) 45 and 65 N. Clovis Avenue buildings are bordered on the west by a four-lane roadway (Clovis Avenue), on the east by a residential area, on the south by Vineyard Pools located at 1 N. Clovis Avenue, and on the north by a single residence; (iii) 2500 Alluvial Avenue building is bordered on the north by a four-lane roadway (Alluvial Avenue), on the south by the freeway 168 onramp, on the east by City of Clovis Fire Station #5, and on the west by an open field.

**Non-Campus Property.** Buildings or property that are: (i) owned or controlled by the University; and (ii) used in direct support of, or in relation to, the University's educational purposes, and, (iii) frequently used by students, and (iv) not within the same reasonably contiguous geographic area of the University campus; or (v) any building or properties owned or controlled by a student organization that is officially recognized by the University,

<sup>1</sup> Currently, the University does not have any student or employee housing.



or any property outside of the United States if the property otherwise meets the definition of Non-Campus Property described above in subsections i or ii above.

This includes the following: The University does not utilize any non-campus property.

### **Campus Security Authority and Jurisdiction**

The University contracts with CIS Security (“CIS”) to provide security in campus buildings and around campus. CIS continually seeks to provide a safe and secure environment for all members of the University community. CIS has primary jurisdiction of all University owned and operated properties and patrols within the University’s Clery Geography (as shown on the map enclosed as Exhibit A)<sup>2</sup> Local law enforcement has jurisdiction within the University’s Clery Geography, as well as within areas surrounding campus. CIS security officers do not have the power to make arrests. The University does not currently have an official Memorandum of Understanding (MOU) with the Clovis Police Department. However, CIS works closely with the Clovis Police Department and other State and local law enforcement agencies in a collaborative effort to prevent regional crime and apprehend criminal suspects.

### **Monitoring Off-Campus Locations**

The University does not have any officially recognized student organizations with off-campus locations and therefore does not monitor or record criminal conduct occurring at such locations.

### **Clery Crimes**

The Clery Act requires that certain crimes occurring in the Clery Geography (as defined above) be tracked and reported annually by the University to the U.S. Department of Education and shared with University students and employees. Attempts at these crimes also are included in “Clery Crimes” reporting. The following offenses are Clery Crimes: criminal homicide (murder and non-negligent manslaughter and manslaughter by negligence), sex offenses (rape, fondling, incest and statutory rape), robbery, aggravated assault, arson, burglary, motor vehicle theft, domestic violence, dating violence, stalking, Hate Crimes (as defined below), and arrests or referrals for disciplinary action for drug abuse, liquor and/or weapons law violations. These definitions are only for purposes of Clery Crime reporting and may differ from the California Penal Code or other University policies, such as the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures.

### **Part 1 – Primary Crimes**

- i. **Murder and Non-Negligent Manslaughter.** The willful (non-negligent) killing of one human being by another.
- ii. **Negligent Manslaughter.** The killing of another person through gross negligence.
- iii. **Aggravated Assault.** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is



- accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.
- iv. **Arson.** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. Note that only fires determined through investigation to have been willfully or maliciously set are classified as arsons. Arson is therefore the only Clery Act offense that must be investigated before it can be disclosed. If other Clery Act offenses were committed during the arson incident, the most serious is counted in addition to the arson.
  - v. **Burglary.** The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.
  - vi. **Robbery.** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
  - vii. **Motor Vehicle Theft.** The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.
  - viii. **Sex Offenses**
    - a. **Rape.** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    - b. **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim's age and/or because of the victim's temporary or permanent mental incapacity.
    - c. **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - d. **Statutory Rape.** Sexual intercourse with a person who is under the statutory age of consent.

## **Part 2 – Alcohol, Drug and Weapon Violations**

- i. **Liquor Law Violations.** The violation of State or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.
- ii. **Weapons Possession.** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- iii. **Drug Abuse Violations.** The violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of State and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

### Part 3 – Hate Crimes

A crime reported to local police agencies or to a Campus Security Authority (“CSA”) as defined in the University’s Campus Security Authorities Policy and above in this report, that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this section, the categories of bias include the victim’s actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability. For Clery Act purposes, Hate Crimes include any of the following offenses that are motivated by bias: murder and non-negligent manslaughter, manslaughter by negligence, sex offenses (rape, fondling, incest and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property. Below are the definitions of larceny-theft; simple assault; intimidation; destruction, damage or vandalism of property.

- i. **Larceny-Theft.** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- ii. **Simple Assault.** An unlawful physical attack by one person on another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- iii. **Intimidation.** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- iv. **Destruction, damage, or vandalism of property.** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of the property.

### Part 4 - Violence Against Women Act (2013) Offenses

- i. **Domestic Violence.** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of California, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of California.
- ii. **Dating Violence.** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; where the existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating Violence is not limited to sexual or physical abuse or the threat of such abuse. (If an act of violence meets the definition of domestic violence, then the act is classified as Domestic Violence rather than Dating Violence).

- iii. **Stalking.** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (i) fear for the person's safety or the safety of others; or (ii) suffer substantial emotional distress. 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

### **Reporting Criminal Offenses, Emergencies & Other Incidents**

The University encourages accurate and prompt reporting of all crimes by students/employees to local law enforcement when the victim of a crime elects to, or if the victim is unable to, make such a report. Crimes in progress and crimes that have just occurred should be reported to the Clovis Police Department as soon as possible by dialing 9-1-1 from any cellular or campus phone. Because using 9-1-1 for non-emergency calls may delay help for people caught in real emergencies, non-emergency crime reports and security or public safety-related matters should be reported to the non-emergency line with the Clovis Police Department at 559-324-2800, or report incidents in person. Individuals are encouraged to report all crimes directly to the police.

Examples of what to report:

- i. You see someone committing a crime
- ii. You need to report an old crime
- iii. You see anyone or anything suspicious
- iv. Someone is injured or ill
- v. You see fire or smell smoke
- vi. You have knowledge of a chemical spill

In addition to reporting all crimes to local law enforcement, students and employees are also encouraged to report all crimes and public safety-related incidents to the Clery Coordinator in a timely manner. The University's Clery Coordinator, Director of Security, Mr. Matthew Basgall may be contacted by phone at 559-701-2131 (direct line) or via email at [mbasgall@chsu.edu](mailto:mbasgall@chsu.edu) or in person at 2500 Alluvial Avenue Clovis, California 93611.

Additionally, reports may also be made directly to CIS Security 24 hours a day, 365 days a year. Reporting timely information to law enforcement as well as the University assists the University in developing Emergency Notifications, Timely Warnings, and/or Crime Advisories regarding potential danger on campus. Reporting crimes also aids in the collection of crime statistics for this report.

Crimes or incidents occurring outside the University's jurisdiction should be reported to the agency having jurisdiction where the incident occurred.

When calling to report a crime or incident, please be ready to provide detailed information such as a brief description of the incident, when and where the incident occurred, description of the suspect(s), weapons the suspect(s) carried, where and when the suspect(s) was last seen and any other relevant information. Whenever possible, the actual victim or witness of the crime should call directly.

### **Procedures for Reporting Sexual Assault**

The University does not tolerate sexual violence or sexual harassment and seeks to create and maintain a safe environment in which all members of the University community can learn and work free from the fear of sexual harassment, sexual assault, dating and domestic violence, stalking, and other forms of violence.

The University's policy regarding Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures prohibits sexual violence, sexual harassment and other sexual misconduct. The University will respond promptly and effectively to reports of sexual harassment and sexual violence (including sexual assault, dating and domestic violence, and stalking) and will take appropriate actions to prevent, to correct, and when necessary, to discipline behaviors that violate these policies.

Those who feel they have been the victim of sexual violence or sexual harassment should visit <https://chsu.edu/title-ix/> for more information about reporting options and contact information, including the University's complaint form which may be found at <https://chsu.edu/chsu-concern-report-form/>.

In addition, those who believe that they are the victims of sexual violence (sexual assault, dating and domestic violence, or stalking) should:

- i. Immediately call the police department. For assaults that occur on or around campus, call 9-1-1 to reach the Clovis Police Department. For assaults that occur off University property, report it immediately to the local law enforcement agency.
- ii. Get medical attention. This will allow victims to receive emergency medical treatment and evidence collection. Medical attention for sexual assault survivors is vital to detecting and treating a range of medical concerns, including sexually transmitted diseases, pregnancy, and possible internal injuries. Within 72 hours of a sexual assault, it is important to collect evidence to aid the prosecutorial process.
- iii. Utilize campus and community support services. Specifically, Student Affairs staff of each of the component colleges will provide students with resources for counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, within the community. University students should contact the Executive Director of Financial Aid directly if they need help with financial aid. Additionally, the University contracts with Gallagher Student Health & Special Risk, to provide 24-hour counseling services, advice from a lawyer, answers about financial questions, or mediation inquiries for all University students

who have insurance through the University and Gallagher. Students are encouraged to access this service by going to the website:  
<https://www.gallagherstudent.com/students/student-home.php?idField=1384>. All students, regardless of whether they have insurance through the University, also have access to 24-hour behavioral health care services by visiting <https://wellconnect.personaladvantage.com/> or by calling 866-640-4777. Additionally, all University students have access to a licensed psychological counselor who is contracted with the University to provide psychological counseling services for students experiencing anxiety, depression, or alcohol and substance abuse. Students can receive up to six sessions of such counseling paid for by the University. For more information students should contact Zoua Xiong at [zouaxiong@mt@gmail.com](mailto:zouaxiong@mt@gmail.com) or call (559) 527-5883 to schedule an appointment.

University employees are encouraged to utilize the Employee Assistance Program (“EAP”) for support.

Survivors are not required to file a report or press charges in order to access these resources. For more information on these services students should contact their college’s Office of Student Affairs and employees should contact the Human Resources Department.

### **Reasons to Report Crimes to University and Local Law Enforcement**

The University recognizes it is a victim’s choice to report a crime. If a victim chooses not to report the crime immediately, the report can be made at a later time, however immediate reporting may allow the University to take action which may prevent further victimization, including issuing a Timely Warning or Emergency Notification to the campus community. Additionally, reporting the crime to the University will assist the University in being able to:

- i. Provide a Timely Warning (as defined by the University’s Timely Warning and Emergency Notification Policy) to students and employees if there is a crime posing an ongoing threat to the safety of students or employees;
- ii. Notify law enforcement so that they can investigate the reported crime if warranted; and
- iii. Accurately disclose crime statistics as required by the Clery Act.

Reporting to local law enforcement may:

- i. Assist in the apprehension of a suspect;
- ii. Assist in the collection and preservation of evidence that may be lost if not recovered soon after a crime; and
- iii. Assist in proper documentation for criminal prosecution.

The University encourages survivors of sexual assault, dating and domestic violence, or stalking to contact Ms. Carlita Romero-Begley, PHR, SHRM-CP, Vice President of Human Resources

and Title IX Coordinator, by phone at 559-282-8747 (direct line), via email at [cromerobegley@chsu.edu](mailto:cromerobegley@chsu.edu) or in person at 65 N. Clovis Avenue, Room 310B, Clovis, CA 93612.

### **Campus Emergency Phones**

There are Emergency Phones located throughout the University's campus. These phones directly call 9-1-1 and are activated upon pick up. If you cannot speak, all you need to do is activate the line and the dispatcher will identify your location and send assistance.

### **Voluntary Confidential Reporting**

The University encourages anyone who is the victim of a crime to report it directly to law enforcement.

The University will protect the privacy of individuals involved in a report of prohibited conduct to the extent permitted by law and University policy and procedures. However, depending on the circumstances an investigation may be necessary as described by University policies.

Although the University encourages persons reporting crimes to identify themselves to enable the University to take appropriate action and prevent future crimes, victims of crime who do not want to pursue action within the University or the criminal justice systems may still want to consider making a confidential report to the Clery Coordinator, only for purposes of collecting statistical information (for inclusion in the annual security report) and to help prevent future crimes.

Members of the campus community may also choose to file a report with the University by completing the form at <https://chsu.edu/safety/>.

### **Protecting Victim Confidentiality**

The University recognizes the sensitive nature of sexual assault, dating and domestic violence, and stalking incidents. The University is committed to protecting the privacy of any individual who makes a report.

- i. Reports made to confidential on-campus resources. Confidential Resources, such as professional counselors, may talk to victims without revealing any identifying information about them to anyone else at the University, including the Title IX Officer, without the victim's consent. Except under certain limited circumstances (such as risk of imminent harm to the victim or others).
- ii. Reports made to law enforcement. A victim who reports to local law enforcement may request to be treated as confidential.
- iii. Reports made to the Title IX Coordinator. The Title IX Coordinator makes every reasonable effort to protect the privacy of all individuals throughout all phases of the complaint resolution process. While the Title IX Coordinator cannot guarantee absolute



confidentiality, disclosure of facts to parties and witnesses is limited to what is reasonably necessary to comply with law or University policy, including (but not limited to), for the purposes of investigating and/or resolving the complaint.

- iv. Supportive Measures. The University will maintain any supportive measures provided to the parties as confidential, as defined by the University's Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures, to the extent such confidentiality does not impair University's ability to provide the supportive measure.
- v. Clery Act and Other Public Records. Publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without including personally identifying information about the victim. Also, the University does not publish the name of crime victims as part of its Clery-mandated reporting, nor does it house identifiable information regarding victims in its daily crime log or online.

### **Anonymous Reporting**

While the University encourages all persons reporting crimes to the University to identify themselves to help the University appropriately respond, Clery compliance reporting does not require the names of involved persons. However, the name and contact information of the CSA making the report is required so that the University can conduct follow up, if needed, to minimize the potential for an incident to be counted more than once.

### **Reporting Hate Crimes & Incidents**

The University takes a strong stance against hate crimes. Crimes motivated by the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability are hate crimes and are a serious offense under California law that may result in prison time.

If you are a victim of or witness to a hate crime or incident, report it as soon as possible to the appropriate police agency. The Deans of the component colleges, as well as the Title IX Coordinator, assist the University in handling hate crimes and related violations.

### **Campus Security and Crime Prevention Programs**

The University offers a variety of primary crime prevention programs to inform students and employees about safety/security procedures and protocols both for new and existing students and employees. Specifically, the University will require students and employees to attend annual trainings provided by law enforcement and the University will provide annual: safety information sessions, presentations, workshops, posters throughout campus, and trainings. Presentation topics will include general, personal and workplace safety and property theft prevention and alcohol/drug awareness.

These programs encourage students and employees to be responsible for their own safety and the safety of others, by taking proactive steps to reduce the likelihood of victimization or crimes on



campus. Many crimes can be prevented by staying alert and aware of surroundings and securing personal property at all times.

### **Registered Sex Offenders**

California's Megan's Law provides the public with certain information on the whereabouts of sex offenders at [www.meganslaw.ca.gov](http://www.meganslaw.ca.gov). The existing provisions of Megan's Law address the requirements of section 121 of the federal law known as the Adam Walsh Child Protection and Safety Act of 2006.

### **Unfounded Crime Reports**

A reported Clery crime to law enforcement or the Clery Coordinator may not be withheld or subsequently removed from the Clery crime statistics data based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official. However, a reported crime may be withheld or subsequently removed from the crime statistics in the rare situation where sworn law enforcement personnel have fully investigated the reported crime and, based on the results of a full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore "unfounded." Only sworn or commissioned law enforcement personnel may "unfound" a crime report. It is important to note that the recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, or the failure to make an arrest do not "unfound" a crime report.

### **California Mandatory Reporting Laws**

As outlined by Penal Code §368 and Welfare and Institutions Code §15600 et al., the California Legislature enacted recent laws to require elderly and dependent adult care custodians, health practitioners, Adult Protective Services staff, law enforcement, and other designated agencies to report and to investigate incidents of abuse/neglect. The categories of abuse and neglect that must be reported by mandated parties now include: physical, sexual, financial, isolation, abandonment, abduction, neglect, mental suffering, and self-neglect.

California Penal Code §11160 requires prompt, mandatory reporting to the local law enforcement agency by healthcare practitioners when they provide medical services to a person they know or reasonably suspect is suffering from wounds inflicted by a firearm or as a result of assaultive or abusive conduct.

The Child Abuse Neglect and Reporting Act (CANRA), codified in California Penal Code §§11164-11174.3, requires that employers of mandated reporters (as defined in the Act) promote identification and reporting of child abuse or neglect. It is the policy of the University to comply with its obligations under the Act; to require that all University employees and administrators who are mandated reporters make required reports to child protection or law enforcement agencies; and, more broadly, to encourage all members of the University community who observe, have actual knowledge of, or reasonably suspect child abuse or neglect at the University

or perpetrated by University personnel to promptly report the concern to appropriate law enforcement and University officials.

### **Emergency Response**

As a small, suburban-based graduate health sciences university, the University does not maintain a campus police, fire or other emergency services department. Accordingly, all emergencies on campus should be reported immediately to emergency first responders by dialing 9-1-1. The Clovis Police Department and other first response departments will respond to, and summon the necessary resources, to mitigate, investigate, and document significant emergencies or dangerous situations. Additionally, all cases, incidents of emergency or non-emergency injuries are to be reported in compliance with the University's policies governing student or employee injuries, including but not limited to the University's Job Safety Policy (e.g., which includes the University's Injury and Illness Prevention Program) and the University's Student Injury on Campus Policy.

Furthermore, the University develops emergency plans, policies and procedures, contingency plans and continuity of operations plans for its component colleges. The University will schedule tests designed to assess and evaluate University's emergency plans and the capabilities, as well as educate the campus community to the systems they may encounter. As such, the University will at least annually schedule drills, exercises, and appropriate follow-through activities, designed for the assessment and evaluation of the University's emergency plans and capabilities, which will also include routine evacuation drills during University business hours to ensure all members of the campus community are familiar with evacuation procedures. The University has its Safety, Security, and Emergency Response Policy regarding campus safety and emergency response and evacuation plans which can be accessed at <http://chsu-sharepoint.chsu.org/CHSUDocs/Public/Policies/CHSU%20Safety%20Security%20and%20Emergency%20Response%20Policy.pdf>.

The overall authority for implementing safeguards, security and emergency response for major emergencies rests with University's President (or designee). Members of the administration designated by the President to assist with the emergency response are part of the University Emergency Response Team ("University ERT"). The University ERT shall be made of the persons in the following positions:

- i. The President;
- ii. The Deans of each component college;
- iii. The heads of all University-level administration departments, including, but not limited to, operations, communications, business, and legal counsel; and
- iv. Other members of the administration designated by the President.

The University ERT is responsible for executive level oversight and internal decision-making during a major emergency. The President, in consultation with the Governing Board, has the authority to direct and coordinate emergency operations and may delegate this authority to members of University ERT.

When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually Clovis Police Department and Clovis Fire Department. These entities work together to manage the incident.

General information about emergency response and evacuation procedures for the University is publicized each year as part of the institution's Clery Act compliance efforts. This information is described in the next section and is also available on University's website or in hard copy.

### **Notification: Significant Emergencies and Dangerous Situations**

#### **Emergency Notifications**

The University has developed internal mass warning protocols to guide emergency planners on best practices for emergency situations that are likely to trigger initiation of the Emergency Notification System (ENS). To this end, University has partnered with the company Rave Mobile Safety to provide an emergency alert system capable of delivering messages to members of the University community via email and/or cell phone. To ensure the effectiveness of the system, all students must provide their cell phone number to the Office of the Registrar and all employees must provide their cell phone to the Office of Human Resources during initial onboarding, and employees and students are required to keep these phone numbers current for emergency contact. The Office of the Registrar is responsible for ensuring all student cell phone numbers are enrolled in the Rave Mobile Safety alert system; the Office of Human Resources is responsible for ensuring employees are so enrolled upon hire.

In an emergency, the University will issue notifications to affected students and employees upon the University learning of any situation occurring on or off campus that involves an immediate or impending threat to the health or safety of students or employees ("Emergency Notification"). Emergency notifications will be issued as soon as the University is able to determine that the threat is credible and that the situation poses an ongoing threat to University students or employees. Confirmation of an emergency can be achieved if a University student or employee hears or sees the events, or indicators of the event, such as smoke or hearing gunshots; or receiving a firsthand account from one or more people who saw or heard the event. If the University receives unconfirmed reports the University will seek additional details from firsthand witnesses or law enforcement.

Confirmation of a significant emergency or dangerous situation may be provided to the President, or designee, by various means, including University departments and local, State, or federal public safety agencies. Emergency responders and internal campus departments will advise the President, or designee, immediately regarding a significant emergency or dangerous situation as they occur and provide adequate updates so that timely and accurate Emergency Notifications may be issued.

Emergency Notifications differ from Timely Warnings in that Emergency Notifications apply to any immediate threat to the health or safety of students or employees. This may include certain criminal activity that is not one of the enumerated Clery crimes, occurs outside of the Clery

geography, or may also include other types of emergencies such as fires, extreme weather conditions, bomb threats, etc. The purpose of these warnings is to aid in the prevention of similar crimes by alerting University employees and students about the incident and providing information on precautions students and employees can take to enhance their personal safety.

The below authorized officials will, without delay, and taking into account the safety of the University community, determine the content of the notification and initiate the notification system. The notification will be issued in these circumstances, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The President, or designee, will primarily be responsible for sending Emergency Notifications. However, in addition to the President, anyone in the following positions may independently send a message if the nature of the situation warrants it, and prior consultation with the President, or designee, is not feasible under the circumstances.

- i. The Deans of each of the component colleges;
- ii. Heads of all University-level administration departments, including, but not limited to operations, communications, business, and legal counsel; and
- iii. Other members of the administration designated by the President.

The President, or designee, in consultation with appropriate administrators, will determine the appropriate segment of the campus population to notify, as well as the content of the notification, in consultation with local law enforcement, when appropriate. The content of the message will vary depending on the situation and will be based on the nature of the emergency, but will typically include, if known, information such as: (i) the incident time; (ii) location, (iii) type of incident; and (iv) recommended actions for safety. In many cases, all students and employees will be notified since any significant dangerous situation would affect many or all students and employees.

## **Timely Warning**

A “Timely Warning” will be issued only for all Clery Act crimes that occur within the University’s Clery Act geography that are reported to CSAs, as defined above, or local law enforcement and are considered by the University to represent a serious or continuing threat to students and employees. The University shall issue a Timely Warning to the campus community after a crime is reported if the crime, in the judgement of the President, or designee, constitutes a serious or continuing threat to students or employees, to aid in the prevention of similar occurrences. Timely Warning notifications may also include: (i) the type of crime; (ii) the date, time, and location of the incident; and (iii) suspect information, when applicable. The warnings will be communicated using one or more of the methods outlined under the Emergency Notification System section below.

Timely Warnings will withhold the names of victims as confidential or limit information that may jeopardize the safety of the victim or compromise law enforcement efforts. Confirmation of

an emergency can be achieved if a University student or employee hears or sees the events, or indicators of the event, such as smoke or hearing gunshots; or receiving a firsthand account from one or more people who saw or heard the event. If the University receives unconfirmed reports, the University will seek additional details from firsthand witnesses or law enforcement. Information reported in a Timely Warning may not have been investigated at the time the warning is issued. Physical descriptions of a suspect will be included in Timely Warnings only if there are enough details to help distinguish the suspect's appearance from the general population. The University does not issue Timely Warnings for information provided to Confidential Resources as defined by the University's Unlawful Discrimination, Sexual Misconduct and Title IX Policy and Procedures

### **Emergency Notification System**

The University uses Rave Mobile, a web-based messaging service, for expedient communication. Rave Mobile has the capability to simultaneously send messages via the following channels:

- i. SMS text message;
- ii. Voice calling; and
- iii. Email.

The method of communication used for Rave Mobile alerts will be determined by the person sending the alert and will be based on the nature of the incident. Authorized users log-in to Rave Mobile, using previously issued credentials, to send emergency notifications and timely warnings.

After the initial emergency notification, the University will disseminate emergency information to the larger community using the University website, social media and/or traditional media outlets. Timely information shall inform the community of the general status and progress of events, as well as any instructions issued by campus administrators.

In the event of a serious incident that poses an immediate threat to members of the University community, the University uses some or all of the various systems available in addition to Rave for expedient communication including emails, text messages (SMS), outdoor sirens & voice warning, local media outlets, and social media. In an emergency, when appropriate, the University will post updates on the University website and via the above described systems.

### **Emergency Notification Testing and Drills**

The University is committed to running regularly scheduled campus wide tests of the emergency notification systems to ensure University preparedness for emergency situations. As part of this process, the University will send a message to students and employees via SMS text message, email, and voice call. This will help ensure that all emergency notification technology is maintained in a state of readiness, and that any problems are identified and remediated before an emergency occurs. All designated employees with responsibility to send an alert shall receive initial training in the procedures of sending emergency notification. The University understands

that some employees may not be available in an emergency. Therefore, several individuals shall be trained to provide redundancy. Users shall participate in exercises at least annually to maintain proficiency in these procedures.

A full test of the emergency notification system will be conducted annually. The test may be announced or unannounced. The University has publicized its emergency response and evacuation procedures in its Safety, Security and Emergency Response Policy. In addition to tests of the emergency notification system, the University also conducts regularly scheduled drills, exercises, and appropriate follow-through activities, designed for assessment and evaluation of the University's emergency plans and capabilities—which are outlined in the University's Safety, Security and Emergency Response Policy. The University will test these procedures on at least an annual basis. These "tests" includes an exercise of the emergency management system, communications systems, and emergency response. These tests also include an evaluation of the actions taken and recommendations for improvement.

The Vice President of Operations (or designee) maintains records of tests and training exercises. The records include a description of the test, the date and time and whether it was announced or unannounced. The most recent test was administered on September 24, 2021, at which time an e-mail and SMS message were sent out to all students and employees.

The University maintains a standard log for the use of the emergency notification system (ENS) that includes the dates, approximate times, incident type, location, and the warning devices used of any ENS issuance, including tests and exercises, and whether the test was announced or unannounced (including routine maintenance).

### **Statistics and the Daily Crime Log**

The Clery Crime Statistics chart is published at the end of this report. Current crime information is available in the Daily Crime Log, maintained by the University, and located on the University website, and a copy is also available for public inspection at 2500 Alluvial Avenue, Clovis, CA 93611. The crime log contains a record of all crimes reported to University and local law enforcement that have occurred within Clery Geography. The Daily Crime Log is designed to disclose crime information on a timelier basis than the annual statistical disclosures. A crime is entered into the log within two business days of when it is reported to the Clery Coordinator. This includes crimes initially reported to the Clery Coordinator, as well as crimes that are reported to law enforcement and then subsequently reported by that agency to the Clery Coordinator.

All entries or additions to the Daily Crime Log are made within two business days of the report of the information being made to the University, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

Regarding criminal incidents, the Daily Crime Log reflects the nature of the reported crime, the time and date the crime was reported to the University, the time and date the crime occurred (if known), the location of the crime (if known) and current disposition of the case for the past 60



days (if known). A crime is considered “reported” when it is brought to the attention of a CSA or a local law enforcement agency.

University may withhold information from the Daily Crime Log if there is clear and convincing evidence that the release of such information would jeopardize an on-going criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence.

The University will disclose any information withheld from the Daily Crime Log once the adverse effect is no longer likely to occur. The University’s Daily Crime Log will include all crime from the most recent 60-day period.

### **Campus Emergency Evacuation Procedures**

Evacuation drills are conducted each semester and at additional intervals as determined by the Vice President of Operations (or designee). These unannounced drills prepare building occupants for an organized evacuation in case of fire or other emergencies. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits, the evacuation route, designated assembly locations, and the sound of the fire alarm.

The University is committed to ensuring access, integration, and inclusion of individuals with functional needs into all phases of the emergency management process — mitigation, preparedness, response, and recovery. Individuals with functional or access needs are defined as campus community members who may have additional needs before, during and after an incident in functional areas, including but not limited to maintaining independence, communication, transportation, supervision, and medical care. Individuals in need of additional response assistance may include those who are disabled, elderly, minors, from diverse cultures, transportation disadvantaged, non-English speaking, or those with limited English proficiency. Individuals with functional or access needs who are unable to evacuate during an emergency should be instructed as follows:

- i. Stay calm and take steps to protect yourself.
- ii. Call 911 and explain where you are.
- iii. If you must move, then:
  - a. Move to an exterior enclosed stairwell
  - b. Request persons exiting by way of the stairway to notify the Fire Department of your location
  - c. Do not use elevators during an emergency
- iv. Once outside, move away from the building to allow others to exit
- v. Do not return to an evacuated building until given clearance by emergency personnel

### **Power Outage Procedure**

Incidents sometimes occur where the University suffers a total or partial power failure. In the event of a power outage, follow the following procedure:



- Step 1 – Remain calm and provide assistance to others if necessary.
- Step 2 – Move cautiously to a lighted area, follow the exit signs.
- Step 3 – Go to [chsu.edu/emergency-contacts](http://chsu.edu/emergency-contacts) for information on extended outages.

### **Earthquake Procedure**

In the event of an earthquake, follow the following procedure:

- Step 1 – Take cover under desk or table.
- Step 2 – Protect Head and neck, wait for shaking to stop.
- Step 3 – Stay away from windows.
- Step 4 – Evacuate building after shaking has stopped, do not use elevators.

### **Fire Procedure**

In the event of a fire:

- Step 1 – Activate fire alarm.
- Step 2 – Call 9-1-1.
- Step 3 – Evacuate the building, move away from fire and smoke.
- Step 4 – Use stairs only, do not use elevators.
- Step 5 – Provide assistance to others.

### **Bomb Threat or Suspicious Object Procedure**

Immediately upon finding a suspicious object or receiving a bomb threat:

- Step 1 – Do not touch or disturb the suspicious object. If you receive a bomb threat via phone call, write down as many details of the call as possible.
- Step 2 – Report suspicious object or threat to local law enforcement by calling 9-1-1.
- Step 3 – Alert others to stay away from the area.

### **Active Shooter Procedure**

- Step 1 – RUN: Run from danger, run to safety. Plan in advance how you would get out. When safe, call 9-1-1.
- Step 2 – HIDE: If you cannot run then hide, find a location away from windows, lock and barricade doors. Turn off lights, silence your cell phone. Be quiet.
- Step 3 – FIGHT: Last Resort! If you cannot run or hide, attempt to disrupt or incapacitate the shooter. Be aggressive. Commit to your actions. Throw items to improvise weapons (e.g., chair, fire extinguisher).

## **Hazardous Materials Release Procedure**

Step 1 – Move away from hazard area.

Step 2 – Move upwind and uphill if possible. Step 3 – Alert others to keep clear of the area. Step 4 – Call 9-1-1.

## **Medical Emergency Procedure**

Step 1 – Call 9-1-1. Be prepared to provide the 911 dispatcher the following information if known: Name of victim; Campus address and telephone number; Exact location of victim; Apparent nature of illness or injury; Age of victim (if known); Your name; Standby at the scene to direct Emergency personnel to the victim.

Step 2 – Follow directions of 911 dispatcher. Look out for emergency first responders/ambulance. Help direct first responders to victim.

Step 3 – Contact Human Resources if employee, Student Affairs if student. File incident paperwork as directed.

## **Access to Campus**

University buildings are generally locked and only authorized employees and students are able to access the buildings using their University issued key cards. These University issued key cards are programmed with the appropriate permissions that allow access to appropriate entrances at appropriate times of the day and week depending on the needs of the University. Certain employees and students are granted after-hours access on an as needed basis. Exterior doors are kept locked except to facilitate daily business during hours of operation. The University contracts with private security personnel who are required to check exterior and interior doors during their patrols. The University's front desk receptionist also monitors access to University buildings during the day. To ensure building access is possible for only authorized individuals, it is essential that students and employees work together to keep the doors to the buildings closed. Additionally, students and employees should not open the door for unfamiliar individuals and should immediately report to the Vice President of Operations if their campus keys/access cards are lost or stolen.

## **Parking Privileges and Vehicle Decals**

University students, faculty and staff are required to have a parking permit to park on campus. Parking permits are issued to students, faculty, and staff by the Facilities Coordinator. Students who have registered for handicapped parking permits online must provide acceptable medical documentation supporting a request for accommodations

through the Human Resources Office.

All parking permits must be displayed in plain view when parking on campus. Failure to display a permit could result in your vehicle being cited, wheel-locked or impounded.

### **Visitor Access**

Anyone who brings a guest to campus is responsible for making relevant University policies and regulations known to them and must accept the responsibility for their conduct during their visit.

### **Security Considerations in the Maintenance of Facilities**

The Vice President of Operations, or designee, maintains campus facilities, routinely inspecting the facilities for safety and security related concerns. The Vice President of Operations or designee also schedules repairs affecting safety and security. The Vice President of Operations or designee also responds to potential safety and security hazards reported by students, employees, and private security personnel such as broken windows, locks, or lighting deficiencies. Students and employees are encouraged to promptly report facilities issues to the Vice President of Operations, Mr. James Dunn at 559-325-3600 or via email at [jdunn@chsuh.edu](mailto:jdunn@chsuh.edu).

### **Safety Considerations**

Students and employees should report crimes, suspicious activity or behavior to law enforcement immediately, including any activity or behavior that poses an imminent threat to persons or property.

### **Property**

The University recommends taking the following precautions to help prevent theft of property on campus:

- i. Lock your doors and windows anytime you leave your office;
- ii. Never prop open a locked door;
- iii. Do not allow “piggybacking” (when someone unknown to you tries to enter a secured building behind you);
- iv. Immediately report broken or malfunctioning locks and card readers to the Vice President of Operations;
- v. Lock your vehicle and remove valuables;
- vi. Secure laptops in a closet or drawer or secure them to a fixed object with a cable lock;
- vii. Never leave laptops or other mobile devices unattended; and
- viii. Secure bicycles by the frame to a bicycle rack with a U-lock.

### **Identity Theft**

The following precautions are recommended for helping to prevent identity theft:

- i. Protect your Social Security number and card;
- ii. Inspect your credit report and financial statements regularly, and shred anything with your personal information on it before disposal;
- iii. Never click on links in unsolicited emails; and
- iv. Utilize Federal Trade Commission and IRS resources at <https://www.ftc.gov/faq/consumer-protection/report-identity-theft>.

## **Online Security**

Students and employees should notify the University's IT department immediately if a computer containing any sensitive or confidential information has been lost, stolen, or compromised. Incidents involving theft of property or information should also be reported to the police. To help prevent security breaches see the University's Network Security and Security of Devices Connecting to the Network Policy.

## **Threat Assessment**

The University has a comprehensive Threat Assessment and Management Policy.

As part of the University's goal to keep students safe and ensure their well-being, there is a process that staff and faculty can utilize to report concerns about a specific student. If any staff or faculty member identifies that a student has expressed thoughts or threats to harm themselves or others, we encourage you to use the "Submit a Tip" form located at [chsu.edu/safety/](https://chsu.edu/safety/). The appropriate department will attempt to intervene and work to provide appropriate guidance to ensure the student's well-being.

Long before many perpetrators of violence act out, they often raise "red flags" among various individuals with whom they come in contact, including professors, police, peers, and mental health counselors. The problem is that this information is often scattered among multiple individuals. Not one person has the full picture of what is going on with the person of concern. The interdisciplinary approach to threat assessment helps ensure that "red flags" are investigated and people who need help receive support before they turn to violence.

The main goals of the Threat Assessment and Management Team ("Team") is to prevent individuals from harming themselves or others, and to assist persons in need. By identifying and responding to persons in need, the Team is perhaps one of the most critical tools the University has to prevent targeted violence on campus and identifying and intervening in problems that affect the well-being of the campus community. The Team aims not only to prevent people from harming others, but also from harming themselves or disrupting their own ability to succeed in their employment or educational goals.

The Team receives and assesses all reports of threats and other alarming behaviors by any student or employee of a college or university, as well as by others who might impact the safety

or well-being of the campus community (e.g. people living close to the campus who exhibit threatening or unusual behaviors).

The Team is committed to improving community safety through a proactive, collaborative, coordinated, objective, and thoughtful approach to the prevention, identification, assessment, intervention, and management of situations that pose, or may reasonably pose, a threat to the safety and well-being of the University community.

There is no single “type” of person who perpetrates violence. The threat assessment process is focused on the specific behaviors a person has exhibited and determining whether the person poses a threat based on those behaviors. In terms of demographics, background or appearance, there is no useful profile of a person who engages in violence or harm. Many people who do not act in violence may possess characteristics and traits of people who do. In contrast to profiling, this threat assessment approach focuses on behaviors by a person of concern and whether the circumstances and facts of the case indicate a person is thinking of or planning harm.

This approach is primarily concerned with behavior that may not have violated a University policy, but that is a concerning indicator for violence or other harm. If the Team determines that a behavior has violated a University policy that also provides for remedies for the behavior under that policy, such as the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures or Employee Conduct Policy, the behavior in question will be investigated and remedied according to that policy.

After receiving a report of concerning behavior, the Team gathers information from a variety of sources both on and off campus and will seek to verify information from several sources when possible. Using the information available, the Team examines the context of behavior, factors that may precipitate violence, and any information that may indicate that a person is on a trajectory toward violence or other negative behavior. The Team determines how it might be able to intervene to prevent harm. Where no other University policy specifically addresses the behavior or threat, the Team uses multiple strategies to manage a threat including connecting and/or providing the individual with resources and assistance, reducing access to a target, issuing no contact directives or no trespass directives, decreasing the vulnerability of a potential target, and address situational or environmental factors.

### **Alcohol and Controlled Substances**

The University is committed to providing a safe, healthy and supportive learning and work environment for students and employees. The Drug-Free Schools and Communities Act of 1989 (“DFSCA”) is a federal law that requires Universities receiving Title IV funds to adopt and implement drug and alcohol abuse prevention programs (“DAAPP”). The purpose of DFSCA is to ensure that students and employees are provided with important information regarding the educational, disciplinary, health and legal consequences of unlawful drug use and alcohol abuse. The University also has an employee policy, Prohibited Drug and Alcohol Abuse and a Student Alcohol, Drug and Tobacco Policy.

The University strives to maintain communities and workplaces free from the unlawful use, possession or distribution of alcohol and controlled substances. The use, possession, manufacture, sale or distribution of unlawful drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs is prohibited. The University prohibits any violation of state and federal drug laws. Similarly, the use, possession, manufacture, sale or distribution of alcoholic beverages (except as expressly permitted by law and University policy), or public intoxication while on campus or at a University related activity is prohibited. Furthermore, the University prohibits all violations of California state underage drinking laws.

### **Statement on Disciplinary Sanctions**

Students found to be in violation of University unlawful drug or alcohol related policies as well as the University's Student Drug, Alcohol and Tobacco Use Policy and the Student Conduct and Professionalism Policy or violation of local, state or federal laws related to unlawful drugs and/or alcohol, may be subject to disciplinary action, up to and including dismissal, referral for prosecution and any criminal or civil penalties students may face at the local, state or federal level.

Employees found to be in violation of these laws and policies may be subject to disciplinary action, up to and including termination, under applicable University policies, including but not limited to the Employee Conduct, Grooming and Attire Policy and the Prohibited Drug and Alcohol Abuse Policy, as well as other contractual agreements between the University and the employee. Additionally, the employee may be referred for prosecution and may also face criminal or civil penalties resulting from violating a local, state and/or federal law for the same conduct.

### **Annual Notice**

Under the DFSCA, the University is required to annually distribute its drug abuse and alcohol prevention program to students and employees. These requirements exist as a condition of receiving funds or any other form of financial assistance under any Federal program. The annual notification includes:

- i. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employee on University property or as part of any University activities;
- ii. A list of applicable legal sanctions under federal, state and local laws for the unlawful possession or distribution of unlawful drugs and alcohol;
- iii. A description of the health risks associated with the abuse of alcohol or use of unlawful drugs;
- iv. A list of any drug and alcohol counseling, treatment or rehabilitation or re-entry programs that are available to employees and students; and
- v. A clear statement that the University will impose disciplinary sanctions on students

and employees and a description of those sanctions, up to and including dismissal, termination of employment and referral for prosecution.

## **Health Risks**

Improper use of drugs or alcohol can seriously injure the health of employees and students, impair the performance of their responsibilities and endanger the safety and well-being of fellow employees, students and members of the general public.

### **Health Risks of Alcohol Abuse**

The Center for Disease Control and Prevention (“CDC”) has stated the following short-term and long-term health risks of alcohol abuse described below.

#### *Short-Term Health Risks*

Excessive alcohol use has immediate effects that increase the risk of many harmful health conditions. These are most often the result of binge drinking and include the following:

- i. Injuries, such as motor vehicle crashes, falls, drownings, and burns.
- ii. Violence, including homicide, suicide, sexual assault, and intimate partner violence.
- iii. Alcohol poisoning, a medical emergency that results from high blood alcohol levels.
- iv. Risky sexual behaviors, including unprotected sex or sex with multiple partners. These behaviors can result in unintended pregnancy or sexually transmitted diseases.
- v. Miscarriage and stillbirth or fetal alcohol spectrum disorders (FASDs) among pregnant persons.

#### *Long-Term Health Risks*

Over time, excessive alcohol use can lead to the development of chronic diseases and other serious problems including:

- i. High blood pressure, heart disease, stroke, liver disease, and digestive problems.
- ii. Cancer of the breast, mouth, throat, esophagus, liver, and colon.
- iii. Weakening of the immune system, increasing the chance of getting sick.
- iv. Learning and memory problems, including dementia and poor school performance.
- v. Mental health problems, including depression and anxiety.
- vi. Social problems, including lost productivity, family problems, and unemployment.
- vii. Alcohol use disorders, or alcohol dependence.

### **Health Risks of Unlawful Drug Use**

The National Institute on Drug Abuse has stated the following short-term and long-term effects of drug abuse, described below.



Short-term effects can range from changes in appetite, wakefulness, heart rate, blood pressure, and/or mood to heart attack, stroke, psychosis, overdose, and even death. These health effects may occur after just one use.

Longer-term effects can include heart and lung disease, cancer, mental illness, diseases such as: HIV/AIDS, hepatitis, and others. Long-term drug use can also lead to addiction. Drug addiction is a brain disorder. Not everyone who uses drugs will become addicted, but for some, drug use can change how certain brain circuits work. These brain changes interfere with how people experience normal pleasures in life, their ability to control their stress level, their decision-making, their ability to learn and remember, etc. These changes make it much more difficult for someone to stop taking the drug even when it is having negative effects on their life and they want to quit.

### Programs and Resources for Students and Employees

The University's DAAPP are designed to prevent the unlawful possession, use and distribution of unlawful drugs and alcohol abuse on campus and at University-recognized events and activities. The University takes seriously and understands its obligation to inform students and employees of available resources and support, as well as the educational, disciplinary, health, and legal consequences of abuse of alcohol and unlawful drug use in compliance with relevant federal and state law. The University's DAAPP are intended to support student and employee health, safety and security by increasing awareness, preventing abuse, and decreasing potential drug and alcohol related crime. Currently, the University offers free annual educational workshops for employees and students regarding unlawful drug use and alcohol abuse prevention and awareness. The University also contracts with an external provider, Unum, to serve as the Employee Assistance Program (EAP). A complete description of the University's EAP can be obtained from the Office of Human Resources.

### California Law

The following summarizes some of the California state laws regarding drugs and alcohol that may be relevant to students and employees:

#### *Controlled Substances*

- i. California penalties for offenses involving controlled substances include those set forth in the California Health & Safety Code § 11350: Imprisonment in the county jail or state prison, a fine not to exceed \$70, or probation with fine for felony convictions of at least \$1,000 for the first offense and at least \$2,000 for second or subsequent offenses or community service for unlawful possession of controlled substances. (HS § 11350)
- ii. Under California law, possession of certain controlled substances (Schedule I, II, and III) for sale or purchasing for the purpose of sale are punishable by imprisonment of two, three, or four years. (HS §§ 11054, 11055, 11056 & 11351)

- iii. Penalties are more severe for offenses involving heroin, cocaine, cocaine base, or any analog of these substances and occurring upon the grounds of, or within, a church or synagogue, a playground, a public or private youth center, a child day care facility, or a public swimming pool, during hours in which the facility is open for business, classes, or school-related programs, or at any time when minors are using the facility. (HS § 11353.1)
- iv. It is unlawful to possess any device, contrivance, instrument, or paraphernalia used for unlawfully injecting or smoking certain controlled substances. (HS § 11364)
- v. Personal property may be subject to forfeiture if it contains drugs or was used in a drug manufacture, distribution, dispensation or acquired in violation of this division. (HS § 11470)
- vi. The California Legislature declares that the dispensing and furnishing of prescription drugs, controlled substances and dangerous drugs or dangerous devices without a license poses a significant threat to the health, safety and welfare of all persons residing in the state and shall be guilty of a crime. (HS § 11352.1)

#### *Alcohol*

- i. It is illegal for persons under the age of 21 to possess an alcoholic beverage in any public place or any place open to the public. Sanctions range from a fine of \$250-\$500 and community service, depending on whether the offense is a first or subsequent violation. (BP § 25662)
- ii. Any person who furnishes, gives or sells any alcoholic beverage to someone under the age of 21 is guilty of a misdemeanor. Potential sanctions include fines of \$250 or higher, community service, and imprisonment, depending on the facts of the case. (BP § 25658)
- iii. Any person under the influence of alcohol in a public place and unable to exercise care for one's own safety or that of others is guilty of a misdemeanor. (PC § 647 (f))
- iv. It is illegal for persons to operate a motor vehicle while under the influence of alcohol or other intoxicants or with a blood alcohol level of .08% or higher. (CVC § 23152)
- v. It is a misdemeanor to ride a bicycle upon a highway under the influence of alcohol, drugs or both. (CVC § 21200.5)
- vi. It is an infraction to possess an open container of an alcoholic beverage while in a motor vehicle. (CVC § 23223)
- vii. It is an infraction for an owner or driver of a motor vehicle to allow an open container of alcohol in the passenger area. (CVC § 23225)

#### *Driving Under the Influence*

- i. First conviction: Imprisonment in the county jail for not less than 96 hours, at least 48 hours which are continuous, nor more than six months and by a fine of not less than \$390 nor more than \$1,000 and except as otherwise provided suspension of privilege to operate motor vehicle. (CVC § 23536)
- ii. Conviction of driving under the influence with or without bodily injury within ten years of certain other felony convictions including vehicular manslaughter and driving under

- the influence: Imprisonment in state prison or in the county jail for not more than one year and a fine of not less than \$390 nor more than \$1,000 and revocation of privilege to operate a motor vehicle. (CVC § 23550.5)
- iii. Driving under the influence causing bodily injury: Imprisonment in state prison or county jail for not less than 90 days nor more than one year and a fine of not less than \$390 nor more than \$1,000 and suspension of privilege to operate a motor vehicle. (CVC § 23554)
  - iv. Driving under the influence causing bodily injury or death to more than one victim: Enhancement of one year in state prison for each additional injured victim up to a maximum of three one-year enhancements. (CVC §23558)
  - v. Second conviction of driving under the influence causing bodily injury within ten years or conviction within ten years of separate conviction of other specified offenses involving alcohol or drugs: Imprisonment in the county jail for not less than 120 days nor more than one year and a fine of not less than \$390 nor more than \$5,000 and revocation of privilege to operate a motor vehicle. (CVC § 23560)

#### Federal Law

- i. Federal law prohibits the illegal possession of a controlled substance. (21 U.S.C. § 844(a)).
- ii. First offense: prison sentences up to one year and a minimum fine of \$1,000.
- iii. Second offense: prison sentences up to two years and a minimum fine of \$2,500.
- iv. Third offense: prison sentences up to three years and a minimum fine of \$5,000.
- v. Special sentencing provisions apply for possession of flunitrazepam, including imprisonment of three years as well as the fine schedule referenced above.

#### Biennial Program Review

The University reviews its DAAPP on a biennial basis to determine the program’s effectiveness and implement changes to the program if changes are needed to increase the program’s effectiveness. Additionally, on a biennial basis, the University determines the number of drug and alcohol-related violations and fatalities that occur on campus or a part of any University activities, that are reported to the University. The University also determines the number and type of sanctions related to drug/alcohol violations and fatalities imposed on students and employees. As part of this review, the University seeks to ensure that sanctions for both employees and students are consistently enforced.

#### **Sexual Violence and Sexual Harassment**

California Health Sciences University (“CHSU”) is committed to creating and maintaining an inclusive environment, where all individuals can achieve their academic and professional aspirations free from Sex- Based Misconduct, and other forms of unlawful discrimination, harassment, or related retaliation. CHSU does not discriminate in the operation of or access to the University’s programs on the basis of the following protected classes: race (including natural hairstyle or hair texture related thereto); color, national origin (including possessing a

driver's license issued under Vehicle Code § 12801.9), or ancestry; age (40 and over); physical or mental disability, perceived disability or perceived potential disability; sex; gender; sexual orientation; gender identity, transgender status, gender expression, pregnancy or perceived pregnancy, childbirth, breastfeeding or medical conditions related to pregnancy, childbirth or breastfeeding; medical condition (including cancer-related physical or mental health impairment or history of same); citizenship; military and veteran status; genetic characteristics; political affiliation; religious belief or practice; marital status; or any other classifications protected by applicable federal, state, or local laws and ordinances ("Protected Class" or "Protected Classes").

The University's Non-Discrimination Policy prohibits the following conduct ("Prohibited Conduct"):

- i. Harassment or discrimination, including, but not limited to, Sex-Based Misconduct against students, employees, and applicants for admission or employment based on membership in a Protected Class;
- ii. Harassment or discrimination based on the perception that a person is a member of a Protected Class or is associated with a person who has, or is perceived to have, membership in a Protected Class;
- iii. Any and all Retaliation against any person for submitting a report of violation of the University's Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures or for cooperating in the administration of such policy, including participation in an investigation or adjudication process;
- iv. Knowingly submitting a complaint under the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures based on false allegations or to knowingly provide false information in connection with an investigation or adjudication of a complaint processed under the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures
- v. Any Responsible Employee who fails to report allegations of Prohibited Conduct, including, but not limited to, Sex-Based Misconduct or Title IX Sexual Harassment;
- vi. Any person in a position of power or influence that intentionally deters or hinders another person from reporting allegations of conduct which, if true, would violate the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures; and
- vii. Any other violation of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures.

The intent of the University's Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures is to provide for the University to act consistently with its legal obligations under Title IX of the Education Amendments of 1972 ("Title IX"), Title VI and Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act, Uniformed Services Employment and Reemployment Rights Act of 1994 ("USERRA"), the Equal Pay Act of 1963, the Age Discrimination Act of 1975, Title I and Title IV of the Americans with Disabilities Act ("ADA") of 1990 and as amended by ADA Amendments Act of 2008, the Immigration Reform and Control Act of 1986 ("IRCA"), the Rehabilitation Act of 1973, and other applicable federal and state anti-discrimination laws. CHSU recognizes that the

law in these areas may change. To the extent the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures conflicts with applicable federal or state law, CHSU will act in compliance with law.

The purpose of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures is to:

- i. Define Prohibited Conduct;
- ii. Ensure members of the University community respond appropriately when incidents of Prohibited Conduct occur;
- iii. Provide for methods of reporting Prohibited Conduct to appropriate University administrators;
- iv. Establish fair and equitable procedures for filing and handling complaints of Prohibited Conduct; and
- v. Ensure that when Prohibited Conduct does occur the University takes appropriate action to stop, prevent and remedy the Prohibited Conduct;
- vi. Set forth grievance procedures for the handling of Formal Title IX Sexual Harassment complaints, as required by federal regulations set forth at 34 Code of Federal Regulations Section 106.45.

The Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures are reviewed periodically to determine if modifications are appropriate.

### **Application and Scope**

The Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures apply to all members of the University community, including University employees, students, applicants for admission or employment, third-party contractors and vendors, independent contractors, volunteers and any third party who enters University facilities. Every member of the community is responsible for complying with the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures.

The Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures applies to prohibited conduct alleged to have occurred: (i) on CHSU property; (ii) in connection with CHSU activities, programs, or events; (iii) online or off-campus where the conduct affects the CHSU learning or working environment, would violate other University Policies had it occurred on campus, or where the University determines it has a substantial interest.

CHSU recognizes and promotes its commitment to academic freedom and freedom of speech, as described in applicable CHSU policies. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state anti-discrimination laws, such as the conduct prohibited by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures.

CHSU also recognizes that some students are also employed by the University (“Student-Employee”). Under the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures, Student-Employees may be treated either as students or employees based on the circumstances of each situation, in compliance with the provisions set forth below.

Additionally, while the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures comprehensively prohibits illegal harassment and discrimination, there will be some procedures which are only applicable to Title IX Sexual Harassment (defined below) because different legal requirements are applicable in such matters. Applicable distinctions in the processing of such complaints are addressed below.

The Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures have been approved by the Office of the President. It supersedes all other University policies regarding harassment, discrimination, Sex-Based Misconduct, or Title IX. The Title IX, Diversity and Equity Coordinator is responsible for the administration of the Policy.

### **Establishment of The Office of The Title IX, Equity and Diversity Coordinator**

The President of the University designates and authorizes an administrator to serve as CHSU’s Title IX, Equity and Diversity Coordinator (“Title IX Coordinator”) who has the training, experience, and resources necessary to perform the following duties:

- i. Coordinate the University’s compliance with Title IX of the Education Amendments of 1972 and other California state and federal laws applicable to Sex-Based Misconduct, including with respect to issuance of notification of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures to members of the campus community, the conduct of investigations, preparation of required reports, and effective implementation of supportive measures, and Corrective Measures.
- ii. Developing and maintaining the University’s Title IX webpages which provide information regarding Title IX compliance, including methods for reporting Sex-Based Misconduct, applicable grievance processes and options regarding supportive measures whether or not a Formal Complaint of Title IX Sexual Harassment is filed.
- iii. Ensure, that the University is providing mandatory Sex-Based Misconduct prevention education and training programs to all members of the University campus, including as follows:
  - a. In accordance with applicable state and federal law, provide training to all students, faculty, other academic appointees, administrators, and non-academic staff regarding how Sex-Based Misconduct can be reported.
  - b. Provide annual training for University employees who are responsible for reporting Sex-Based Misconduct, including Title IX Sexual Harassment.



- c. Provide annual training for University employees who are Confidential Resources, facilitators of informal resolution processes, investigators, Hearing Advisors, hearing officers and other decisions makers, appeal adjudicators, University officials with authority to institute corrective measures and others involved with a grievance process for complaints of Sex-Based misconduct regarding their roles and responsibilities with respect to Title IX compliance. This includes, but is not necessarily limited to, training regarding the following matters, as appropriate to the employee's role: technology to be used at a live hearing, issues of relevance of questions and evidence, and the rules applicable to questions and evidence regarding sexual predisposition or prior sexual behavior. Additionally, this annual training will also include topics related to dating violence, domestic violence, sexual assault, and stalking. Such training will also cover how to conduct an investigation and hearing process where there are allegations of dating violence, domestic violence, sexual assault and stalking, that protects the safety of both the Complainant and Respondent and promotes accountability for all Parties. Any materials used to train Title IX Coordinators, investigators, decision-makers, appeal adjudicator, and any person who facilitates an informal resolution process for a Formal Title IX Complaint of Sexual Harassment, must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Title IX Sexual Harassment Complaints of sexual harassment. Additionally, training with a trauma-informed perspective is required for any CHSU employee responsible for any part of an investigation, informal resolution, or grievance process for complaints of Sex-Based Misconduct.
  - d. Offer primary prevention programs and awareness campaigns to the University community to promote ongoing awareness of Sex-Based Misconduct, including preventing dating violence, domestic violence, sexual assault, and stalking. These campaigns may include, but are not limited to, education about the definition of consent, consensual relationships, options for bystander intervention, trauma- informed approaches, and risk reduction awareness information. These programs are to promote behaviors that foster healthy and respectful relationships while also encouraging a safe environment for bystanders to intervene in a potential case of dating violence, domestic violence, sexual assault, or stalking.
- iv. Provide educational materials to promote compliance with the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures and familiarity with reporting procedures, and post on the CHSU's website the names and contact information of the Title IX Coordinator and other information regarding preventing and reporting Sex-Based Misconduct, including Title IX Sexual Harassment, and compliance with the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures .
- v. Provide prompt and equitable response to reports of Sex-Based Misconduct, including



authorizing and ensuring effective implementation of Supportive Measures and Title IX Supportive Measures for complainants and respondents, determining whether to file a Formal Title IX Sexual Harassment Complaint on behalf of the University, overseeing implementation of the University's Sex-Based Misconduct grievance processes, and effectively implementing Corrective Measures in cases of Sex-Based Misconduct.

- vi. Maintain records of reports of Sex-Based Misconduct, including Title IX Sexual Harassment including: investigation records, any determination regarding responsibility, any audio or audiovisual recording or transcript related to the grievance process, any supportive measures implemented, any preventative or corrective measures imposed on the respondent, any remedies provided to the complainant, any appeal and result of such appeal, any informal resolution process and result from such process, all training materials used to train Title IX Coordinator, investigators, decision-makers, and any person who facilitates an informal resolution process, for seven (7) years and in accordance with University records management policies.
- vii. Identify and address any patterns or systemic problems that arise during the review of reports of Title IX Sexual Harassment.
- viii. Ensure procedures are in place to provide support for both complainants and respondents during the University's process for responding to allegations of Sex-Based Misconduct, including Title IX Sexual Harassment.

### **Applicable Definitions**

Definitions applicable to the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures are set forth below. Under federal regulation the definitions applicable in cases of Title IX Sexual Harassment are different from the definitions applicable to other types of Prohibited Conduct as a matter of law. Accordingly, set forth below are three sections of definitions:

- i. Definitions Applicable in all Matters of Prohibited Conduct Covered by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures;
- ii. Definitions Applicable in Matters of Prohibited Conduct Other than Title IX Sexual Harassment;
- iii. Definitions Applicable Only in Cases of Title IX Sexual Harassment.

These sections are set forth below.

- i. Definitions Applicable in all Matters of Prohibited Conduct Covered by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures
  - a. Responsible Employee. All employees of the University who receive, in the course of their employment, information that a violation of the Unlawful

Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures has occurred shall promptly report that information to the Title IX, Diversity and Equity Coordinator. This includes all students who are also employees of the University when the disclosure is made to them in their capacity as an employee. The online reporting form can be accessed at <https://chsu.edu/title-ix/>. Exceptions to the duty to report include:

- i. University employees who are Confidential Resources (as defined below) who receive, in the course of employment, information that a student has or may have suffered Sex-Based Misconduct, including, but not limited to, Title IX Sexual Harassment.
  - ii. Employees who learn of a report of Sex-Based Misconduct during the course of participation in a public awareness event such as a “Take Back the Night” or similar event.
- b. Confidential Resources. CHSU’s confidential Resources (“Confidential Resources”) include only mental health counselors and other persons working pursuant to professional license requiring confidentiality while working on campus when working within the scope of their licensure. Physicians, pharmacists, and other health care professionals employed by CHSU as faculty and not employed to provide healthcare services to employees or students are not Confidential Resources. Confidential Resources are exempt from reporting Sex-Based Misconduct when working in the course and scope of their licensure. When Confidential Resources are not working in the course and scope of their licensure and they learn about allegations of Prohibited Conduct they are required to report that conduct as any other Responsible Employee. This exemption does not extend to other areas of mandated reporting obligations under federal, state or local laws, such as the California Child Abuse and Neglect Reporting Act (CANRA) or Cleary Act reporting requirement as a Campus Security Authority.
- c. Preponderance of Evidence. A standard of proof that requires that a fact be found when its occurrence, based on evidence, is more likely than not to be true. This shall be the standard of proof applicable to all factfinding under the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures.
- d. Relevancy of Evidence. Throughout the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures , references are made to relevant evidence, both in the investigation phase or adjudication phase of a matter. Relevant evidence means evidence which has any tendency in reason to prove or disprove a disputed fact, including both inculpatory and exculpatory evidence, that is of consequence in determining whether the allegations of Prohibited Conduct are true or not true under the preponderance of the evidence standard. Relevant evidence includes evidence regarding the credibility of a party or witness. However, notwithstanding the above, the following evidence

must be excluded:

- i. Evidence which is disclosed to a Confidential Employee, operating within the scope of their work, unless the disclosing party and the Confidential Employee provide voluntary written consent to its use.
- ii. Evidence which is protected by a legally recognized privilege unless the appropriate party has provided voluntary written consent to its use. Legally recognized privileges including, but not limited to, the following: the attorney-client privilege, evidence maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional when 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.
- iii. Evidence of a complainant's prior sexual history unless one of the following exceptions applies: (i) if such information is offered to prove that someone other than the respondent committed the conduct alleged by the Title IX Complainant; or (ii) if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

e. Sex-Based Misconduct. Sex-based Misconduct includes:

- i. All forms of discrimination and harassment on the basis of sex, sex stereotyping, gender or gender expression; pregnancy or perceived pregnancy, childbirth, breastfeeding, or medical conditions related to pregnancy, childbirth, or breastfeeding.
- ii. California Sexual Harassment, as defined herein.
- iii. Title IX Sexual Harassment, as defined herein, and other conduct which violates Title IX of the Education Amendments of 1972.
- iv. Invasion of Sexual Privacy:
  - a. Without a person's consent, watching or enabling others to watch that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy;
  - b. Without a person's consent, making photographs (including videos) or audio recordings, or posting, transmitting, or distributing such recorded material depicting that person's nudity or sexual acts in a place where that person has a reasonable expectation of privacy; or
  - c. Using depictions of nudity or sexual activity to extort something of value from a person.
- v. Exposing one's genitals in a public place for the purpose of sexual gratification.
- vi. Attempts to engage in any Sex-Based Misconduct, even if not completed.

f. Consent. Consent is affirmative, conscious, voluntary, and revocable. Consent to sexual activity requires of all persons involved an affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each

person to ensure they have the affirmative consent of the other to engage in the sexual activity. Lack of protest, lack of resistance, or silence does not alone constitute consent. Affirmative consent must be ongoing and can be revoked at any time during sexual activity, even after penetration occurs. If confusion or ambiguity arises as to the willingness of the other individual to proceed, then consent should be re-obtained. The existence of a dating relationship or past sexual relations between the persons involved should never by itself be assumed to be an indicator of consent (nor will subsequent sexual relations or dating relationship alone suffice as evidence of consent to prior conduct). The following provisions apply to the definition of consent:

- i. Incapacitation. Incapacitation is a state beyond drunkenness or intoxication. A person is not necessarily incapacitated merely as a result of drinking, using drugs or taking medication.
- ii. The Respondent's belief that the alleged victim consented will not provide a valid defense unless the belief was actual and reasonable. In making this determination, the factfinder will consider all of the facts and circumstances the Respondent knew, or reasonably should have known, at the time. In particular, the Respondent's belief is not a valid defense where:
  - a. The Respondent's belief arose from the Respondent's own intoxication or recklessness;
  - b. The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the alleged victim affirmatively consented; or
  - c. The Respondent knew or a reasonable person should have known that the alleged victim was unable to consent because the alleged victim was incapacitated, in that the alleged victim was: asleep or unconscious; unable to understand the fact, nature or extent of the sexual activity due to the influence of drugs, alcohol or medication; unable to communicate due to a mental or physical condition. Anyone engaging in sexual activity should be aware of the other person's level of intoxication.
- g. Credibility. The credibility of complainants, alleged victims, respondents and witnesses must be evaluated when there are conflicting versions of relevant events related to a matter under investigation required by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures. Credibility means whether or not a particular version of events should be believed. In assessing credibility of any person, factors to consider include, but are not necessarily limited to: inherent plausibility of the person's statement; their demeanor and attitude toward the matter; whether they have motivation to inaccurately state facts; whether or not other persons or evidence corroborate their version of events (such as an eye witness or someone who discussed the events with the person around the time the events took place); the character of the testimony; the extent of the person's capacity to perceive, remember or communicate regarding the matter; consistent or inconsistent

statements made by the same person; admissions of untruthfulness. No one factor is necessarily determinative of credibility. The mere fact that there was no eye witness to an alleged event does not mean a person is not credible, and similarly whether a respondent had previously engaged in similar misconduct does not mean the respondent is not credible as to the current matter being investigated.

- h. Corrective Measures. Services, accommodations, corrective actions, sanctions, remedies, or other measures put in place as a result of final resolution of a complaint of conduct prohibited by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures. Possible Corrective Measures imposed under the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures include:
  - i. Participation in a voluntary, facilitated restorative process;
  - ii. A written or verbal apology;
  - iii. A written or verbal warning, letter of reprimand, performance improvement plan, or other document outlining expectations for future behavior and related consequences;
  - iv. Training or other educational requirements, such as an assigned reading, a research or reflective paper, attendance at an educational seminar or program, or similar activity;
  - v. Assistance from or check-ins with campus safety or security personnel;
  - vi. Mandatory or voluntary counseling;
  - vii. Mentorship, accountability meetings or coaching assignments;
  - viii. Community service or other volunteer activities;
  - ix. Modifications to job position or work assignments (such as a transfer or modification of job duties), or delivery of curriculum or course requirements, such as independent study, adjusted deadlines or remote learning;
  - x. Disciplinary probation, which may include monitoring of progress, review of behavior, limitations on campus privileges, or other restrictions on participation in University events, extra-curricular or co-curricular activities over a set period of time;
  - xi. Prohibition from utilizing certain campus facilities;
  - xii. No-contact directives;
  - xiii. Drug testing and/or drug and alcohol counseling programs;
  - xiv. Temporary or permanent exclusion from attending University events or activities;
  - xv. Suspension from employment or participation in an academic program, extra-curricular or co-curricular activities;
  - xvi. Dismissal from the University's academic programs or termination of employment;
  - xvii. Other actions which seek to make a victim whole or which seek to prevent a recurrence of Prohibited Conduct.

ii. Definitions Applicable in Matters of Prohibited Conduct Other than Title IX Sexual Harassment

- a. Discrimination. Discrimination means excluding from participation, denying the benefits of, or otherwise subjecting an individual or group of individuals to different treatment based on a Protected Class. For example, unlawful discrimination may consist of a decision, policy, or practice.
- b. Harassment. Harassment is unwelcome verbal, visual or physical conduct based on a Protected Class which creates an intimidating, offensive, or hostile work or educational environment that interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive. Harassment can be verbal (including slurs, jokes, insults, epithets, gestures or teasing), graphic (including offensive posters, symbols, cartoons, drawings, computer displays, or e-mails) or physical conduct (including physically threatening another, blocking someone's way, etc.) that denigrates or shows hostility or aversion towards an individual based on a Protected Class.
- c. Complaint. A report of Prohibited Conduct prohibited by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures. A "formal" or written report or complaint is not required.
- d. Complainant. A Complainant is any person who reports alleged Prohibited Conduct or an alleged victim of Prohibited Conduct, regardless of whether the alleged victim makes the report. Prohibited Conduct for purposes of this definition does not include Title IX Sexual Harassment.
- e. Respondent. A Respondent is a person alleged to have engaged in Prohibited Conduct. Prohibited Conduct for purposes of this definition does not include Title IX Sexual Harassment.
- f. California Sexual Harassment.
  - i. Sexual harassment is unwelcome sexual advances, unwelcome requests for sexual favors, and other unwelcome verbal, nonverbal or physical conduct of a sexual nature when:
    - a. *Quid Pro Quo*. A person's submission to such conduct is implicitly or explicitly made the basis for employment decisions, academic evaluation, grades or advancement, or other decisions affecting participation in a University program, activity, or service; or occurred.
    - b. *Hostile Environment*. Such conduct is sufficiently severe or pervasive that it unreasonably denies, adversely limits, or interferes with a person's participation in or benefit from the education, employment or other programs, activities, or services of the University and creates an



- environment that a reasonable person would find to be intimidating or offensive.
- ii. Consideration is given to the totality of the circumstances in which the conduct
  - iii. Sexual harassment need not be motivated by sexual desire. Examples of conduct that violate the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures include but are not limited to: Obscene or vulgar gestures, posters, or comments; Sexual jokes or comments about a person's body, sexual prowess, or sexual deficiencies; Propositions, or suggestive or insulting comments of a sexual nature; Derogatory cartoons, posters, and drawings; Sexually-explicit e- mails or voicemails; Uninvited touching of a sexual nature; Unwelcome sexually-related comments; Conversation about one's own or someone else's sex life; Conduct or comments consistently targeted at only one gender, even if the content is not sexual; or Teasing or other conduct directed toward a person because of the person's gender.
- g. Retaliation. Retaliation is an adverse action against a person based on their report or other disclosure of conduct prohibited by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures to a University employee or their participation in the investigation, reporting, remedial or disciplinary processes provided for in the policy. An adverse action is conduct that would intimidate or discourage a reasonable person from reporting conduct prohibited by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures or participating in a process provided for in the policy, such as threats, intimidation, harassment, or coercion. Retaliation does not include good faith actions lawfully pursued in response to a report of conduct prohibited by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures.
- h. Supportive Measures. Supportive Measures are services, accommodations or other measures put in place temporarily following a complaint of conduct prohibited by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures to assist or protect either the Complainant, the Respondent or the University community. Supportive Measures may remain in place until the matter is resolved, changed, or ended depending on how the parties' needs evolve while the matter is being processed. Supportive measures may also become a permanent Preventative and Corrective Measure following resolution of the matter. Supportive Measures may include, but are not limited to: counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures, or other measures determined to be reasonable by the Title IX Coordinator.
- iii. Definitions Applicable Only in Cases of Title IX Sexual Harassment



- a. Formal Title IX Sexual Harassment Complaint. A document filed by a Title IX Sexual Harassment Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Title IX Sexual Harassment Respondent and requesting that the University investigate the allegation. A parent or guardian of a Title IX Sexual Harassment Complainant who is an unemancipated minor may also file a Formal Title IX Sexual Harassment Complaint on behalf of their child or ward. References to “Formal Title IX Sexual Harassment Complaint” throughout the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures refer to Formal Title IX Sexual Harassment Complaint.
- b. Title IX Sexual Harassment Complainant. An individual who is alleged to be the victim of conduct that could constitute Title IX Sexual Harassment irrespective of whether a Formal Title IX Sexual Harassment Complaint has been filed.
- c. Title IX Sexual Harassment Respondent. An Individual who has been reported to be the perpetrator of conduct that could constitute Title IX Sexual Harassment. Any individual may be a respondent, whether such individual is a student, faculty member, administrator, or other employee of the University or other person with or without any affiliation to the University.
- d. Officials with Authority – Actual Knowledge. For purposes of determining actual knowledge of Title IX Sexual Harassment the following positions have authority at CHSU to institute Corrective Measures for Title IX Sexual Harassment: (i) the President, (ii) all Deans of colleges within the University, (iii) all Assistant/Associate Student Affairs Deans of colleges within the University; (iv) the Title IX Coordinator; and (v) all employees who serve as either hearing officers, hearing panel members, decision makers, or appeal adjudicators in cases of Title IX Sexual Harassment when serving in that role. In all cases, Corrective Measures must be imposed in compliance with the Grievance Process for Complaints of Title IX Sexual Harassment.
- e. Title IX Supportive Measures. Title IX Supportive Measures are non-disciplinary, non- punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Title IX Sexual Harassment Complainant or Title IX Sexual Harassment Respondent before or after the filing of a Formal Title IX Sexual Harassment Complaint or where no Formal Title IX Sexual Harassment Complaint has been filed. Title IX Supportive Measures are designed to restore or preserve equal access to the University’s education program, or activity, without punishing, disciplining, or unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter Title IX Sexual Harassment. Title IX Supportive Measures may include, but are not limited to: counseling, extensions of deadlines or other course related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between

the parties, changes in work, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The determination of what Title IX Supportive Measures are appropriate in a given situation must be based on the facts and circumstances of that situation.

- f. Title IX Sexual Harassment Informal Resolution. An informal resolution of Title IX Sexual Harassment which may encompass a broad range of conflict resolution strategies, including mediation or restorative justice.
- g. Title IX Sexual Harassment. Sexual harassment for purposes of Title IX means conduct on the basis of sex that satisfies one or more of the following: (i) an employee of the University conditioning the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct; (ii) unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the University's education program or activity; or (iii) Sexual Assault, Dating Violence, Domestic Violence, or Stalking. The following definitions further define Title IX Sexual Harassment:
  - i. Sexual Assault. The term Sexual Assault means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including, but not necessarily limited to, fondling, rape, and statutory rape.
  - ii. Dating Violence. The term Dating Violence means violence committed by a person—(i) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (ii) 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.
  - iii. Domestic Violence. The term Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
  - iv. Stalking. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—(i) fear for his or her safety or the safety of others; or (ii) suffer substantial emotional distress.

## **Reporting to Police for Criminal Conduct; Effect of Criminal Charges or Criminal Investigation**

In an emergency situation, CHSU community members should call 9-1-1. CHSU encourages all members of its community who believe they are the victim of criminal behavior (including, but not limited to, criminal sexual violence) to report the conduct to the police even if significant time has passed since the incident. All members of the CHSU community may seek assistance in reporting a crime of sexual violence to law enforcement by contacting the Title IX Coordinator.

Complainants also may choose not to notify law enforcement. Regardless of whether a Complainant chooses to make a report to law enforcement, the Complainant may still file a Complaint under the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures. Additionally, regardless of whether the alleged misconduct rises to the level of a criminal offense, CHSU encourages all community members to report alleged discrimination, harassment, retaliation, or sexual violence to CHSU.

The procedures outlined in the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures are separate from any criminal process or investigation. Because the requirements and standards for finding a violation of criminal law are different from the standard under the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures, criminal investigations, reports or verdicts may be different from the outcomes under the policy. The University may share information and coordinate investigation efforts with law enforcement when necessary or appropriate. A delay resulting from such coordination is good cause for extending the timelines to complete the process. Any such delay is communicated and documented to the Complainant and Respondent.

State, federal, and local government agencies are responsible for criminal prosecution. The University has no authority or responsibility for the criminal prosecution of any matter, even if the University helps someone to file a report of criminal conduct or receives a report of a complaint under the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures that may rise to the level of criminal conduct.

## **Reporting Prohibited Conduct to The University; Amnesty for Student Complainants and Witnesses**

CHSU is committed to enforcing the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures. The effectiveness of the University's efforts depends in part on employees and students telling the University about inappropriate conduct. Employees and students should not assume that CHSU has knowledge of any form of illegal discrimination, harassment, or retaliation. If employees or students do not report harassing or discriminatory conduct, CHSU may not become aware of a possible violation of the Policy and may not be able to take appropriate corrective action. Any Responsible Employee who believes that the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures has been violated is mandated to report those concerns, and for concerns related to

Sex-Based Misconduct Responsible Employees must report those concerns to the Title IX Coordinator directly.

Any person can report Prohibited Conduct at any time (including during non-business hours), either verbally or in writing, in person, by mail, by telephone, email, or by any other means as follows:

- i. Report to the Title IX Coordinator. As of the effective date of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures, the University's Title IX Coordinator is Ms. Carlita Romero-Begley, PHR, SHRM-CP, Vice President of Human Resources and Title IX Coordinator, and may be contacted by phone at 559-282-8747 (direct line), via email at [cromerobegley@chsu.edu](mailto: cromerobegley@chsu.edu) or in person at Room 310B, 65 N. Clovis Avenue, Clovis, CA 93612.

The CHSU website will be kept updated with any changes to the Title IX Coordinator's name and contact information.

- ii. Report to Another Responsible Employee. They can report verbally, via phone or via email to any Responsible Employee, such as to the Dean or the student affairs staff of any of the University's colleges, or Office of the President. Any person or office that receives a report (except for Confidential Resources) must forward it to the Title IX Coordinator. If the person to whom a report normally would be made to is the person accused of Prohibited Conduct, reports may be made to another Responsible Employee or office. If the person accused of Prohibited Conduct is the Title IX Coordinator, the report may be made to the President.
- iii. Online Through the University Website. They can report by submitting the online form, either with their name or anonymously. The online form is located on CHSU's website at <https://chsu.edu/title-ix/>. Forms submitted online will be delivered to the Title IX Coordinator.

While there is no time limit for submitting reports of Prohibited Conduct, such reports should be brought forward as soon as possible. Prompt reporting better enables CHSU to respond, investigate, provide an appropriate remedy, and impose Corrective Measures, if appropriate. All incidents should be reported even if significant time has elapsed.

CHSU prefers the Complaint be made in writing and specifically identify the person(s) involved, names of witnesses and what occurred. However, if a Complaint is not filed in writing, but CHSU receives notice of any allegation(s) that is subject to the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures, CHSU shall take steps to address the allegation(s) in a manner appropriate to the circumstances.

The University will keep reports of Prohibited Conduct as confidential as possible but may be required to disclose information to comply with law or the University's policies and procedures, including (but not limited to) for the purposes of investigating and/or resolving the complaint.

The University encourages reporting of Prohibited Conduct. It is in the best interest of the CHSU community that individuals come forward to make reports of Prohibited Conduct, regardless of whether they have engaged in conduct in violation of university policy, such as using drugs or alcohol at or near the time of the incident. To encourage reporting in these types of situations, the University will not subject a complainant or witness of Prohibited Conduct who is a student or a student-employee to Corrective Measures for a violation of the University's code of conduct or other University policy (i.e., will grant the student amnesty) unless the University determines that the violation was egregious. Egregious violations include acts that: (i) place the health or safety of themselves or others at risk; or (ii) involves plagiarism, cheating or academic dishonesty. Student-employees may still be subject to Corrective Measures as employees of CHSU for acts which put CHSU at significant risk of litigation or damage to reputation. The University reserves the right to require individuals who are granted amnesty under this section to participate in assessments, training, counseling, or educational programs, including (but limited to) topics such as health and safety, professionalism, or harassment/discrimination prevention.

The University will not pursue action against a person for a code of conduct violation that does not involve sex discrimination or sexual harassment, but arises out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Title IX Sexual Harassment Complaint, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations.

### **University Grievance Processes**

The University has two separate grievance processes for handling reports of Prohibited Conduct, including Sex-Based Misconduct, under the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures:

- i. Grievance Process One for Complaints of Unlawful Harassment, Discrimination, and Sex- Based Misconduct Except for Formal Title IX Sexual Harassment Complaints ("Grievance Process 1"), set forth below; and
- ii. Grievance Process Two for Formal Title IX Sexual Harassment Complaints (Grievance Process 2"), set forth below.

The following matters will be processed under Grievance Process 1:

- i. All reports of Sex-Based Misconduct which do not meet the requirements of a Formal Title IX Sexual Harassment Complaint which are determined by the Title IX Coordinator to fall within the Application and Scope of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures as set forth above (this includes, but is not necessarily limited to, reports regarding sex discrimination, failure to accommodate pregnant or parenting students, conduct which violates the Violence Against Women Act—i.e., sexual assault, domestic violence, dating violence and stalking - which occurs outside of the United States); and

- ii. Formal Title IX Sexual Harassment Complaints which are dismissed under 34 Code of Federal Regulations Section 106.45; and
- iii. All other reports of Prohibited Conduct which do not involve Sex-Based Misconduct.

For matters processed under Grievance Process 1, a “formal” or “written” complaint is not required but is encouraged. Responsible Employees are required to report any allegations regarding such matters as described in the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures

Grievance Process 2 is reserved only for Formal Title IX Sexual Harassment Complaints which are not otherwise dismissed under 34 Code of Federal Regulations Section 106.45.

During the course of processing a report of Sex-Based Misconduct, it is possible that the alleged conduct may become a Formal Title IX Sexual Harassment Complaint after initiation of Grievance Process 1. In that case, the Title IX Coordinator shall move the matter into Grievance Process 2.

It is also possible that a Formal Title IX Sexual Harassment Complaint may be dismissed during Grievance Process 2, including, but not limited to situations where it is determined that the alleged conduct no longer meets the definition of Title IX Sexual Harassment. In that case, the Title IX Coordinator shall move the matter into Grievance Process 1, as appropriate.

In all cases, the availability of Informal Resolution procedures is governed by the Informal Resolution of Complaints Involving Student Respondents section below.

Additionally, the University may require the Parties, Advisory Support Persons, Advisors, witnesses, third- party professionals or others involved in the grievance process to execute non-disclosure agreements, FERPA waivers or similar documents under either Grievance Process 1, Grievance Process 2 or Informal Resolution procedures.

### **Initial Review of Reports of Sex-Based Misconduct; Dismissal of Formal Title IX Sexual Harassment Complaint and Appeal from Dismissal**

For reports regarding Sex-Based Misconduct, the Title IX Coordinator shall conduct an initial review of the report and determine the appropriate grievance process for the matter, as set forth in this section.

#### **Requirements for Formal Title IX Sexual Harassment Complaint**

In order for a complaint to be subject to the Grievance Process for Complaints of Title IX Sexual Harassment, a Formal Title IX Sexual Harassment Complaint must be filed either by an alleged victim, the parent or guardian of a minor alleged to be a victim, or the Title IX Coordinator.

A Formal Title IX Sexual Harassment Complaint is considered “filed” when either of the



following occurs:

- i. An alleged victim files a report alleging another person has subjected them to Title IX Sexual Harassment and the report contains a physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Title IX Sexual Harassment Complaint. If the identity of the Respondent is not known to the Complainant, the Complainant does not need to include the Respondent's identity in the Complaint, as this may be determined during the investigation process.
- ii. The Title IX Coordinator files and signs a Formal Title IX Sexual Harassment Complaint.

Additionally, at the time of filing a Formal Title IX Sexual Harassment Complaint, the following three requirements must be met:

- i. The alleged victim must be participating in or attempting to participate in the education program or activity of the University;
- ii. The alleged misconduct must have occurred against a person in the United States either (i) on CHSU property; (ii) in connection with CHSU activities, programs, or events where the University exercises substantial control over the respondent and the context in which the incident occurred; (iii) buildings owned or controlled by officially recognized University student organizations, regardless whether the building is located on or off-campus and irrespective of whether the University exercised substantial control over the respondent and the context of the harassment; (iv) cyber harassment conducted over computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operation of, the University; or (v) off-campus conduct that has effects in the education program; and
- iii. The conduct alleged in the Formal Title IX Sexual Harassment Complaint must, if proven by a preponderance of the evidence, constitute Title IX Sexual Harassment.

Participation or Attempted Participation in an Educational Program or Activity. An alleged victim must be participating in or attempting to participate in the education program or activity of the University. This includes, but is not limited to:

- i. Applicants for or students enrolled in a University academic programs;
- ii. Applicants for employment or those employed by the University;
- iii. Alumni of the University if they graduated from a program of the University and intend to either (i) apply to a different program offered by the University or (ii) to remain involved with University's alumni programs and activities; or
- iv. A student who is on a leave of absence if they are still enrolled as a student of the University or if they intend to re-apply to the University after the leave of absence is concluded; or
- v. A student who has left the University because of Title IX Sexual Harassment, but who wants to re-enroll if the University responds appropriately to the Title IX Sexual Harassment.

Substantial Control. When determining whether the University exercises substantial control



over the respondent and the context in which the incident occurred, factors to be considered include, but are not limited to, whether the University funded, promoted, or sponsored the event.

Off-Campus Conduct. Off-Campus Conduct effects an education program when the alleged victim has to interact with the respondent in a University's education program or activity, or when the effects of the underlying Title IX Sexual Harassment creates a hostile environment in the alleged victim's workplace or educational environment

### **Title IX Coordinator's Decision to File a Formal Title IX Sexual Harassment Complaint**

The Title IX Coordinator should file a Formal Title IX Sexual Harassment Complaint if doing so is necessary to avoid being deliberately indifferent to known Title IX Sexual Harassment, with or without the participation of the alleged victim. In determining whether to file a Formal Title IX Sexual Harassment Complaint, the Title IX Coordinator may consider a variety of factors including, but not limited to, a pattern of alleged misconduct by a particular respondent, and/or whether the allegations involve violence, weapons, whether filing a Formal Title IX Sexual Harassment Complaint is the best mechanism to protect the campus community, or similar factors.

To the extent possible, the Title IX Coordinator will respect the alleged victim's autonomy and wishes with respect to the filing of a Formal Title IX Sexual Harassment Complaint and grievance process. As such, the Title IX Coordinator's decision to file a Formal Title IX Sexual Harassment Complaint may occur only after the Title IX Coordinator has promptly contacted the alleged victim of Title IX Sexual Harassment to discuss availability of supportive measures, explain to the process for filing a Formal Title IX Sexual Harassment Complaint and consider the alleged victim's wishes with respect to supportive measures and the Formal Title IX Sexual Harassment Complaint process.

Where the Title IX Coordinator files a Formal Title IX Sexual Harassment Complaint, the Title IX Coordinator is not considered a Complainant or otherwise a Party to the grievance process.

### **Dismissal of Formal Title IX Sexual Harassment Complaint; Appeal of Dismissal**

The University is required to dismiss a Formal Title IX Sexual Harassment Complaint if: (i) the conduct alleged, if true, does not constitute Title IX Sexual Harassment; (ii) the conduct alleged did not occur in the University's education program or activity; or (iii) did not occur against a person in the United States.

The University may, but is not required to, dismiss a Formal Title IX Sexual Harassment Complaint at any time during the grievance process if:

- i. An alleged victim notifies the Title IX Coordinator in writing that the alleged victim would like to withdraw the Formal Title IX Sexual Harassment Complaint or allegations therein;

- ii. The respondent is no longer enrolled or employed by the University; or
- iii. Specific circumstances prevent the University from gathering evidence sufficient to reach a determination as to the Formal Title IX Sexual Harassment Complaint or allegations therein.

Circumstances preventing University from gathering sufficient evidence to reach a determination includes, but are not limited to, the following: the report of Sex-Based Misconduct does not identify an alleged victim; the report of Sex-Based Misconduct includes precisely the same allegations that the University has already processed through the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures ; the length of time between an alleged incident of Sex-Based Misconduct and the filing of a Formal Title IX Sexual Harassment Complaint prevents the University from collecting enough evidence to reach a conclusion; or when the alleged victim has stopped participating in the investigation but has not sent a written withdrawal request and the only inculpatory evidence available is the alleged victim’s statement in the Formal Title IX Sexual Harassment Complaint or as told to the Title IX Coordinator or a University investigator.

In all cases of dismissal of a Formal Title IX Sexual Harassment Complaint, regardless of whether the dismissal was mandatory or permissive, such dismissal does not preclude the University, in its sole discretion, from processing a report of Sex-Based Misconduct under the University’s Grievance Process 1, or another appropriate University policy or procedure.

If the University dismisses a Formal Title IX Sexual Harassment Complaint, the Title IX Coordinator will promptly send written notice of the dismissal and reasons for such dismissal simultaneously to the Parties (“Notice of Dismissal of Formal Title IX Sexual Harassment Complaint”). Such notice shall include an option to appeal the determination regarding dismissal.

Either party may appeal the dismissal of a Formal Title IX Sexual Harassment Complaint on any of the following bases: (i) a procedural irregularity that affected the outcome of the matter; (ii) new evidence not reasonably available at the time the determination of dismissal was made that could affect the outcome of the matter; or (iii) the Title IX Coordinator had a conflict of interest or bias against a party generally or individually that affected the outcome of the matter.

Any appeal of a dismissal of a Formal Title IX Sexual Harassment Complaint must be made in writing to the Title IX Coordinator within five (5) business days of the date of the Notice of Dismissal of Formal Title IX Sexual Harassment Complaint and must set forth all grounds for the bases of such appeal. If an appeal does not set forth sufficient grounds for appeal, the appeal will be dismissed. If an appeal does set forth sufficient grounds for appeal the appeal will be reviewed by an appeal adjudicator for final decision regarding dismissal on or around five (5) business days of the date of the appeal.

### **Option to Consolidate Formal Title IX Sexual Harassment Complaints**

The Title IX Coordinator may consolidate multiple Formal Title IX Sexual Harassment

Complaints against more than one Title IX Sexual Harassment Respondent, or by more than one Title IX Sexual Harassment Complainant against one or more Title IX Sexual Harassment Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. The requirement for the same facts or circumstances means that the multiple Title IX Sexual Harassment Complainants' allegations are so intertwined that their allegations directly relate to all parties.

### **Offer of Title IX Supportive Measures**

The Title IX Coordinator is responsible for offering and coordinating the effective implementation of Title IX Supportive Measures. In cases of alleged Title IX Sexual Harassment, regardless of whether or not a Formal Title IX Sexual Harassment Complaint has or will be filed, the Title IX Coordinator will promptly contact the alleged victim to discuss the availability of Title IX Supportive Measures and consider the person's wishes with respect to such measures. The Title IX Coordinator will engage in a meaningful dialogue with the alleged victim to determine which supportive measures may restore or preserve equal access to the University's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment. If a complainant desires supportive measures, the recipient can, and should, keep the complainant's identity confidential (including from the respondent), unless disclosing the complainant's identity is necessary to provide supportive measures for the complainant (e.g., where a no-contact order is appropriate and the respondent would need to know the identity of the complainant in order to comply with the no-contact order, or campus security is informed about the no-contact order in order to help enforce its terms).

When supportive measures are not provided to the alleged victim, the Title IX Coordinator shall document the reason why such measures were not provided and not clearly unreasonable in light of the known circumstances.

The Title IX Coordinator may also provide Title IX Supportive Measures to the person accused of Title IX Sexual Harassment, as appropriate.

### **Emergency Removal of Student Title IX Respondent; Appeal of Emergency Removal**

The Title IX Coordinator may remove a student Title IX Respondent from the education program or activity on an emergency basis only if:

- i. Before such removal, the University will undertake an individualized safety and risk analysis, determine that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- ii. The Title IX Respondent is provided with notice and an opportunity to appeal the decision immediately following the removal ("Notice of Emergency Removal").

To appeal a decision for emergency removal, a student Title IX Respondent must submit their appeal (“Emergency Removal Appeal”) to the Title IX Coordinator in writing within seventy-two (72) hours of receiving the Notice of Emergency Removal. The Emergency Removal Appeal must describe the reasons why emergency removal is not appropriate.

The Emergency Removal Appeal will be reviewed by the appeal adjudicator which will issue of a final decision on emergency removal, generally within forty-eight (48) hours of the Title IX Coordinator’s receipt of the Emergency Removal Appeal. A Title IX Respondent is subject to the requirements of the emergency removal while the appeal is pending.

Nothing in this section precludes the University from placing an employee Title IX Respondent on paid administrative leave.

### **Informal Resolution of Complaints Involving Student Respondents**

Prior to the initiation of the appropriate grievance process or at any time prior to conclusion of a grievance process, a report of Prohibited Conduct (including Sex-Based Misconduct and Formal Title IX Sexual Harassment Complaints) may be resolved by an informal resolution process under the following circumstances:

- i. Title IX Coordinator chooses to offer an informal resolution process;
- ii. In matters of Title IX Sexual Harassment, a Formal Title IX Sexual Harassment Complaint has been filed, or a Formal Title IX Sexual Harassment Complaint has been filed and then dismissed;
- iii. The respondent is a student, who is not also an employee, and the student is willing to accept the Corrective Measures resulting from the informal process;
- iv. All parties have received a written notice disclosing the allegations, the requirements of the informal process, a statement that during the informal process either party has a right to withdraw and resume the applicable grievance process, and any consequences resulting from participating in the informal process including what records will be maintained or shared from the informal process (“Notice of Informal Resolution Procedures”);
- v. The parties wish to resolve the matter without completion of an investigation or adjudication, or where the respondent desires to admit responsibility for the alleged Prohibited Conduct; and
- vi. The complainant and respondent both voluntarily provide written consent to participate in the informal process (“Participation Agreement”).

The Title IX Coordinator has authority to: (i) require the University to be included as a party to an informal process; and/or (ii) terminate the informal process at any time prior to its completion and re-initiate the applicable grievance process if facts or circumstances emerge that indicate the matter is not appropriate for an informal process. The Title IX Coordinator’s decision whether to offer an informal resolution process and whether to terminate such process prior to completion is final and not subject to appeal.

Informal resolution processes should generally be completed within thirty (30) business days from the initiation of the process. The documented agreement resulting from the informal resolution process is final and not subject to appeal. Following completion of an informal resolution process, the Title IX Coordinator (or designee) shall ensure the parties adhere to the outcome.

Information shared with a facilitator or mediator during the informal resolution process will not be used in a separate student conduct or grievance process if the informal process is not completed and the facilitator or mediator shall not become a witness to any subsequent grievance process. However, facts disclosed to a facilitator may otherwise be uncovered in the normal course of investigation if the applicable grievance process is re-initiated. Information shared between a complainant and respondent during an informal resolution process may be used in the applicable grievance process if the informal resolution process is not completed, in accordance with law and University policy.

Options which the Title IX Coordinator may offer for informal resolution of Prohibited Conduct include: (i) a facilitated restorative justice process (“RJ Process”); and (ii) a facilitated mediation (“Mediation”), as described below.

### **Restorative Justice Process.**

A facilitated restorative justice process is philosophy of justice as well as a set of practices and seeks to: (i) eliminate Prohibited Conduct; (ii) prevent recurrence of Prohibited Conduct; and (iii) address harm caused by Prohibited Conduct through active accountability in a manner that meets the needs of both complainant and the campus community. A RJ Process is facilitated by someone trained in trauma-informed restorative justice practices who is impartial, and free from conflicts of interest or bias (“Facilitator”).

Disputes of fact are permitted in a RJ Process; however, in all cases the student respondent must be willing to admit and take responsibility for the Prohibited Conduct as generally described in the report of Prohibited Conduct.

At the end of a RJ Process, an agreement is required to document the outcome that must be in writing signed by the parties. The Facilitator shall deliver the agreement to the Title IX Coordinator.

Aside from the requirements described above, the restorative justice facilitator has discretion in how best to conduct the process, including, but not limited to, whether face-to-face interaction between the parties occurs.

### **Mediation.**

Mediation is a process that seeks to help the parties resolve a dispute. Mediation is facilitated by an impartial facilitator who is free from conflicts of interest or bias (“Mediator”). The Mediator must be familiar with negotiation and dispute resolution protocols and may be, but is not

required to be, an attorney. The Mediator does not have the authority to unilaterally impose Corrective Measures – the parties must agree to Corrective Measures to resolve the matter.

Disputes of fact are permitted in a mediation process; however, in all cases the student respondent must be willing to negotiate regarding the appropriate imposition of Corrective Measures to resolve the allegations generally set forth in the Formal Title IX Sexual Harassment Complaint.

At the end of a Mediation, the negotiated agreement must be in writing signed by the parties, and the Mediator shall forward a copy of the agreement to the Title IX Coordinator.

Aside from the requirements described above, the Mediator has discretion in how best to conduct the process, including, but not limited to, whether face-to-face interaction between the parties occurs.

### **Grievance Process 1 For Complaints of Unlawful Harassment, Discrimination, And Sex-Based Misconduct Except For Formal Title IX Sexual Harassment Complaints**

The procedures set forth in this section X apply to all reports of Prohibited Conduct, including reports of unlawful harassment, discrimination and Sex-Based Misconduct, except those which meet the parameters of a Formal Title IX Complaint of Sexual Harassment and the Formal Title IX Sexual Harassment Complaint has not otherwise been dismissed.

#### **Initial Review of the Complaint; Supportive Measures.**

The Title IX Coordinator shall conduct an initial review of the Complaint to determine whether an investigation is required and whether Supportive Measures are appropriate. An investigation is required when there is a dispute of fact which impacts the determination of whether conduct violating the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures has occurred or it is otherwise in the best interest of the campus community to do so. Supportive Measures may include (but are not limited to): separating the parties; requiring the parties to abstain from communication with each other; modification to work assignments; campus security escorts; making alternative working or academic arrangements; assistance with reporting allegations of criminal misconduct to police; options for seeking mental health counseling or other support during the processing of a Complaint. In instances of allegations of Sex-Based Misconduct where an investigation is not conducted, the Title IX Coordinator shall provide to the alleged victim information regarding Supportive Measures, on-campus and off-campus resources and supportive services, the importance of preserving evidence and identification/location of witnesses, and the availability of assistance to file a report with law enforcement and contact information to do so.

#### **Assignment of Neutral Investigator; Notice of Complaint Procedures.**

If an investigation is required, then the Title IX Coordinator shall either directly investigate the matter or may assign a qualified neutral investigator to investigate the alleged misconduct



(“Investigator”). In some cases, an investigative team may be utilized. The Title IX Coordinator shall have broad discretion in selection of a neutral investigator, provided that the assigned Investigator has both the skills and resources necessary to conduct a complete investigation. The Investigator may be a University employee or a third-party investigator. All Investigators will carry out their roles in an impartial manner. Before the investigation begins, the Title IX Coordinator will provide the Complainant and the Respondent with a Notice of Complaint & Investigation Procedures (“Notice of Complaint Procedures”) that, generally, includes the following information:

- i. The general nature of the alleged violations;
- ii. A summary of the grievance process, including a copy of the relevant portions of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures (including in matters of Sex-Based Misconduct information regarding the importance of preserving evidence and the identification and location of witnesses, and that such evidence may assist in proving a criminal offense or in obtaining a protection order);
- iii. The purpose of the investigation, including a statement that the investigation is when all known and/or available evidence or information must be introduced;
- iv. A statement that knowingly making false statements or knowingly submitting false information to the University as part of the grievance process is a violation of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures and the codes of conduct applicable to employees and the student code of conduct, and may subject the person doing so to corrective measures, up to and including expulsion from the University’s academic program and/or termination from employment;
- v. The identity and contact information of the Investigator;
- vi. A statement that the findings of fact will be based on a Preponderance of Evidence standard;
- vii. A statement warning against interference with the integrity of the investigation, including, but not limited to, discussions with witnesses which may be perceived as threatening or coercive;
- viii. Any Supportive Measures that have been imposed (including, in matters of Sex-Based Misconduct, information regarding the availability of both on-campus and off-campus resources and other supportive services);
- ix. The option for a Support Person; and
- x. An admonition against Retaliation.

### **Investigation Timeline and Process; Standard of Proof.**

Generally, the investigation shall be complete within ninety (90) business days from the issuance of the Notice of Complaint. This deadline and all deadlines contained in the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures may be extended by the University for good cause. The Complainant and Respondent will be notified in writing of any such extensions, the reasons for the extension and the projected new timeline. During the investigation, the Investigator will meet separately with the Complainant,



Respondent, and witnesses who may have relevant information, will gather other available and relevant evidence and information. The Investigator will make findings of fact based on a preponderance of the evidence. The interviews may be electronically recorded at the discretion of the Investigator and will be maintained by the Title IX Coordinator. It will be the sole electronic recording permitted; the parties and witnesses are not permitted to make their own recording of their interview. No recording devices, including cell phones, will be permitted in the room where the interview is taking place other than the Investigator's recording device. To the extent a student who is a Respondent declines to participate in the investigation, non-participation may not be used as a basis for appeal and the Investigator will make findings of fact without the input of the Respondent. Employees of the University are required to participate in the investigation process. The Investigator may bring support staff to investigative interviews or other proceedings to assist in the process. Parties and witnesses may bring an Advisory Support Person, as described below. No other persons are permitted at an investigatory interview or other proceeding unless granted permission by the Title IX Coordinator.

### **Consent Required for Privileged Information.**

The Investigator cannot access, consider, disclose, or otherwise use a Party's records which are protected by a legally recognized privilege, including, but not limited to, the following: the attorney-client privilege, questions and evidence 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 Investigator obtains that party's voluntary, written consent to do so.

### **Sexual History.**

The Investigator may not consider a Complainant's prior sexual history with the following two exceptions: if such information is offered to prove that someone other than the respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

### **Investigation Documentation.**

The Investigator shall prepare a written summary to the Title IX Coordinator that includes a statement of the allegations and issues, the perspectives of the parties (e.g., admissions or denials), a summary of the evidence, findings of fact and information supporting such findings, credibility determinations for all witnesses, including the Complainant and Respondent, without basing such determination on the person's status as a Complainant, Respondent or witness. At the request of the Title IX Coordinator, the Investigator may also make a recommendation regarding whether any University policy violations occurred.

## **Investigation File.**

The investigation file, including the final report, interview recordings and any documentary evidence relied upon by the Investigator, shall be maintained by the Title IX Coordinator and shall not be made available to the Complainant, Respondent or any witness unless otherwise required by law, (including, but not limited to, requirements under the Violence Against Women Act). The Title IX Coordinator may share the investigation file with others as needed to carry out their obligations under the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures.

## **Corrective Measures.**

If no investigation is required, or following the completion of an investigation, the Title IX Coordinator shall: (i) forward the investigation file and/or other appropriate documentation for all matters involving employees (including student-employees) to the Office of Human Resources; and (ii) forward the investigation file and/or other appropriate documentation for all matters involving students to the appropriate college-level student affairs administrator for the purpose of determining whether a policy violation has occurred and Corrective Measures should be implemented. The Office of Human Resources of the appropriate Student Affairs office may issue Corrective Measures or may refer the matter for further adjudication or resolution under other applicable University policies, and shall provide the Parties notice of the decision in writing (“Notice of Decision”), as appropriate. The Notice of Decision shall set forth the findings of fact and all Corrective Measures imposed. In cases of Sex-Based Misconduct involving a student Respondent, the Notice of Decision shall also set forth credibility assessments if such assessments determined the outcome of the matter. Corrective Measures may include, but are not limited to: training and education, counseling, suspension, participation in a voluntary restorative process, separation from employment, or expulsion from the University’s academic programs, or as otherwise defined in the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures. Except as otherwise provided below, the Notice of Decision shall be final.

**Right to Request a Student Hearing in Cases of Sex-Based Misconduct where the Corrective Measures Include Student Suspension or Expulsion from An Academic or Extracurricular Program.**

Following receipt of a Notice of Decision, a student Respondent may request a hearing in writing submitted to the Title IX Coordinator within five (5) business days only in situations where the Corrective Measures to be imposed include suspension or expulsion from the University’s academic program or University-controlled extracurricular programs. The Title IX Coordinator shall establish procedures for the conducting of such hearings which shall, at a minimum, include the following: (i) an external hearing officer may be, but is not required to be, utilized as part of the Student hearing process; (ii) at hearing the Respondent may indirectly question the Complainant and/or witnesses before a neutral decision-maker with the power to independently find facts and make credibility assessments; (iii) the hearing shall be informal, and rules of evidence shall not apply; (iv) questions for each person must be submitted to the

Title IX Coordinator by the Respondent at least three (3) days in advance of the hearing; and (v) only questions that are relevant will be permitted at the hearing; (vi) only the Parties, witnesses, Advisory Support Persons, the Title IX Coordinator, University support staff, and support staff of external professionals involved in the proceeding may attend the hearing. Following the hearing, the Title IX Coordinator will communicate the outcome to the Respondent with a Notice of Student Hearing Decision, which shall include the decision as to findings of fact and credibility. If the Respondent wishes, they may appeal the outcome of the student hearing.

### **Appeal Rights.**

Either the Complainant or the Respondent may appeal the Notice of Decision or Notice of Student Hearing Decision in writing submitted to the Title IX Coordinator within five (5) business days from the date of the notice based on one or both of the following criteria: (i) new evidence has come to light that was not available at the time of the investigation; or (ii) procedural errors or unfairness, including, but not limited to, bias of an investigator, Title IX Coordinator, hearing officer or decision-maker. Only appeals which raise new evidence or procedural issues that may alter the findings of fact or decision regarding Corrective Measures will be considered. Upon receipt of an appeal, the Title IX Coordinator will review the appeal to determine if it meets the required criteria and, if so, forward the appeal to an appeal adjudicator. The appeal adjudicator may affirm the finding, affirm but modify the Corrective Measures, or remand the matter back for further investigation and/or other proceedings. All appeals adjudicator decisions are final.

### **Notices.**

All notices and communications to CHSU faculty, staff, administration, and students will be delivered via the University's email system. All such parties have a responsibility to promptly read all University emails. For individuals outside of the CHSU community (including former employees and former/withdrawn students), notices and communications will be sent to the most recent email and physical home address on file with the Title IX Coordinator.

### **Advisory Support Person.**

The Complainant and/or Respondent may choose anyone (including legal counsel, a colleague, friend, family member or other representative) to voluntarily serve as an advisory support person ("Support Person"). The Complainant and Respondent may be accompanied by their advisory support person to any meeting or proceeding under the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures; however, the advisory support person may not speak on their behalf, advise them on how to answer a question of the Investigator, or otherwise engage with the Investigator or others participating in any part of the process under the policy. The Complainant and Respondent must notify the Title IX Coordinator at least three business days in advance if they wish to bring an advisory support person and must disclose their name and contact information to the Title IX Coordinator. In all cases except those involving allegations of dating violence, domestic violence, sexual assault or stalking, the Title IX Coordinator may require the Complainant and/or Respondent to select a different advisory

support person if the person selected is a witness to the matters contained in the Complaint.

## **Grievance Process 2 For Formal Title IX Sexual Harassment Complaints**

The grievance process set forth in this Section XI applies only to Formal Title IX Sexual Harassment Complaints which are not otherwise dismissed pursuant to 34 Code of Federal Regulations Section 106.45.

### **Formal Title IX Sexual Harassment Complaint Investigation Procedures**

Formal Title IX Sexual Harassment Complaints shall be investigated as follows:

- i. Initial Review of the Complaint. The Title IX Coordinator shall conduct an initial review of the Complaint to determine whether an investigation is required. An investigation is required when there is a dispute of fact which impacts the determination of whether Title IX Sexual Harassment has occurred, or it is otherwise in the best interest of the campus community to do so. During the entirety of this grievance process, there will be a presumption that a Title IX Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- ii. Assignment of Neutral Investigator. If an investigation is required, then the Title IX Coordinator shall assign a qualified neutral investigator to investigate the alleged misconduct (“Investigator”). In some cases, an investigative team may be utilized. The Investigator shall have no conflict of interest and be free of bias for or against a Title IX Complainant or Title IX Respondent generally or individually with respect to the people involved. Such determinations regarding bias shall be made by an objective evaluation of the circumstances without relying on stereotypes (e.g., assuming that all self-described feminists or survivors are biased against men, or that a man is incapable of being sensitive to women, or that prior work as a victim advocate or as a defense attorney renders the person biased for or against complainants or respondents). The Title IX Coordinator shall have broad discretion in selection of an Investigator, provided that the person assigned has both the skills, training and resources necessary to conduct a complete investigation. The Investigator may be a University employee or a third-party investigator.
- iii. Notice of Formal Title IX Sexual Harassment Complaint Procedures. Before the investigation begins, the Title IX Coordinator will simultaneously provide the Title IX Complainant and Title IX Respondent with a Notice of Formal Title IX Complaint & Investigation Procedures (“Notice of Formal Title IX Sexual Harassment Complaint”). If a party has already elected an Advisor and submitted the required documentation for their Advisor, the Notice of Formal Title IX Sexual Harassment Complaint shall also be delivered to the Advisor. Additionally, in the case of unemancipated minors, the Title IX Coordinator shall send a copy of such notice to the unemancipated minor’s parent or guardian and is permitted to communicate with the parent or guardian regarding the

grievance process. If the alleged victim's identity is unknown and the Formal Title IX Sexual Harassment Complaint is filed by the Title IX Coordinator, the Notice of Formal Title IX Sexual Harassment Complaint is not required to be provided to the alleged victim or a third party who may have filed the initial report of Title IX Sexual Harassment. The Notice of Formal Title IX Sexual Harassment Complaint shall include the following information, as applicable:

- a. The alleged conduct that, if true, constitutes Title IX Sexual Harassment, including, if known, the identities of the Parties involved in, and the date, time, and location of, the alleged incident;
- b. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- c. A summary of the grievance process, including information regarding informal resolution procedures, each party's entitlement to inspect and review evidence, rights regarding an Advisor and a copy of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures;
- d. Information regarding the importance of preserving evidence and the identification and location of witnesses, and that such evidence may assist in proving a criminal offense or in obtaining a protection order in a court of law;
- e. The purpose of the investigation and a statement that the investigation is when all known and/or available evidence or information must be introduced;
- f. A statement that knowingly making false statements or knowingly submitting false information to the University as part of the grievance process is a violation of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures and the codes of conduct applicable to employees and the student code of conduct, and may subject the person doing so to corrective measures, up to and including expulsion from the University's academic program and/or termination from employment;
- g. The identity and contact information for the Investigator;
- h. A statement that the standard of evidence is a Preponderance of Evidence;
- i. A statement warning against interference with the integrity of the investigation, including, but not limited to, discussions with witnesses which may be perceived as threatening or coercive;
- j. Any Title IX Supportive Measures that have been imposed (including information regarding the availability of both on-campus and off-campus resources and other supportive services); and
- k. An admonition against Retaliation.

- iv. Amended Notice of Formal Title IX Sexual Harassment Complaint. If during the course of the investigation, the Investigator will be investigating new allegations about the Parties that are not originally included in the Notice of Formal Title IX Sexual

Harassment Complaint, then a subsequent notice containing these new allegations (“Amended Notice of Formal Title IX Sexual Harassment Complaint”) will be issued to both Parties. Additionally, if the new allegations do not constitute Title IX Sexual Harassment then the University may elect to process those allegations under other applicable grievance or dispute resolution processes, including, but not limited to, Grievance Process 1 or those contained in student or employee handbooks.

v. Investigation Process.

- a. Timeline. Generally, the investigation shall be complete within ninety (90) business days from the issuance of the Notice of Formal Title IX Sexual Harassment Complaint to the Parties. This deadline and all deadlines contained in the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures may be extended by the University for good cause. The Complainant and Respondent will be notified in writing of any such extensions, the reasons for the extension and the projected new timeline.
- b. Standard of Proof. The applicable standard of proof shall be a Preponderance of the Evidence.
- c. Interviews, Participation of the Parties & Gathering of Evidence. The Investigator is the person primarily responsible for gathering evidence sufficient to reach a determination regarding responsibility (e.g., such burden shall not rest on the Parties). During the investigation, the Investigator will meet separately with the parties and witnesses who may have relevant information and will also gather other available and relevant evidence and information. The Investigator will provide an equal opportunity for the Parties to present witnesses, including fact and expert witnesses, and will objectively review other inculpatory and exculpatory evidence. The Investigator will also consider relevant circumstances such as the ages of the Complainant and Respondent, disability status, position of authority of involved parties and other factors. The Parties are permitted to discuss the allegations under investigation with others or to gather and present relevant evidence; however, the Parties are precluded from intimidating or otherwise tampering with Parties or witnesses or otherwise interfering with the investigation, such as by attempting to alter or prevent a Party or witnesses’ testimony involved in the investigation. To the extent a student who is a Respondent declines to participate in the investigation, non-participation may not be used as a basis for appeal of the process and the Investigator will complete the investigation without the input of the Respondent. The interviews may be electronically recorded at the discretion of the Investigator and will be maintained by the Title IX Coordinator. It will be the sole electronic recording permitted; the Parties are not permitted to make their own recording of their interview. No recording devices, including cell phones, will be permitted in the room where the interview is taking place



other than the Investigator's recording device. The University reserves all rights with regard to requiring employee participation in the investigation process provided by law and University policy. The Investigator may bring support staff to investigative interviews or other proceedings to assist in the process. Parties and witnesses may bring an Advisor, as described below. No other persons are permitted at an investigatory interview or other proceeding unless granted permission by the Title IX Coordinator.

- d. Consent Required for Privileged Information. The Investigator cannot access, consider, disclose, or otherwise use a Party's records which are protected by a legally recognized privilege, including, but not limited to, the following: the attorney-client privilege, questions and evidence 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 Investigator obtains that party's voluntary, written consent to do so.
- e. Sexual History. The Investigator may not consider a Title IX Complainant's prior sexual history with the following two exceptions: if such information is offered to prove that someone other than the respondent committed the conduct alleged by the Title IX Complainant, or if the questions and evidence concern specific incidents of the Title IX Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- vi. Opportunity to Review Documentation and Information During Investigation Process. During the investigation process, the Investigator shall provide both Parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Title IX Sexual Harassment Complaint. This includes evidence upon which the University does not intend to rely on in reaching a determination regarding responsibility, and includes inculpatory or exculpatory evidence whether obtained from a Party or other source, such that each Party should be able to meaningfully respond to the evidence prior to conclusion of the investigation. All Parties should submit any evidence that they would like the Investigator to consider prior to when the Parties' time to inspect and review evidence begins.
  - a. Redactions. The Investigator may redact information provided to either Party that is not directly related to the allegations or that is otherwise barred by a legally recognized privilege, or a Party's treatment records if the Party has not provided written consent. The Title IX Coordinator shall keep a log of all information not directly related or that is otherwise withheld from the Parties.
  - b. Procedures for Review of Documentation. The University will send to each Party and the Party's advisor, if any, the evidence subject to inspection and



review in an electronic format or a hard copy. The Parties will have ten (10) calendar days after receiving this information to submit a written response which the Investigator will consider prior to completion of the investigative report. During this ten (10) calendar day period, both Parties may provide additional evidence in response to their inspection and review of the evidence that had been provided to them. The additional evidence provided by both parties will be shared with the other party and each party shall have an additional opportunity to respond to the other party's additional evidence during a five (5) calendar day period following the end of the ten (10) calendar day period. Following this process, the Investigator may also follow up with the Parties regarding any outstanding evidence either Party has not had a chance to speak to. No further review, exchange or submissions will be permitted at this stage.

- vii. Investigation Report; Parties' Review of Report. The Investigator shall prepare a written investigation report that fairly summarizes relevant evidence and includes copies of relevant documents as enclosures to the report ("Investigation Report"). The Investigation Report will include a statement summarizing the alleged misconduct, the perspectives of the parties (e.g., admissions or denials), a summary of the evidence including a list of witnesses interviewed and documents reviewed, preliminary credibility assessments for all witnesses if made, including the Complainant and Respondent (without basing such determination on the person's status as a Complainant, Respondent or witness). In a case where there are multiple Title IX Sexual Harassment Complainants and/or multiple Title IX Sexual Harassment Respondents, a single investigative report is permitted. At least ten (10) calendar days prior to the live hearing, the Investigator will send to each Party and each Party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. At the same time as the Investigator sends the Investigation Report to the Parties, the Investigator shall also send a copy of the Investigation Report to the Title IX Coordinator. During this ten (10) calendar day period the Parties may provide a written response to the Investigation Report to the Investigator.
- viii. Title IX Sexual Harassment Case File. The Title IX Sexual Harassment Case File shall include: (i) the initial report of Sex-Based Misconduct; (ii) the Formal Complaint; (iii) all notices delivered to the parties; (iv) copies of all documents and information provided to the parties for review and inspection (either included as part of the Investigation Report or as separate documents); (v) the Parties written responses to the Investigator regarding their inspection and review documents and information during the investigation; (vi) the Investigation Report including all exhibits; and (vii) the Parties written responses to the Investigation Report, if available.
- ix. Notices. All notices and communications to CHSU faculty, staff, administration, and students will be delivered via the University's email system. All such parties have a responsibility to promptly read all University emails. For individuals outside of the CHSU community (including former employees and former/withdrawn students),

notices and communications will be sent to the most recent email and physical home address on file with the Title IX Coordinator.

- x. Advisor. The Title IX Complainant and/or Title IX Respondent may choose anyone (including legal counsel, a colleague, friend, family member or other representative) to voluntarily serve as an advisory support person (“Advisor”) but in all cases the parties must participate directly in all meetings or process prior to the live hearing. The Complainant and Respondent may be accompanied by their Advisor to any meeting or investigation process; however, the Advisor may not speak on their behalf, advise them on how to answer a question of the Investigator, or engage with the Investigator or others participating in any part of the investigation, (excluding the live hearing) or otherwise interfere with the investigation in any way—other than to take reasonable breaks during the meeting or proceeding to confer with the respective Party. The Complainant and Respondent must notify the Investigator at least three business days in advance if they wish to bring an Advisor and must disclose their name and contact information to the Investigator. The University may require the Parties and Party advisors to enter into non-disclosure agreements.

## **Live Hearing Procedures**

Formal Title IX Sexual Harassment Complaints shall be adjudicated at a live hearing (“Hearing”) as set forth below. References to the “Parties” include the Title IX Complainant(s), Title IX Respondent(s).

- i. Hearing Officer Appointment and Purpose. The Title IX Coordinator shall appoint a Hearing Officer to conduct a live hearing as required under Title IX procedures. The Hearing Officer shall be the decision maker and shall: (i) evaluate all relevant evidence, both inculpatory and exculpatory, and independently reach determinations regarding findings of fact and whether the Title IX Respondent is responsible for Title IX Sexual Harassment; and (ii) determine the appropriate Preventative and Corrective Measures, consistent with the University’s past practice and the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures .
- ii. Hearing Officer Qualifications. The Hearing Officer may be a University employee or external third-party, such an attorney, so long as the person:
  - a. Is not the Title IX Coordinator or Investigator;
  - b. Is free from conflict of interest or bias, including bias for or against complainants or respondents generally or with respect to the individual parties;
  - c. Has reviewed the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures and understands the regulations applicable to the live hearing process pursuant to 34 Code of Federal Regulations Section 106.45; and
  - d. Is qualified by experience, education and/or training to effectively implement

the requirements: (i) to serve impartially; (ii) understand issues of relevance of evidence (including how to apply the sexual history evidentiary rules); (iii) the preponderance of the evidence standard; and (iv) any technology to be used at the hearing.

- iii. Delivery of Notice, Documents, and Information. All notices to CHSU faculty, staff, administration, and students will be delivered via the University's email system. All such parties have a responsibility to promptly read all University emails. For individuals outside of the CHSU community, notices and communications will be sent to the most recent email address on file with the Title IX Coordinator or, if no email address is on file then to their last known physical address. Copies of all documents provided to the Parties will also be provided to each Party's advisor if known at the time the documents are delivered to the Parties. If a Party is an unemancipated minor, copies of all documents will be provided to the Party and a parent or guardian of the minor upon request of either the parent/guardian or Party. The Title IX Sexual Harassment Case File and other relevant documents and information will be provided electronically unless otherwise requested by a hearing participant.
- iv. Virtual Hearing; Participants. Generally, all hearings will be virtual. A virtual hearing means that the Parties are located in separate locations such that the parties never come face-to-face with each other, the Hearing Officer, or witnesses. This may be done through the use of technology whereby all participants are still able to simultaneously see and hear the proceedings. At a virtual hearing, the Parties have the right to be present to observe and hear (or, if deaf or hard of hearing or blind or visually impaired, to access through auxiliary aids) testimony of all individuals who testify and to propose questions to be asked of all individuals who testify at the hearing through their Advisor. The University may, in its discretion, designate that the hearing will be in-person and, if so, either Party may request a virtual hearing instead. Such request must be made in writing submitted to the Title IX Coordinator at least five (5) calendar days prior to the Hearing. Only the Parties, witnesses, Advisors, the Title IX Coordinator, University support staff, and support staff of external professionals involved in the proceeding may attend the Hearing.
- v. Pre-Hearing Procedures.
  - a. Notice of Hearing. The Title IX Coordinator will send a written Notice of Title IX Sexual Harassment Hearing to the Title IX Complainant and the Title IX Respondent at least fifteen (15) calendar days before the hearing. The Notice of Title IX Sexual Harassment Hearing shall include the following information: (i) the date, time, location; (ii) purpose of the hearing; (iii) the name of the Hearing Officer; (iv) other applicable pre-hearing, hearing and post-hearing procedures; (v) an electronic or hard-copy of the Title IX Sexual Harassment Case File; and (vi) notification of whether the University had elected to hold the hearing in-person and, if so, information regarding how to request a virtual hearing. The Hearing Officer shall also receive a copy of the Notice of Title IX Sexual Harassment Hearing.

- b. Summary of Information. At least ten (10) calendar days before the hearing, the Title IX Complainant and the Title IX Respondent will submit to the Title IX Coordinator a written summary of the information they intend to present at the hearing, including a list of documents to be presented, the names of all requested witnesses, a brief summary of such witnesses' expected testimony ("Summary of Information"). The Parties must provide the Title IX Coordinator with electronic or hard copies of any documents not already in the Title IX Sexual Harassment Case File.
  - c. Notice to Witnesses. The Title IX Coordinator shall contact each requested witness and to notify them of the date, time, location of the Hearing and procedures relevant to their appearance ("Notice to Witness of Hearing Appearance").
  - d. Deadline for Response to Investigation Report. The last day for the Parties to submit their response to the Investigation Report is five (5) calendar days before the hearing.
  - e. Cross-Examination or Other Questions. The University encourages that the Parties submit their questions in advance of the hearing to the Title IX Coordinator to allow for a more efficient hearing process, although this does not preclude either Party from asking questions at the Hearing which were not previously submitted. If a Party chooses to submit questions in advance, they are encouraged to do so at least three (3) calendar days prior to the Hearing.
  - f. Pre-Hearing Packet. At least three (3) calendar days prior to the Hearing, the Title IX Coordinator will provide to each Party and the Hearing Officer, either a hard-copy or an electronic copy of the Pre-Hearing Packet, which shall include: (i) the Summary of Information provided by the Parties; (ii) any new documents not already provided; and (iii) a list of witnesses who are expected to appear at the Hearing.
  - g. Request for Disability Accommodations. If a Party, witness, Hearing Officer or Decision- Maker Panel member requires reasonable accommodation for a disability, they shall submit such request in writing to the Title IX Coordinator along with supporting information from a healthcare provider as soon as possible and at least three (3) calendar days prior to the hearing.
- vi. Hearing Procedures.
  - a. Hearing Officer Guidelines; Standard of Evidence. Prior to and during the live hearing the Hearing Officer shall approach each case without any preconceived ideas of the responsibility of the Parties involved and thoroughly review the Title IX Sexual Harassment Case File, Summaries of Information and any other relevant documents and information submitted by the Parties

prior to hearing. To arrive at findings of fact and determination of responsibility the Hearing Officer must objectively evaluate relevant evidence (both inculpatory and exculpatory) and analyze whether that evidence warrants a high or low level of weight or credibility, including the credibility of each Party and witness. The Hearing Officer has discretion to accept or exclude additional information presented at the live hearing, however, the Hearing Officer may not exclude any evidence relevant to the allegations of Title IX Sexual Harassment. The standard of evidence at the Hearing shall be a Preponderance of the Evidence. The Hearing Officer may determine that an extension or continuance of the hearing is necessary and, if so, shall coordinate with the Title IX Coordinator to issue simultaneous notices to all Parties and witnesses.

- b. Recording. The University will create an audio or audiovisual recording, or transcript, of any live hearing and will make it available to the parties for inspection and review, within a reasonable time period following the hearing. The type of recording shall be at the Title IX Coordinator's discretion. The University's recording shall be the only recording permitted at Hearing, and the Parties will receive a copy of it with the Hearing Officer's Decision.
- c. Hearing Advisor. Each Party is given the opportunity to choose their own advisor, who may but is not required to be an attorney, to attend the Hearing ("Hearing Advisor") to ask relevant questions of the other Party at the Hearing. If a Party does not select their own Hearing Advisor, the University will assign such Party their own Hearing Advisor selected by the University at no cost to the Party. The Hearing Advisor may be, but is not required to be, the Advisor who supported the Party during the investigation phase. The Parties are prohibited from being accompanied at the Hearing by anyone other than their Hearing Advisor except as follows: (i) a parent or guardian of a Party who is an unemancipated minor may attend; and (ii) additional parties required as part of a reasonable accommodation for a disability (e.g., a sign language interpreter) may attend.
- d. Availability of Evidence; Presentation of Evidence. The University will make all such evidence that has been shared with the Parties subject to the other Party's inspection and review available at the live hearing to give each Party equal opportunity to refer to such evidence during the hearing, including, but not limited to for purposes of cross-examination. The Title IX Coordinator (or designee), Investigator (or designee) or other University representative may, but is not required to, present evidence to the Hearing Officer at the Hearing. If the University presents evidence to the Hearing Officer, that shall not make the University a party to the proceeding. A designee or other University representative may be another University employee or an external third-party, such as an attorney or other qualified representative. The Complainant and Respondent will each have the opportunity to present the information they submitted (unless excluded by the Hearing Officer).

- e. Rules of Procedure and Decorum. The Hearing Officer shall decide on any procedural issues as they may come up during the Hearing. The Hearing Officer will also make any determinations necessary to ensure an orderly, productive, and procedurally proper hearing. The Hearing Officer may pause or continue the proceeding as needed in order to make appropriate decisions on procedural issues, including issues of relevance of evidence. Complaint(s), respondent(s), witnesses, and Hearing Advisors are prohibited from interrupting or disturbing the hearing process. Additionally, Hearing Advisors are prohibited from questioning witnesses or the other Party in an abusive, intimidating, harassing, unduly time consuming, repetitive, or disrespectful manner. If a Party's Hearing Advisor refuses to comply with the rules of decorum they may be removed from the Hearing and, if so, the University shall provide that Party a different Hearing Advisor to conduct the cross examination on behalf of that Party.
- f. Questions During Hearing.
  - i. Questions by Parties' Hearing Advisors. All questioning on behalf of a Party shall be done by the Parties' Hearing Advisors. The Hearing Advisor may only ask relevant cross-examination and other questions of a party or witness. After each question is asked by the Hearing Advisor, and before the Party or witness answers the question, the Hearing Officer will determine whether the question is relevant and, if it is not relevant, explain the decision to exclude the question. If a Party or witness is present at the Hearing, but disagrees with a relevance determination, they may either: (i) abide by the hearing-officer determination and answering the question; or (ii) refuse to answer the question. A Party or witness may not answer a question that the Hearing Officer has determined to be irrelevant. Unless the Hearing Officer reconsiders the relevance determination, the Hearing Officer cannot rely on any statement made by a Party or witness which that Party or witness has declined to answer regarding cross-examination questions.
  - ii. Questions by the Hearing Officer. Additionally, the Hearing Officer has the right and responsibility to ask questions and elicit information from Parties and witnesses on the Hearing officer's own initiative to aid the Hearing Officer in obtaining relevant evidence, both inculpatory and exculpatory.
  - iii. Failure to Appear for Cross-Examination. If a Party or witness does not submit to cross-examination at the live hearing, the Hearing Officer may still rely on any relevant statement of that Party or witness previously made in reaching a determination regarding responsibility, including, for example, those statements made by the parties and witnesses during the investigation, emails or text exchanges between the parties, statements



about the alleged misconduct, statements in police reports, sexual assault examination reports, medical reports, and other documents even if those documents contain statements of a party or witness who is not cross-examined. However, that the Hearing Officer cannot draw an inference about the determination regarding responsibility based solely on a Party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. Statements that a Party or witness made to a third party when that witness or Party are unavailable themselves to be cross-examined at the live hearing (e.g., statements that a party made to a family member or friend), including statements made against a Party's own interests, may still be relied on when the Party having made those statements fails to submit to cross-examination.

- iv. Irrelevant Questions. Questions regarding the below information are deemed not relevant and will be excluded at the Hearing unless the question(s) falls into an exception described below.
  - a. Consent Required for Privileged Information. The Hearing Officer cannot access, consider, disclose, or otherwise use a Party's records which are protected by a legally recognized privilege, including, but not limited to, the following: the attorney-client privilege, questions and evidence 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 Party has provided voluntary, written consent to do so.
  - b. Sexual History. The Hearing Officer may not consider a Title IX Complainant's prior sexual history with the following two exceptions: (i) if such information is offered to prove that someone other than the respondent committed the conduct alleged by the Title IX Complainant, or (ii) if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
  - c. Duplicative or Repetitive Questions. Once a question has been asked, duplicative or repetitive questions are irrelevant.
  - d. Questions of Witnesses Without Relevant Information. Questions of witnesses who do not have any relevant information regarding the allegations of Title IX Sexual Harassment.
- v. Hearing Officer Decision. The Hearing Officer issues a written decision ("Hearing Officer Decision") to the Title IX Coordinator within five (5) business days following the end of the Hearing. Additionally, where not

enough information exists for the Hearing Officer to issue a decision, the Hearing Officer may remand the case for further investigation or consideration by the Investigator. The Title IX Coordinator simultaneously delivers the Hearing Officer Decision to the Parties within two (2) business days following receipt of it from the Hearing Officer. The Title IX Coordinator is responsible for the effective implementation of Preventative and Corrective Measures determined by the Hearing Officer. The Hearing Officer Decision becomes final when: (i) the appeal deadline has passed; or (ii) the appeal process has concluded, and the Parties receive notification of the appeal decision. Specifically, the Hearing Officer Decision shall include the following information:

- a. Identification of the allegations of Title IX Sexual Harassment;
- b. A description of the procedural steps taken from the receipt of the Formal Title IX Sexual Harassment Complaint through the determination, including, but not limited to any notices to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and Hearing;
- c. Findings of fact supporting the determination of whether the Title IX Respondent is responsible for Title IX Sexual Harassment;
- d. Conclusions regarding the application of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures;
- e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any Preventative and Corrective Measures to be imposed on the Title IX Respondent and/or provided to the Title IX Complainant in order to restore or preserve equal access to the University's education program or activity;
- f. A summary of matters not addressed under the grievance process that may be separately addressed pursuant to another University policy including, but not necessarily limited to, codes of conduct applicable to employees and the student code of conduct;
- g. A statement that the Title IX Coordinator is responsible for effective implementation of the Preventative and Corrective Measures;
- h. The University's procedures and grounds for appeal, and the name and contact information for the appeal adjudicator; and
- i. A copy of the recording of the Hearing.

vii. Preventative and Corrective Measures – Guidelines for the Hearing Officer.

Preventative and Corrective Measures should serve the purpose of stopping Title IX Sexual Harassment, and preventing its recurrence, and restoring or preserving equal access to the University's education program or activity. Such measures need not avoid burdening a Title IX Respondent who has been found responsible for Title IX Sexual Harassment. Importantly,

Preventative and Corrective Measures should appropriately reflect the University's commitment to education, personal growth, accountability, and ethical behavior. The Hearing Officer shall ensure they are consistent and proportionate responses to conduct that violates the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures, taking into consideration the context and seriousness of the violation, and based on a fact-specific, case-by-case inquiry.

viii. Appeal of Hearing Officers Decision Regarding Title IX Sexual Harassment.

An appeal by either Party may be made in writing to the appeal adjudicator within five (5) calendar days after such Party has received the Hearing Officer Decision. An appeal must state the ground on which the appeal is made. Grounds for appeal are limited to:

- i. Procedural irregularity that affected the outcome of the matter; or
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility was made, that could affect the outcome of the matter; or
- iii. The Title IX Coordinator, investigator, hearing officer, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complaint or respondent that affected the outcome of the matter.

Upon receipt of an appeal, the appeal adjudicator shall forward the appeal to the other Party. The non-appealing Party will have five (5) calendar days to submit a written statement in support of or against the appeal to the Appeal Adjudicator.

Supportive measures continue to remain in place during the appeal process. However, no Corrective or Preventative Measures are implemented prior to the appeal process ending.

The appeal adjudicator issues a written decision regarding the appeal and the rationale for appeal decision within ten (10) business days from the end of the five (5) calendar day period for the non-appealing Party's statement deadline. This decision is provided to both Parties simultaneously and will be a final determination regarding the Title IX Respondent's responsibility and cannot be further appealed.

## **Outside Agencies**

CHSU encourages all students and employees who believe they have been subjected to unlawful discrimination or harassment to bring their concerns to the University so that appropriate action can be taken. While it is not required that you exhaust the CHSU's internal investigation process before contacting a governmental agency, CHSU encourages all members of the CHSU community to take advantage of the CHSU's process for resolving harassment, discrimination and retaliation concerns and complaints. CHSU cannot remedy claimed discrimination, harassment, or retaliation unless such complaints are brought to its attention. Failure to report these claims prevents CHSU from taking steps to address the problem. If a CHSU community member observes a violation of the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures or believes someone has violated the

policy, the member is strongly encouraged to report the incident, irrespective of whether the alleged victim files a complaint themselves. Responsible Employees who learn of such a complaint are required to bring it to the University's attention as described above.

The U.S. Equal Employment Opportunity Commission ("EEOC") and the California Department of Fair Employment and Housing ("DFEH") investigate reports of unlawful harassment, and sexual violence in employment. The U.S. Department of Education Office for Civil Rights ("OCR") investigates reports of unlawful harassment and sexual violence by students in educational programs or activities. These agencies may serve as fact finders and attempt to facilitate the voluntary resolution of disputes. For more information students/employee may contact these agencies as described below.

An employee of CHSU may file a complaint with the Department of Fair Employment and Housing (1-800- 884-1684; <http://www.dfeh.ca.gov>) or the U.S. Equal Employment Opportunity Commission (1-800-669- 4000; <http://www.eeoc.gov>). Students may file complaints regarding protected-class discrimination or harassment, including but not limited to Sex-Based Misconduct to the Office for Civil Rights (OCR) with the U.S. Department of Education at 800-421-3481 or as otherwise provided at [ocr@ed.gov](mailto:ocr@ed.gov).

### **University Programming and Resources Regarding Dating Violence, Domestic Violence, Sexual Assault and Stalking Awareness and Prevention**

The University develops and contributes to a wide range of programs, projects, and events that will occur at least annually covering the following topics: dating violence, domestic violence, sexual assault and stalking, to meet the needs of University students and employees. Such programs, projects and events are developed by the Human Resources Department (for employees) and the Office of Student Affairs of each college (for students). The University offers both programming regarding primary prevention and awareness programs directed at incoming students and new employees, as well as ongoing prevention and awareness campaigns directed at existing students and employees. Such ongoing prevention and awareness campaigns will include programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault and stalking, using a range of strategies with students/employees as described below. Awareness campaigns will be specific to students/employees and will increase audience knowledge, and will involve the sharing of information and resources to prevent violence, promote safety and perpetration.

This programming is aimed at preventing violence, promoting safety and reducing perpetration of these crimes. These programs meet these goals by promoting healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encouraging safe bystander intervention, and seeking to change behavior and social norms in a healthy and safe way. Bystander intervention includes, recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and taking action to intervene. For example, bystander intervention, can include learning listening techniques when speaking with victims and

learning about resources that can help the victim within the University and the community. Additionally, the programs will dispel myths about: dating violence, domestic violence, sexual assault and stalking, and provide guidance on risk reduction and resources available both within and outside of the University. With regard to University programming and resources regarding dating violence, domestic violence, sexual assault and stalking awareness and prevention, risk reduction means, options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence. Presentations towards University students and employees are structured to encourage dialogue, reflection and critical thinking about dating violence, domestic violence, sexual assault and stalking, as well as offer ways to challenge thoughts and behaviors. Additionally, workshops offered to both students and employees provide participants with tools for recognizing potentially harmful or violent situations, and skills for safety and effectively intervening. These trainings will also include information for victims that is available in the University's Unlawful Harassment, Sexual Misconduct and Title IX Policy and Procedure. The University expects everyone to participate in the University educational programming regarding sexual violence prevention. As part of this, all University employees are required to take sexual harassment prevention training.

These programs discuss the University's prohibition on dating violence, domestic violence, sexual assault and stalking and include defining these terms (as defined in the University's Crime Reporting, Crime Statistics, and Security Practices Policy) and the definition of consent in reference to sexual activity, also defined by the University's Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures.

The programs, projects, workshops and events presented by the University will be culturally relevant, inclusive of diverse communities and identities, sustainable, and responsive to the needs of University students and employees and either informed by research or assessed for value, effectiveness or outcome. This programming also take into account environmental risk and protective factors as they occur on the individual, relationship, institutional community and societal levels.

The University also engages in campaigns to prevent dating violence, domestic violence, sexual assault and stalking through communication strategies such as social media posts, email blasts, and bulletin board announcements. The University also has programming, such as Take Back the Night events; programming coordinated with and delivered to individual groups on campus; and other trainings on these topics provided by the University. These programs encourage students and employees to be responsible for their own safety and the safety of others.

### **Resources for Dating Violence, Domestic Violence, Sexual Assault and Stalking**

To report dating violence, domestic violence, sexual assault and stalking to the University, students and employees should follow the process outlined in the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures. After victims report such conduct, regardless of whether the conduct occurred on or off campus, the University will provide them with written information regarding:

- i. The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order;
- ii. How and to whom the alleged offense should be reported (as described in detail in the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures);
- iii. Options regarding the involvement of law enforcement. This notification will explain that victims will be able to choose whether they would like to notify law enforcement authorities. If the victim chooses to notify law enforcement regarding the crime, the University's Office of Student Affairs in the student's respective college will assist the victim in notifying law enforcement authorities if the victim requires such assistance. For employees who are victims, the Office of Human Resources will assist them in making such a report, if such assistance is requested.
- iv. The University will provide notification regarding options for available assistance in and how to request changes to: academic, living<sup>3</sup>, transportation and working situations or other Supportive Measures (as defined by the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures). The University will provide appropriate Supportive Measures if such measures are requested by the victim and the University can reasonably provide the measures, irrespective of whether the victim chooses to report the crime to local law enforcement. The University will maintain the confidentiality of any Supportive Measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the supportive measures.
- v. The University will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifiable information about the victim.
- vi. The procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking as described in the Unlawful Discrimination, Harassment, Sexual Misconduct and Title IX Policy and Procedures.
- vii. University compliance with all lawful orders of protection, "no contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil or tribal court or by the University.

The University provides written notification to students and employees reporting about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and other services available for victims, within the community. The University also provides victims with written notification regarding the availability of financial aid assistance at the University's Office of Financial Aid.

<sup>3</sup> Currently, the University does not provide student or employee housing.



## Crime Statistics

Criminal Offenses		On-Campus Property	Public Property	Non-Campus*	Unfounded
		Total On-Campus	0	0	0
Murder / Non-Negligent Manslaughter	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Fondling	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Incest	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Statutory Rape	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Robbery	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Aggravated Assault	2020	0	0	0	0

	2019	0	0	0	0
	2018	0	0	0	0
Burglary	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Motor Vehicle Theft	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Arson	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

\*Non-Campus statistics include crimes reported at locations away from main campus. These locations may include hotels used for school sponsored trips and other “away” trips and activities. Statistics may include Clery reportable crimes that occurred anywhere in or on the locations physical address and may or may not have had any involvement with CHSU students.

VAWA Offenses		On-Campus Property	Public Property	Non-Campus	Unfounded
		Total On-Campus	0	0	0
Domestic Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Dating Violence	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Stalking	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Arrests		On-Campus Property	Public Property	Non-Campus	Unfounded
		Total On-Campus	0	0	0
Weapons: Carrying, Possessing, etc.	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Abuse Violations	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

Disciplinary Actions		On-Campus Property	Public Property	Non-Campus	Unfounded
		Total On-Campus	0	0	0
Weapons: Carrying, Possessing, etc.	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Drug Abuse Violations	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0
Liquor Law Violations	2020	0	0	0	0
	2019	0	0	0	0
	2018	0	0	0	0

### **Hate Crimes (2018-2020)**

There were no hate crimes reported in 2018, 2019, or 2020.

**Exhibit A Campus Safety Patrol Jurisdiction**  
Current On-Campus Geography and Public Property

Aerial view of Clery Geography at 120 N. Clovis Avenue, 65 N. Clovis Avenue, and 45 N. Clovis Avenue





Aerial view of Clery Geography at 2500 Alluvial Avenue

