

# **CHSU Student Title IX and Unlawful Harassment/Discrimination Training FAQ**

## **Fall 2020**

### **1. What types of harassment or discrimination are prohibited by law and CHSU policy?**

CHSU's Policy and Procedures for Claims of Unlawful Discrimination, Harassment Sexual Misconduct and Title IX ("Policy") prohibit all forms of illegal harassment and discrimination under California and federal law.

The Policy specifically prohibits the following: Any form of harassment or discrimination on the basis of 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").

### **2. What conduct is prohibited by Title IX?**

Title IX prohibits discrimination and harassment on the basis of gender or sex in the University's programs and activities. Title IX prohibited sex-based conduct includes: (a) any employee conditioning participation in the University's activities and programs on unwelcome sexual conduct; (b) unwelcome sexual conduct that is severe, pervasive and objectively offensive such that it denies equal access; (c) sexual assault, including but not limited to rape; (d) dating violence; (e) domestic violence; or (f) stalking.

### **3. Who is California Health Sciences University's Title IX Coordinator?**

Carlita Romero-Begley, PHR, SHRM-CP  
Title IX, Equity and Diversity Coordinator and Director of Human Resources  
120 N. Clovis Avenue, Clovis, CA 93612  
559-282-8747  
[titleix@chsu.edu](mailto:titleix@chsu.edu)  
[cromerobegley@chsu.edu](mailto:cromerobegley@chsu.edu)

### **4. Are other forms of sexual misconduct prohibited by University policy?**

Yes. California has its own laws prohibiting sexual harassment and sexual assault that cover some types of sexual misconduct not covered under Title IX. CHSU abides by these laws as well. Specifically, in addition to prohibiting the same types of conduct Title IX prohibits, California prohibited sexual harassment also includes conduct which is severe or pervasive such that it unreasonably denies, adversely limits or interferes with a person's participation in or benefit from the education, employment or other programs and activities of the University and creates an environment that is intimidating or offensive to a reasonable person.

### **5. What is sexual harassment?**

Harassment is unwelcome verbal, visual or physical conduct creating 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. Some examples of harassment based on sex or gender include: obscene or vulgar gestures,

## **CHSU Student Title IX and Unlawful Harassment/Discrimination Training FAQ Fall 2020**

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; or unwelcome sexually-related comments.

### **6. What do I do if I think I or someone I know has been subjected to sexual harassment or other sexual misconduct?**

If you or someone you know are experiencing sexual harassment from a classmate, professor, other employee of the University, preceptor or clinical education supervisor, or anyone else connected with or affiliated with CHSU, you should report it to the Title IX coordinator so that the University can take steps to stop and prevent sexual harassment.

### **7. How do I make a report of harassment, discrimination or sexual misconduct? What are the reporting obligations of students who know about an allegation of sexual misconduct, sexual harassment, sexual assault or other forms of harassment or discrimination of or by a student or employee of CHSU?**

CHSU's Policy prohibits all forms of illegal harassment and discrimination under California and federal law. Students are encouraged to report any potential violation of this policy to the Title IX Coordinator, who is responsible for overseeing the implementation of this policy. You can email complaints of sexual misconduct or other forms of illegal harassment and discrimination to [TitleIX@chsu.edu](mailto:TitleIX@chsu.edu). You can also file a concern or complaint regarding sexual misconduct, or other forms of harassment or discrimination online at <https://chsu.edu/title-ix/>. You can file a concern or complaint online either with your name or anonymously, but if you file anonymously it may limit the University's ability to take action to stop and prevent illegal harassment and discrimination.

### **8. What are a University's obligations when it has notice of an incident of sexual misconduct or other form of harassment or discrimination taking place?**

If the University knows or in the exercise of reasonable care should know about a student being subject to unlawful sexual or other harassment or discrimination, the University will take immediate and appropriate steps to investigate or otherwise determine what occurred. While the matter will be kept as confidential as possible, the University may be required to disclose information required by law or University policy, including investigating the matter.

If an investigation reveals that illegal harassment, discrimination or sexual violence occurred, the University must then take prompt and effective steps reasonably calculated to end the harassment or discrimination, sexual violence, prevent its recurrence and, as appropriate, and address its effects on the victim and University community.

In cases where a Formal Title IX Sexual Harassment Complaint is filed a live hearing may be required. At a live hearing, witnesses and the parties may be cross-examined. At hearing, both parties will have an equal opportunity to provide evidence to a neutral decision-maker and the respondent (i.e., the person accused of Formal Title IX Sexual Harassment) will be presumed innocent until the hearing process concludes.

## **CHSU Student Title IX and Unlawful Harassment/Discrimination Training FAQ Fall 2020**

### **9. What are the reporting obligations for CHSU's employees (e.g., faculty, staff, administration, students employed with the University) if they know of an allegation of sexual Misconduct, sexual harassment, or other potential harassment or discrimination of or by a CHSU student or employee?**

Report the matter to the Title IX Coordinator promptly – you are not required to initiate an investigation and you do not need be sure or figure out regarding whether the allegation is true or not in order for your reporting obligation to be triggered. If the student needs emergency assistance call 9-1-1. Following a report, the Title IX Office will send outreach and offer to meet with the Complainant to assist with immediate safety measures and other necessary and appropriate interim measures (e.g., academic accommodations, etc.). You can email complaints of sexual misconduct or other forms of illegal harassment and discrimination to [TitleIX@chsu.edu](mailto:TitleIX@chsu.edu). You can also file a concern or complaint regarding sexual misconduct, or other forms of harassment or discrimination online at <https://chsu.edu/title-ix/>.

### **10. What if an alleged victim of harassment or discrimination requests confidentiality?**

If an alleged victim of harassment or discrimination requests to remain confidential or anonymous, the University will give serious consideration to that request. For complaints of sexual misconduct, generally the University will seek to honor the request of the Complainant not to proceed to a Title IX investigation and to remain confidential and will not proceed to a formal Title IX investigation. The Title IX Coordinator will consider a number of factors in deciding whether the request can be honored, including the age of the Complainant, whether other HR laws otherwise require an investigation, whether there is evidence of a pattern of misconduct, the severity of the misconduct, and whether there is a safety risk to the alleged victim, the CHSU community or the public. Should the University, in weighing such factors, determine it must proceed, the University will explain its rationale to the alleged victim and make sure that the alleged victim and the accused respondent are both offered a support person throughout the process.

Importantly, an alleged victim **does not** need to file a Formal Complaint of Title IX Sexual Harassment in order to receive support services related to sexual misconduct.

### **11. Who can a student contact if they want to discuss a Title IX related concern or other potential unlawful harassment or discrimination in a confidential manner?**

CHSU provides a mental health counselors for students wanting to discuss complaints of sexual harassment, sexual violence, relationship violence, stalking, gender discrimination or other forms of illegal harassment or discrimination. Mental health counselors by law have a special professional status and are not required to make a report of such conduct to the University. Contact your student affairs office for more information on how to obtain access to the University's mental health counselor.

Additionally, there are other resources in the Fresno/Clovis area where students may seek help without University involvement, as follows:

- a. Rape Counseling Services of Fresno – Rape crisis advocates serving Fresno County: 559-222-7273; [www.rcsfresno.org](http://www.rcsfresno.org)
- b. Marjoree Mason Center: 559-233-HELP (4357); <https://mmcenter.org>
- c. Fresno County Crime Victim Assistance Center: 559-600-CVAC (2822); <https://www.co.fresno.ca.us/departments/probation/crime-victim-services>

## **CHSU Student Title IX and Unlawful Harassment/Discrimination Training FAQ Fall 2020**

### **12. What safety measures and accommodations are available to a student when they report an incident of sexual misconduct?**

The Title IX Coordinator will meet with an alleged victim of sexual misconduct to discuss with them information about their options for supportive measures and whether they would like to file a Formal Title IX Sexual Harassment Complaint. Upon a report of a Title IX concern, the University will work with the alleged victim to put supportive measures in place to ensure a safe, hostile free environment for the student. Victims can receive support without filing a Formal Title IX Sexual Harassment Complaint. In some cases, an investigation may be conducted, and an adjudication process used to determine whether conduct prohibited by the Policy has occurred. Details regarding that process will be reviewed with the alleged victim will receive additional information regarding the applicable grievance procedures. Accommodations and safety measures (including supportive measures) could include:

- a. Counseling services
- b. Academic accommodations
- c. Campus escort services
- d. No contact or stayaway letters
- e. Limitation on extracurricular activities
- f. Removal from University community
- g. Other appropriate actions as necessary

### **13. Who can a student contact to ask that one or more of these safety measures and/or accommodations are put in place?**

A CHSU student may contact the Title IX Coordinator to request a safety measure or accommodation be put in place. You can contact the Title IX Coordinator at [titleix@chsu.edu](mailto:titleix@chsu.edu).

### **14. What if I am accused of sexual misconduct or other illegal harassment or discrimination? What support is available to me?**

If you have been accused of sexual misconduct or other illegal harassment or discrimination, in most cases you will receive notice regarding the concern and be provided supportive measures to assist you throughout the investigation and adjudication process, including an advisor at the live hearing if one occurs. You are entitled to a presumption of innocence in grievance procedures for Formal Title IX Sexual Harassment Complaints and to be treated equitably throughout the grievance process.

If you believe you need support from the University because you have been accused of sexual misconduct, you should contact the Title IX Coordinator at [titleix@chsu.edu](mailto:titleix@chsu.edu).

## **CHSU Student Title IX and Unlawful Harassment/Discrimination Training FAQ Fall 2020**

### **15. What is the purpose of CHSU's investigation process for complaints of sexual misconduct or other forms of unlawful harassment or discrimination?**

The purpose of CHSU's investigation process is to determine:

- a. Whether or not prohibited conduct has occurred;
- b. Whether there is an ongoing risk of harm from further prohibited conduct and, if so, what steps are necessary to prevent its recurrence;
- c. Whether accommodations for the Complainant need to be put in place to address the effects of prohibited conduct and/or ensure the safety of the CHSU community;
- d. Whether the conduct warrants any discipline; and
- e. Whether any changes to policies, practices or training should be considered and implemented.

Following an investigation, the applicable University grievance procedure will determine whether conduct prohibited by the Policy has occurred. More information regarding the grievance procedures is contained in the Policy.