ACADEMIC HONESTY

Preamble

The University in its quest for truth and knowledge embraces honesty and integrity. These fundamental values must not be compromised. The trust and respect among professors, students and the society need to be vigilantly protected. Cheating and plagiarism can be neither justified nor condoned, as this would destroy the ideals and purposes of higher education. Students enter the University to gain the knowledge and tools necessary for participation in society. Academic integrity is one foundation for a society based on trust and honesty. Therefore, the University takes seriously its responsibility for academic honesty.

I. Definitions

A. Cheating

At Cal State L. A., cheating is defined as the act of obtaining or attempting to obtain credit for academic work through the use of any dishonest, deceptive, or fraudulent means. The following examples are intended to be representative, but not all-inclusive:

(a) Examinations/Tests Administered by Faculty or the University

- Copying from another student’s paper
- Employing signals to obtain answers from or provide answers to others
- Stealing or arranging for the theft of an examination
- Knowingly reviewing an unauthorized copy of an examination
- Using lecture notes or textbooks during an examination when prohibited
- Possessing crib notes at the location and during the time of the examination
- Having someone else take an examination in your place
- Feigning illness or telling falsehoods to avoid taking an examination at the scheduled time
- Claiming falsely that you took an examination at the scheduled time
- Storing and/or accessing course subject matter in a calculator, computer or recording device, without authorization from the instructor, when such instruments are otherwise permitted to be used during an examination period
- Utilizing calculators and/or other learning aids forbidden by the instructor
- Obtaining assistance in answering questions on a take-home examination, when such action is specifically prohibited
- Attempting to use or using bribery to obtain an undeserved grade
- Changing an answer on a graded test and claiming the student’s response to the question was incorrectly marked wrong

(b) Papers/Reports, Laboratory/Homework

- Copying the work of other persons in whole or in part and claiming authorship
- Submitting a paper obtained from any source that provides research/term papers
- Using a ghost writer to compose a paper and claiming authorship
- Claiming an assigned share of a team report, toward which insufficient or no contribution was made
- Lying about the reason for not submitting a report on time
- Pretending to have submitted a paper to an instructor
- Stealing another student’s report and submitting it as one’s own work
- Submitting the same term paper to two or more different instructors for credit in their courses without their prior permission
- Inventing, falsifying, or altering data for a research survey or laboratory experiment
- Misrepresenting the authorship of an experiment or exercise
- Depending upon others to complete laboratory assignments or homework when instructions call for independent work
- Sabotaging someone else’s laboratory work or other exercise
- Fabricating bibliographic references

Cheating on any academic assignment, including course work, comprehensive exams, or theses, is subject to discipline for academic dishonesty.

B. Plagiarism

At Cal State L. A., plagiarism is defined as the act of using ideas, words, or work of another person or persons as if they were one’s own, without giving proper credit to the original sources.

The following examples of plagiarism are intended to be representative, but not all-inclusive:

- Failing to give credit via proper citations for others’ ideas and concepts, data and information, statements and phrases, and/or interpretations and conclusions
- Failing to use quotation marks when quoting directly from another, whether it be a paragraph, a sentence, or a part thereof
- Paraphrasing the expressions of thought by others without appropriate quotation marks or attribution
- Assembling parts from various works and submitting the synthesis or single paper as one’s own creation
- Representing another’s artistic/scholarly works, such as musical compositions, computer programs, photographs, paintings, drawings, sculptures, or similar works as one’s own
III. Reporting Procedures

For the purposes of reporting findings of academic dishonesty, the ‘reporting party’ may refer to a probationary, tenured or temporary faculty member, a librarian, a person in an academic administrative position, a counselor, coach, administrator of a testing center or another person in a position of authority over a student’s academic work. Throughout this policy, the term ‘faculty member’ shall be used to stand in for any reporting party. Teaching assistants, graduate assistants and staff should report allegations of academic dishonesty to their authorized university supervisor. Allegations shall be made against individual students rather than groups of students.

When a faculty member suspects that a student has committed an academically dishonest act, it is the faculty member’s responsibility to take the following steps:

1. The faculty member must first carefully consider the evidence of the apparent dishonesty. A perception that is not supported by reasonable evidence, will not suffice. Examples (not necessarily comprehensive) of evidence sufficient to pursue action are:
   - Documentation regarding the source of text which the student has used without proper attribution or has attempted to represent as his/her own work
   - A demonstrably marked difference in the writing style of the student, as compared to his/her work on previous assignments
   - Testimony from others regarding a student’s use of dishonesty
   - Admission by the student that he or she undertook a dishonest act, in a situation in which the student cannot effectively deny that the act took place
   - Admission by the student that he or she undertook a dishonest act in fulfillment of the assignment at hand
   - A suspicious degree of similarity in work done by different students

   Faculty members are encouraged to discuss any perception of dishonesty and the evidentiary basis for an action with their department/division chair or school director and/or associate dean prior to discussing perceptions of wrongdoing with the affected student.

2. When satisfied that a reasonable evidentiary standard has been met and as soon as possible after discovering the alleged violation, the faculty member should arrange an office conference in order to inform the student of the allegations and the intended academic consequences of the violations. At the conference, the student should be informed of the supporting evidence, the intended consequences, and the Academic Honesty Policy.

   In the event that the student disputes the findings of academic dishonesty, he or she shall be given the opportunity to respond (orally or writing). The faculty member must consider any information or evidence that the student presents during or after the conference, and determine whether or not such information or evidence mitigates or refutes the charge of academic dishonesty. In every case the student shall have ten
(10) days beyond the date of the conference to respond to the allegations, before a report is made (as outlined in #3, below).

At the conference, the student should also be informed of the University’s Grade Appeals/Academic Grievance Policy. Under that policy, the student may appeal the determination that he or she has committed academic dishonesty, the academic consequences stemming from such a determination, or the administrative sanctions.

3. If after consideration of all evidence (including any provided by the student), it is determined that a preponderance of the evidence favors a finding of academic dishonesty, the faculty member shall proceed as directed below.

   The faculty member shall use the Academic Dishonesty Report Form to report the finding of academic dishonesty. This report shall be the statement of charges against the student and the record of the academic consequence(s) imposed; all supporting documentation shall be attached to the form and submitted to the University Judicial Affairs Office and made available to the student. If a student appeals a grade or other adverse consequence of an allegation of academic dishonesty, this report and the related documentation shall be subject to review.

In cases where the student fails to attend the scheduled conference to discuss the alleged dishonesty, or when the alleged dishonesty is detected at the close of the quarter and the faculty member has not been successful in a good-faith effort to contact the student, an Academic Dishonesty Report Form describing the alleged incident and documents supporting the allegation shall be sent to the University Judicial Affairs Office and made available to the student.

In cases where the faculty member cannot, for serious and compelling reasons, participate in any one or more parts of the above process, the department/division chair or school director shall represent the reporting party.

IV. Confidentiality

All parties to the initial conference between a faculty member and a student accused of academic dishonesty and all subsequent deliberations regarding incidents of academic dishonesty have the right to expect that such deliberations will occur in a setting of strictest confidentiality.

Concomitant with this right of confidentiality is the obligation of all parties to refrain from any discussions of these issues regarding cheating, plagiarism, misrepresentation or collusion outside of the informal and formal conferences and meetings as outlined elsewhere in this document and in related policies (including the Grade Appeal/Academic Grievance Policy). Confidentiality shall be maintained unless a legitimate need to know is established by the department/division chair or school director in order for the faculty to complete their responsibilities as University employees or in any legal action, and in a manner consistent with the Family Educational Rights and Privacy Act (FERPA) (Student Records Administration - 011, Sec 5.8) and any other applicable law. The department/division chair or school director may consult with, or request documentation of a student’s history of academic dishonesty from the Judicial Affairs Officer on a strict need to know basis. Violators of this principle of confidentiality are themselves subject to university disciplinary action.

In the matter of student records and according to Federal and State privacy laws, students have the right to protections against improper disclosure of personal information. However, it is permissible for transcripts of student academic records to contain information regarding a student’s academic status including such disciplinary actions as suspension or expulsion. Being a temporary action, suspension may be expunged from the record upon the student’s reinstatement.

Threats/Retaliation:

Any threats or acts of retaliation against any member of the faculty or staff as a consequence of implementing this policy on Academic Honesty will be cause for disciplinary action under section 41301, Title 5, California Code of Regulations, in addition to civil and criminal liabilities.

CAMPUS VIOLENCE POLICY

California State University, Los Angeles is committed to creating and maintaining a working, learning, and social environment for all members of the University community which is free from violence.

Civility, understanding, and mutual respect toward all members of the University community are intrinsic to excellence in teaching and learning, to the existence of a safe and healthful workplace, and to maintenance of a campus culture and environment which serves the needs of its many constituencies. Threats of violence or acts of violence not only impact the individuals concerned, but also the mission of the University to foster higher education through open dialogue and the free exchange of ideas. The University prohibits and will take decisive action to eliminate verbal harassment, violent acts, threats of violence, or any other behavior which by intent, action, or outcome harms another person. Such conduct is subject to disciplinary action up to and including dismissal from employment, expulsion from the University, or civil or criminal prosecution as appropriate.

The University has no tolerance for violence against and by members of the University community. To fulfill this policy, the University will work to prevent violence from occurring and will ensure that federal and state laws, as well as University regulations prohibiting violence, are fully enforced. In determining whether conduct constitutes a credible threat or act of violence, the circumstances surrounding the conduct will be considered.

Established University faculty, staff, and student and Department of Public Safety procedures will serve as mechanisms for resolving situations of violence or threats of violence. Each allegation of violence or threat of violence will be taken seriously. Individuals are encouraged to report acts...
of violence, threats of violence, or any other behavior which by intent, act or outcome harms another person. Complaints alleging a violation by a staff member should be directed to Human Resources, complaints alleging a violation by a faculty member should be directed to the Associate Vice President for Academic Affairs, and complaints alleging a violation by a student should be directed to the Student Judicial Affairs Officer. In addition, if a person feels that he/she has been the victim of a criminal threat, assault, or battery, he/she should report that to the Department of Public Safety.

GRADE APPEALS/ACADEMIC GRIEVANCE POLICY

(Senate: 6/1/10; President: 6/21/10)
Governing Document: E.O. 1037

I. Introduction

The purpose of this policy is to establish fair and equitable means by which matriculated students may appeal assigned course grades and other Academic decisions. Non-Academic grievances filed by matriculated students should follow the procedures outlined in the Student Grievance Procedures. Charges of discrimination, harassment, or retaliation filed by students or applicants for admission to the University are addressed in a separate policy.

Faculty members at CSULA have the sole right and responsibility to assign grades. It is assumed that the grades assigned by faculty members are free from error, prejudice, or capriciousness. In the absence of compelling reasons to believe that one of these criteria is missing, the grade assigned by the instructor of record is to be considered final and correct. It is the responsibility of anyone appealing a grade to demonstrate otherwise.

Throughout this policy, the terms ‘day’ and ‘days’ shall refer to academic work days (i.e., any day, Monday through Friday, on which the University is open for business and faculty are on duty). Academic work days do not include holidays or term breaks.

II. Basis for Appeal

It is presumed that the assignment of final course grades and other academic decisions result from consistent, fair, and equitable application of clearly articulated standards and procedures. Students appealing such decisions must demonstrate that the standards and procedures were not clearly stated or that they were not applied in a consistent, fair and equitable manner. An appeal may not be based on a disagreement with the standards and procedures themselves. Further, an instructor’s evaluation of a student’s work and performance in that instructor’s course must not be over-ridden merely because of a difference of opinion or evaluative judgment, provided it is formed in accordance with the generally accepted canons of the relevant discipline and of the University and the Department/Division/School wherein said course is offered.

An appeal may be initiated only on a claim that the decision/final grade was based on:

1. Clerical error;
2. Capricious or prejudicial evaluation;
3. Inconsistent or inequitably applied standards for evaluation;
4. A finding of academic dishonesty that the student disputes.

The burden of proof in the appeal of a grade or other academic decision is on the student. In every appeal, the student must present evidence that the grade/decision being appealed was based on one of the first three conditions articulated above, or (in the case of the fourth possible basis), evidence that the allegation of academic dishonesty was not warranted.

A student may appeal a final course grade or a grade on a Comprehensive Examination or a project (e.g., art exhibition) or thesis required for graduation. Students who believe that individual exams and/or assignments demonstrate evidence of prejudicial, capricious, or arbitrary grading may appeal the grade assigned in individual assignments only insofar as those grades had direct bearing on the final grade. In every case, the student must attempt to resolve a grade dispute informally before filing a formal Grade Appeal.

Students may also appeal other types of academic decisions. These include, but are not limited to: the decision to refuse admission to or to disqualify a matriculated student from a major or program; academic consequences (in addition to course grades) that result from accusations of academic dishonesty; and academic probation, suspension, or disqualification.

III. Process

Before a student may initiate a formal Grade Appeal based on a clerical error, capricious or prejudicial evaluation, inconsistent or inequitably applied evaluation standards, he or she must attempt to resolve the issue informally. All other Academic appeals, including findings of academic dishonesty, shall proceed immediately to the Formal Appeal Process, outlined in Section B, below.

A. Informal Process

Students who believe that they have a basis for a grade appeal (as outlined in Section II) should notify the course instructor in writing, within twenty (20) days of the beginning of the term (excluding summer) immediately following the formal posting of the grade. If the Instructor is not responsive or is unavailable to respond to a student’s good faith efforts to contact him/her, the student should contact the Department/Division Chair or School Director (hereafter the Chair) in which the course was offered. In the event that the instructor is not available to discuss informal resolution of the Grade Dispute with the student even with the intervention of the chair, the Formal Appeal process may be initiated. If the student and instructor are not able to resolve the problem to the satisfaction of both parties, the student should discuss the assigned grade with the Chair or other appropriate supervisor. This discussion is a prerequisite to proceeding to the Formal Appeal Process. However, if the chair is the instructor against whom the student wishes to file the Grade Appeal, the student may bypass this step of the informal
resolution process and either request mediation by the college Dean or proceed directly to the Formal Appeal Process. The Chair shall reasonably attempt to facilitate a resolution to the grade dispute. The involved parties are strongly encouraged to participate and cooperate with the chair’s attempt to resolve the dispute. The chair may consult an appropriate department/division/school committee to hear Grade Appeals or other Academic Grievances. This Department/Division/School committee shall recommend a resolution to the Chair, who will share this information with the student and the instructor.

If the grade dispute cannot be informally resolved within the department/division/school, any of parties may request mediation from the Dean or designee.

If the grade dispute is informally resolved to the mutual satisfaction of the two parties and the resolution is that the final course grade is to be changed, the instructor shall complete a Change of Grade form within three (3) academic days of resolving the matter. No further action under this policy need be taken. If the grade dispute cannot be informally resolved or is not completed by the end of the term during which it was initiated, the student may elect to proceed to the formal grade appeal process.

B. Formal Appeal Process

A formal appeal of a course grade or other academic decision must be initiated no later than the end of the academic term (excluding summer) following formal notification to the student of the decision or grade. For the purposes of this policy, the posting of course grades constitutes formal notification to students of course grades. For all other decisions, formal notification will normally be in the form of written correspondence from the appropriate University, College, or Department/Division/School authority.

A formal appeal is to be filed in the office of the Provost and Vice President for Academic Affairs (hereafter, the Provost). A formal appeal must include (1) the Academic Grievance Appeal Form (2) a copy of the grade report (for grade appeals) or notification of the decision being appealed (for all other academic appeals); (3) a written statement clearly presenting the basis for the appeal; and (4) any documentation that supports the appeal (such as the course syllabus, exams, papers, assignments, or other corroborating documents). The University Academic Appeals Board shall review all appeals. The Board shall determine, within twenty (20) days of receipt of the written request, whether or not the grievance or appeal warrants further review. If the Board determines that the case does not warrant further review, the board shall notify the student of this decision, in writing. With the exception of appeals as described in Section V, below, this decision shall be final and binding.

If the Board determines that a hearing is warranted, the chairman of the Board shall notify, in writing, both the student and the Respondent of this determination; notice to the Respondent shall invite a written response prior to the date of the hearing. When the Appeal concerns a course grade, the Respondent shall be the instructor of record for the course. When an appeal concerns the grade on a comprehensive exam or a thesis or project, the Respondent shall be the chair of the exam, thesis, or project committee. For all other academic appeals, the Respondent shall be the person upon whose authority the decision was rendered (e.g., the Chair if the decision was to disqualify the appellant from the program or major). In the event that an instructor is not available to participate in the formal process, the Department/Division Chair or School Director shall appoint another instructor whose area of expertise most closely approximates that of the instructor of record (and/or that most closely matches the material covered in the course), to represent the interests of the instructor of record. Where the Respondent is not clearly identified, the Dean of the College or the Provost shall designate the appropriate party to respond on behalf of the College or the University, respectively.

The notification shall specify the proposed date and time of the hearing and shall invite both parties to appear at that time, if they wish to present testimony or further evidence not already included in the written record. The Board shall appoint, from among its membership, a Hearing Committee consisting of two faculty members and one student member (if the student appellant has authorized student participation in the hearing). In no case shall a member of a hearing committee be from the same department/division/school from which the appeal originated.

The Hearing Committee shall convene and, if necessary, hold any hearing(s) within twenty (20) days of the determination that a hearing is warranted. The Committee shall consider the documentation submitted by the appellant, as well as any written response submitted by the respondent. The committee may call witnesses before them, if they determine that such witnesses could provide relevant information not available in the written documents before them. If a student is given a hearing before the committee, the respondent must also be offered the opportunity to be heard by the committee.

Although in grade appeals the presumption is that the assigned grade is correct, should the Hearing Committee find (after conducting a hearing) that the evidence indicates otherwise, the Hearing Committee may determine that the grade should be changed. Similarly, the presumption is that the academic decisions are made fairly, equitably, and in good faith; however, should the evidence indicate otherwise (after a hearing has been conducted), the Hearing Committee may determine that a decision should be reversed. In all cases, the Appeal Board’s authority (as well as that of convened Hearing Committees) is limited to actions consistent with the policies of the California State University system and those of California State University, Los Angeles.

The Hearing Committee’s deliberations and decision(s) in Academic Appeals shall be limited to the following issues: (1) whether, in fact, the evidence presented establishes that the grade assigned or the academic decision in question was erroneous, capricious, or prejudicial, or involved the inconsistent or inequitable application of standards for evaluation; and if it is judged that the evidence does establish that one of these conditions was operative, (2) the appropriate academic remedy.

Student members of the Hearing Committee shall be limited to discussion of (1). Only faculty members of the Committee
shall establish the answer to (2). In every case, the Committee’s decision shall be bound by any other relevant campus or CSU system policies.

The Hearing Committee shall deliberate on the case and issue a finding within ten (10) days of the conclusion of the hearing(s) related to the case. The Hearing Committee’s decision shall be formalized in writing and addressed to the Appellant, with copies to the Respondent, the College Dean, and the Provost (or designee, as the Executive Secretary of the Academic Appeals Board), and shall include a summary of their findings, the final decision, and the reason(s) for this decision. A copy of the Hearing Committee’s findings shall be placed in a file in the Provost’s office. At the subsequent meeting of the Academic Appeals Board, the Executive Secretary shall report on all matters resolved by the Hearing Committee(s) convened since the previous meeting.

In the event that the Hearing Committee finds in the appellant’s favor, the Provost or designee shall ensure that within ten (10) academic days of receipt of the Committee’s finding a Change of Grade form is completed or other remedy initiated. In cases in which the instructor of record of a course refuses to sign the change of grade form, the College Dean shall complete the form in his/her place.

IV. Confidentiality

All discussions and deliberations of the Academic Appeals Board and of Hearing Committees shall be held in strict confidentiality. Confidentiality shall be maintained unless a legitimate need to know is established by the Hearing Committee chair or in order for the committee members to complete their deliberations in the matter at hand or as required by any legal action, and in a manner consistent with the Family Educational Rights and Privacy Act (FERPA) (Student Records Administration - 011, Sec 5.8) and any other applicable law. The Hearing Committee chair may consult with or request documentation of a student’s history of academic dishonesty from the Judicial Affairs Officer, and may apprise Hearing Committee Members of such information only on a strict need to know basis.

No student member of the Academic Appeals Board or a Hearing Committee may be apprised of any academic information concerning another student (including grades or other confidential information) unless that student has expressly permitted such disclosure by signing the disclosure statement on the formal Academic Appeals Form.

V. Finality of Hearing Committee Decisions and Conditions under which Appeals are Allowed

The Hearing Committee’s decision is final and binding on all parties. However, any party to the dispute (either the student or the respondent) may appeal a Committee decision on grounds of procedural violations. If either party alleges that the procedures outlined in this policy were violated, they must present a written appeal to the President outlining their allegations within ten (10) days of notification of the decision. The President (or designee) shall then investigate only the issue as to whether there were procedural violations in the handling of the Appeal; if there is a finding of procedural violations, the President shall send the case back to the first step of the formal appeal (outlined in Section III B, above) to begin again.

VI. Annual Reports and Record Retention

The Provost shall retain for a period of three years after the appeal has been exhausted each appeal that has been filed with the Academic Appeals Board, and a copy of all documentation submitted initially as well as at any time during the proceedings. After three years, the file shall be destroyed. Annually, at the end of each Academic Year, the Provost shall report to the President and to the Academic Senate the number of formal academic appeals received, as well as the nature and resolution of each appeal.

VII. Timelines

The timelines in this policy may be extended by the Provost, if the appellant can present documentation of extenuating circumstances that prevented a timely filing of the appeal (or a timely response at a later stage) or if the Appeals Board or hearing committee provides compelling reasons that warrant such an extension.

INTELLECTUAL PROPERTY

As defined by the CSU Chancellor’s office is as follows:

- Unauthorized recording, dissemination, and publication of academic presentations for commercial purposes. This prohibition applies to a recording made in any medium, including, but not limited to, handwritten or typewritten class notes.

1. The term “academic presentation” means any lecture, speech, performance, exhibition, or other form of academic or aesthetic presentation, made by an instructor of record as part of an authorized course of instruction that is not fixed in a tangible medium of expression.

2. The term “commercial purpose” means any purpose that has financial or economic gain as an objective.

3. “Instructor of record” means any teacher of staff member employed to teach courses and authorize credit for the successful completion of courses. (See the Student Discipline Policy, Appendix E. in the 2011-2014 University Catalog)

NON ACADEMIC STUDENT GRIEVANCES

Non-Academic grievances filed by matriculated students should follow the procedures outlined in the Student Grievance Procedures. These procedures can be found in Appendix I in the University Catalog or view them online at http://www.calstatela.edu/univ/stuaffrs/jao/. Hard copies of the Student Grievance Procedures are also available in the Judicial Affairs Office, Student Affairs Building, Room 115A.

NONDISCRIMINATION STATEMENT

California State University, Los Angeles, affirms its commitment to equality of opportunity for all individuals.
commitment requires that no discrimination shall occur in any program or activity of the University on the basis of race, color, religion, national origin, sex, gender identity, gender expression, ancestry, physical or mental disability, medical condition, pregnancy, age (over 40), marital status, political affiliation, sexual orientation, genetic information, covered veteran status, or any other classification prohibited by state or federal laws. Further, the University’s commitment requires that no retaliation shall occur because an individual filed a complaint of discrimination or in some way opposed discriminatory practices, or participated in an investigation or administrative or judicial proceeding related to such a complaint. This policy is in accord with Title VII of the Civil Rights Act of 1964, as amended, Title IX of the Educational Amendments of 1972, as amended, Sections 503 and 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, as amended, the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended, Genetic Information Nondiscrimination Act of 2008, related California state laws, and related administrative regulations and executive orders. Inquiries concerning the application of these and other non-discrimination laws may be referred to the Office for Equity, Diversity and Inclusion, Human Resources Management, telephone: (323) 343-3040, the campus office assigned the administrative responsibility of reviewing such matters. Title IX inquiries may also be directed to the Regional Director of the Office for Civil Rights, Region IX, Old Federal Building, 50 Beale St., Suite 7200, San Francisco, CA 94105.

**Discrimination Complaint**

If you feel you have experienced discrimination, harassment or retaliation due to race, color, religion, national origin, gender, sexual orientation, gender identity and expression, marital status, pregnancy, age, disability, or veteran status in connection with your association with the University, please make your concerns known. You may file a complaint with the Office for Equity, Diversity and Inclusion, Human Resources Management. Requests for academic accommodations should be addressed to the Office for Students with Disabilities located in Administration 127. The Office for Equity, Diversity and Inclusion is located in Administration 606 and is open Monday through Friday, 8 a.m. to 5 p.m., (323) 343-3040, or TDD: (323) 343-3670.

**ADA Complaint**

If you feel you have experienced discrimination, harassment or retaliation due to your protected disability in connection with your association with the University, please make your concerns known. You may file a complaint with the Office for Equity, Diversity and Inclusion, Human Resources Management. Requests for academic accommodations should be addressed to the Office for Students with Disabilities located in Administration 127. The Office for Equity, Diversity and Inclusion is located in Administration 606 and is open Monday through Friday, 8:00 a.m. to 5:00 p.m., (323) 343-3040, or TDD: (323) 343-3670.

Your concerns will be treated carefully, and investigated promptly, thoroughly, and objectively. If corrective action is appropriate, it will be taken. No action will be taken against you for filing your complaint, so long as you believe the complaint to be valid.

**Notification of Student’s Rights under the Family Education Rights and Privacy Act (FERPA)**

California State University, Los Angeles abides by the Family Educational Rights and Privacy Act of 1974 (FERPA), and in so doing, provides students a number of rights with respect to their education records.

Among these rights are: the right to inspect and review personal education records, the right to request the amendment of education records in the case of inaccurate or misleading information, the right to consent to disclosures of personally identifiable information contained in these records, and the right to file a complaint with the U.S. Department of Education concerning alleged failures by the University to comply with the requirements of FERPA.

Copies of the campus policy, Administrative Procedure for Student Records Administration, can be found in the office of the Vice President for Student Affairs, in SA 108 and on the web at http://web.calstatela.edu/univ/admfin/procedures/011.pdf.
NOTICE OF NON-DISCRIMINATION ON THE BASIS OF GENDER OR SEX

The California State University does not discriminate on the basis of gender, which includes sex and gender identity or expression, or sexual orientation in its education programs or activities. Title IX of the Education Amendments of 1972, and certain other federal and state laws, prohibit discrimination on the basis of gender or sexual orientation in employment, as well as in all education programs and activities operated by the University (both on and off campus). The protection against discrimination on the basis of gender or sexual orientation includes sexual harassment, sexual misconduct, and gender based dating and domestic violence and stalking. The following person has been designated to handle inquiries regarding the non-discrimination policies:

CSULA Title IX Coordinator:
Mariel S. Mulet
Director, Office for Equity, Diversity and Inclusion
5151 State University Drive, Administration, Rm. 606
Los Angeles, CA 90032
Mariel.Mulet@calstatela.edu
(323) 343-3040

Deputy Title IX Coordinators:
Letycia Gomez, Judicial Affairs Officer
Judicial Affairs Officer
5151 State University Drive, Student Affairs, Rm. 115A
Los Angeles, CA 90032
ltgomez@cslanet.calstatela.edu
(323) 343-3812

Rebecca Palmer
Associate Director for Residence Life
5300 Paseo Rancho, Housing Services, Phase II
Los Angeles, CA 90032
rpalmer@cslanet.calstatela.edu
(323) 343-4812

Sheila Hudson
Associate Athletics Director
5151 State University Drive, Physical Education, Rm. 105
Los Angeles, CA 90032
shudson@calstatela.edu
(323) 343-5240

Questions may also be addressed to:
Office for Civil Rights
U.S. Department of Education
50 Beale Street, Suite 7200
San Francisco, CA 94105-1813
Telephone: 415-486-5555
FAX: 415-486-5570; TDD: 800-877-8339
Email: ocr.sanfrancisco@ed.gov

WHAT IS SEXUAL HARASSMENT?

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

1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant’s academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; or

2. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as limiting his or her ability to participate in or benefit from the services, activities or opportunities offered by the University; or

3. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as creating an intimidating, hostile or offensive environment.

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a classroom that are unrelated to the coursework.

Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on Gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

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

RIGHTS AND OPTIONS FOR VICTIMS OF SEXUAL MISCONDUCT, DATING AND DOMESTIC VIOLENCE, AND STALKING

The University is committed to creating and sustaining an educational and working environment free of sexual misconduct, dating and domestic violence, and stalking. If you experience any of these forms of misconduct, you are strongly encouraged to utilize the various on and off campus resources described below. Your safety and well-being is the University’s priority. This publication is intended to help you understand your rights and options, as well as provide you with information regarding support and assistance.

WHAT SHOULD I DO?

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

If you have experienced sexual misconduct (e.g., rape, acquaintance rape, or sexual battery), dating or domestic violence, or stalking, you are encouraged to seek immediate assistance from police and healthcare providers for your physical safety, emotional support and medical care.
University police can escort you to a safe place and transport you to a hospital or a sexual assault response center for a medical examination, if needed. University police can also provide access to a confidential Sexual Assault Victim’s Advocate. If you would prefer not to notify the police, you are strongly encouraged to seek assistance from the campus Title IX Coordinator who can provide you with information on your options, rights and remedies, and/or the Campus Sexual Assault Victim’s Advocate. The campus Title IX Coordinator is available to assist you in notifying the police, if you wish. The Sexual Assault Victim’s Advocate listed below can also assist you in notifying the police and/or the campus Title IX Coordinator.

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

WHOM SHOULD I CONTACT?
The University has designated a Title IX Coordinator to provide you with assistance and support, and to monitor and oversee overall compliance with laws and policies related to sexual misconduct, dating and domestic violence, and stalking. Your Campus Title IX Coordinator is available to explain and discuss your right to file a criminal complaint; the University’s relevant complaint process, and your right to receive assistance with that process, including the investigation process; how confidentiality is handled; available resources, both on and off Campus; and other related matters.

CSULA Title IX Coordinator:
Mariel S. Mulet
Director, Office for Equity, Diversity and Inclusion
5151 State University Drive, Administration, Rm. 606
Los Angeles, CA 90032
Mariel.Mulet@calstatela.edu
(323) 343-3040

Deputy Title IX Coordinator:
Letycia Gomez, Judicial Affairs Officer
Judicial Affairs Officer
5151 State University Drive, Student Affairs, Rm. 115A
Los Angeles, CA 90032
ltgomez@cslanet.calstatela.edu
(323) 343-3812

Deputy Title IX Coordinator:
Rebecca Palmer
Associate Director for Residence Life
5300 Paseo Rancho, Housing Services, Phase II
Los Angeles, CA 90032
rpalmer@cslanet.calstatela.edu
(323) 343-4812

Deputy Title IX Coordinator:
Sheila Hudson
Associate Athletics Director
5151 State University Drive, Physical Education, Rm. 105
Los Angeles, CA 90032
shudson@calstatela.edu
(323) 343-5240

University Police
Department of Public Safety
North End of Lot 1
5151 State University Drive
Los Angeles, California 90032
(323) 343-3700

Local Police
The Los Angeles Police Department
Hollenbeck Community Police Station
2111 E. 1st Street
Los Angeles, California 90033
(323) 342-4100 Voice
(323) 224-0125 TDD/TTY

Sexual Assault Victim’s Advocate
Sonia Rivera, Director of Sexual Assault & Emergency Services
1255 South Atlantic Blvd
Los Angeles, CA 90022
(800) 585-6231

U.S. Department of Education, Office for Civil Rights:
• (800) 421-3481 or ocr@ed.gov
• If you wish to fill out a complaint form online with the OCR, you may do so at: http://www2.ed.gov/about/offices/list/ocr/complaintintro.html.

The White House Task Force to Protect Students From Sexual Assault
• https://www:notalone.gov/

Medical & Counseling Services

Campus Services

Student Health Center
5151 State University Drive
Main Walkway, adjacent to the Career Development Center
Los Angeles, California 90032
(323) 343-3300

Office Hours:
Monday - Thursday 8:30am - 5:45pm
Friday 8:30am - 12:15pm

Medical Appointments (323) 343-3302
Counseling and Psychological Services (323) 343-3314
http://web.calstatela.edu/univ/hlth_ctr/SHC_CAPS.php

Domestic and Sexual Violence
http://web.calstatela.edu/univ/hlth_ctr/SAFE_Facts.php

Campus Domestic and Sexual Violence Resources
http://web.calstatela.edu/univ/hlth_ctr/SAFE_Campus.php

Gender and Sexuality Resource Center
5154 State University Drive, Room 206, U-SU Los Angeles, CA 90032 (323) 343-5001
http://www.calstatelausu.org/gsrc

Off-Campus Services

Sex Assault Center
VIP Urgent Care Center (24 hour-care) LAC+USC Medical Center 2010 Zonal Avenue Los Angeles, CA 90033 (323) 226-3961
Advocate can assist you in notifying the police if you choose. A counselor, Sexual Assault Victim’s Advocate and/or support person of your choice present with you during a rape examination. You also have the right to have a sexual assault counselor present with you during the crime, as well as seek medical or counseling treatment. If you already cleaned up from the assault, you can still report the crime, do not wash your face or hands; (2) do not shower or bathe; (3) do not brush your teeth; (4) do not change clothes or straighten up the area where the assault took place; (5) do not dispose of clothes or other items that were present during the assault, or use the restroom; and, (6) seek a medical exam immediately. If you already cleaned up from the assault, you can still report the crime, as well as seek medical or counseling treatment. You may consult with the Campus Title IX Coordinator or Sexual Assault Victim’s Advocate (see contact information above) for assistance as well.

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

You have several reporting options, and you may pursue one or more of these options at any time. It is your right to have a friend, family member, Sexual Assault Victim’s Advocate, or other representative present with you while reporting the incident. You also have the right to have a sexual assault counselor, Sexual Assault Victim’s Advocate and/or support person of your choice present with you during a rape examination.

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

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

Administrative: You may report to the Campus Title IX Coordinator, who will provide you with written and verbal information regarding applicable University complaint procedures for investigating and addressing the incident. The Title IX Coordinator will also provide you with information regarding your rights and options. Contact information for the Title IX Coordinator is listed above.

The Campus Title IX Coordinator will also discuss with you any reasonable interim remedies the University may offer prior to conclusion of an investigation or potential disciplinary action to reduce or eliminate negative impact on you and provide you with available assistance. Examples include: adjustment to work assignments, course schedules or supervisory reporting relationship; requiring the Respondent to move from University-owned or affiliated housing; immediately prohibiting the Respondent from coming to the University; or prohibiting the Respondent from contacting the parties involved in the reported incident. These options may be available to you whether or not you choose to report the incident to Campus police or law enforcement. The Title IX Coordinator remains available to assist you and provide you with reasonable remedies requested by you throughout the reporting, investigative, and disciplinary processes, and thereafter.

If it is determined that University policy3 was violated, the Respondent will be subject to discipline, up to and including dismissal from University employment or expulsion from the University. You are entitled to be accompanied to any related meeting or proceeding by an advisor of your choice, including a Sexual Assault Victim’s Advocate or domestic violence counselor. However, if you do not wish to participate in an investigation or hearing process, you have the right to decline to do so.

Health/Counseling/Clergy: You may choose to seek advice and assistance from physicians, psychotherapists, professional counselors, clergy, sexual assault and domestic violence counselors and advocates, including individuals who work or volunteer for them.

Civil Lawsuit: You may choose to file a civil lawsuit against the Respondent, whether or not criminal charges have been filed. A civil lawsuit provides you the opportunity to recover actual damages, which may include compensation for medical expenses, lost wages, pain, suffering, and emotional distress.

You may also choose to obtain a protective or restraining order (such as a domestic violence restraining order or a civil harassment restraining order). Restraining orders must be obtained from a court in the jurisdiction where the incident occurred. Restraining orders can protect victims who have experienced or are reasonably in fear of physical violence, sexual misconduct, dating or domestic violence, or stalking. University Police and your Campus Title IX Coordinator can offer assistance with obtaining a protective or restraining order.

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

CONFIDENTIALITY—KNOW YOUR OPTIONS

We encourage victims of sexual misconduct, dating or domestic violence, or stalking to talk to someone about what happened so you can get the support you need, and so the University can respond appropriately. Whether—and the extent to which—a University employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends on the Employee’s position and responsibilities at the University. This information is intended to make you aware of the various reporting and confidential disclosure options available to you—so you can make informed choices about where to turn for help. The University encourages victims to talk to someone identified in one or more of these groups:

As explained below, some employees are required by law to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.” Other Employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Some employees are required to report all details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX Coordinator. A report to these employees constitutes a report to the University, and generally creates a legal obligation for the University to investigate the incident and take appropriate steps to address the situation.

Privileged and Confidential Communications

Physicians, Psychotherapists, Professional Counselors and Clergy—Physicians, psychotherapists, professional, licensed counselors, and clergy who work or volunteer on or off campus acting solely in those roles or capacity, in the provision of medical or mental health treatment or counseling (including those who work or volunteer in those offices) may not report any information about an incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from physicians; psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal your identity or the fact of your disclosure. However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to you, if applicable. Following is the contact information for professional counselors and physicians (if any) on campus:

Hai Ho, MD, Physician – (323) 343-3302
Paul Kim, MD, Physician - (323) 343-3302
Rolando Tringale, MD, Physician - (323) 343-3302
Erica Gomez, PA-C - (323) 343-3302
Lisa Protes-Bush, PA-C - (323) 343-3302
Hiawatha Harris, MD, Psychiatrist - (323) 343-3314
Joseph Ortego, MD, Psychiatrist - (323) 343-3314
Jonna Fries, Psy.D, Counselor - (323) 343-3314
Jackie Meltz, Psy.D., LCSW, Counselor - (323) 343-3314
Maritza Nigro, LCSW, Counselor - (323) 343-3314
Paris Silva, LCSW, Counselor - (323) 343-3314
Richard Sinacola, Ph.D., Counselor – (323) 343-3314

Sonia Rivera, Director of Sexual Assault & Emergency Services, East Los Angeles Women’s Center – (800) 585-6231
Joanna Gaspar, Senior Health Educator – (323) 343-3341
Marisa Marcarello, Health Educator – (323) 343-3347

If you speak only to a physician, professional counselor, clergy member, sexual assault counselor, domestic violence counselor or advocate, you must understand that the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the perpetrator, if you choose to maintain confidentiality.

Sexual Assault and Domestic Violence Counselors and Advocates– Sexual assault and domestic violence counselors and advocates who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women’s centers, and health centers (including all individuals who work or volunteer in these centers and offices, as well as non-professional counselors or advocates, and those who act in that role under their supervision) may talk to you without revealing any information about you or the incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal your identity or that you disclosed an incident to them. However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to you, if applicable. Following is contact information for sexual assault and domestic violence counselors and advocates:

EXCEPTIONS: Under California law, any health practitioner employed in a health facility, clinic, physician’s office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a physical condition to a patient/victim who he or she knows or reasonably suspects is suffering from: (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including sexual misconduct and dating and domestic violence). This exception does not apply to sexual assault and domestic violence.

STUDENT CONDUCT (continued)
violence counselors and advocates. Health care practitioners will explain this limited exception to you, if applicable.

Additionally, under California law, all professionals described above (physicians, psychotherapists, professional counselors, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to you, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to: (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the incident. If applicable, these professionals will explain this limited exception to you.

Reporting to University or Local Police
If you report certain sex offenses to local or University Police, the police are required to notify you that your name will become a matter of public record unless confidentiality is requested.

If you request that your identity be kept confidential, your name will not become a matter of public record and the police will not report your identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator your name/identity, or compromise their own criminal investigation.

The Title IX Coordinator will inform you prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s response to the incident. The University will protect the privacy of individuals involved except as otherwise required by law or University policy. A report may result in the gathering of extremely sensitive information about you and other individuals in the Campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a reported incident. In such cases, efforts will be made to redact the records, as appropriate, in order to protect your identity and privacy and the privacy of other involved individuals.

The Title IX Coordinator can be reached at:
Office for Equity, Diversity and Inclusion
Mariel S. Mulet, Director
5151 State University Drive, Administration, Rm. 606
Los Angeles, CA 90032
Mariel.Mulet@calstatela.edu
(323) 343-3040
Office hours Monday through Friday 8 a.m. to 5 p.m.

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

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

- Provide interim remedies requested by you, if they are reasonably available, regardless of whether you choose to report sexual misconduct, dating or domestic violence, or stalking to Campus or local police;
- Assist you in accessing other available victim advocacy, academic support, counseling, disability, medical/health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include
ISSUING A NO-CONTACT ORDER, HELPING ARRANGE A CHANGE OF CAMPUS-BASED LIVING OR WORKING ARRANGEMENTS OR COURSE SCHEDULES (INCLUDING FOR THE RESPONDENT PENDING THE OUTCOME OF THE INVESTIGATION) OR ADJUSTMENTS FOR ASSIGNMENTS, TESTS, OR WORK DUTIES; AND
• INFORM YOU OF YOUR RIGHT TO REPORT A CRIME TO UNIVERSITY OR LOCAL POLICE – AND PROVIDE YOU WITH ASSISTANCE IF YOU WISH TO DO SO.

THE UNIVERSITY WILL NOT REQUIRE YOU TO PARTICIPATE IN ANY INVESTIGATION OR DISCIPLINARY PROCEEDING IF YOU DO NOT WISH TO PARTICIPATE.

THE UNIVERSITY WILL NOT GENERALLY NOTIFY PARENTS OR LEGAL GUARDIANS OF YOUR REPORT UNLESS YOU ARE UNDER THE AGE OF 18 OR YOU PROVIDE THE UNIVERSITY WITH WRITTEN PERMISSION TO DO SO.

UNDER CALIFORNIA LAW, AND PURSUANT TO UNIVERSITY POLICY, CERTAIN UNIVERSITY EMPLOYEES, INCLUDING THE TITLE IX COORDINATOR, ARE MANDATORY CHILD ABUSE AND NEGLECT REPORTERS AND SHOULD EXPLAIN TO VICTIMS UNDER 18 YEARS OF AGE THAT THEY ARE REQUIRED TO REPORT THE INCIDENT TO THE POLICE.

HOWEVER, THE IDENTITY OF THE PERSON WHO REPORTS AND THE REPORT ITSELF ARE CONFIDENTIAL AND DISCLOSED ONLY AMONG APPROPRIATE AGENCIES.

BECAUSE THE UNIVERSITY IS UNDER A CONTINUING LEGAL OBLIGATION TO ADDRESS THE ISSUE OF SEXUAL MISCONDUCT, DATING AND DOMESTIC VIOLENCE, AND STALKING CAMPUS-WIDE, ANY SUCH REPORTS (INCLUDING NON-IDENTIFYING REPORTS) MAY ALSO PROMPT THE UNIVERSITY TO CONSIDER BROADER REMEDIAL ACTION – SUCH AS INCREASED MONITORING, SUPERVISION OR SECURITY AT LOCATIONS WHERE THE REPORTED INCIDENT OCCURRED; INCREASED EDUCATION, TRAINING AND PREVENTION EFFORTS, INCLUDING TO TARGETED POPULATION GROUPS; CONDUCTING CLIMATE ASSESSMENTS/VICTIMIZATION SURVEYS; AND/OR REVISING ITS POLICIES AND PRACTICES.

NOTE: IF THE UNIVERSITY DETERMINES THAT THE PERPETRATOR POSES A SERIOUS AND IMMEDIATE THREAT TO THE CAMPUS COMMUNITY, A DESIGNATED CAMPUS SECURITY AUTHORITY UNDER THE CLERY ACT MAY BE CALLED UPON TO ISSUE A TIMELY WARNING TO THE COMMUNITY. ANY SUCH WARNING WILL NOT INCLUDE ANY INFORMATION THAT IDENTIFIES THE VICTIM.

A REPORTER, AM I PROTECTED FROM RETALIATION?

YES, UNIVERSITY POLICIES PROHIBIT RETALIATION AGAINST A PERSON WHO:
• REPORTS SEXUAL MISCONDUCT, DATING OR DOMESTIC VIOLENCE, OR STALKING;
• ASSISTS SOMEONE WITH SUCH A REPORT; OR
• PARTICIPATES IN ANY MANNER IN ANY RELATED INVESTIGATION OR RESOLUTION.

NO OFFICER, EMPLOYEE OR AGENT OF THE UNIVERSITY SHALL RETALIATE, INTIMIDATE, THREATEN, COERCE, OR OTHERWISE DISCRIMINATE AGAINST ANY INDIVIDUAL FOR EXERCISING HIS/HER RIGHTS OR RESPONSIBILITIES. RETALIATION INCLUDES THREATS, INTIMIDATION, REPRISALS, AND/OR ADVERSE ACTIONS RELATED TO EMPLOYMENT OR EDUCATION. RETALIATION, IF PROVEN, IS A VIOLATION OF UNIVERSITY POLICIES AND MAY RESULT IN DISCIPLINE, UP TO AND INCLUDING TERMINATION OF EMPLOYMENT OR EXPULSION FROM THE UNIVERSITY.

WHAT ELSE MIGHT HAPPEN IF I NOTIFY UNIVERSITY POLICE?

SHOULD YOU CHOOSE TO NOTIFY UNIVERSITY POLICE, YOU WILL BE ESCORTED TO A SAFE PLACE IF NECESSARY, AND MAY BE TRANSPORTED TO A HOSPITAL OR SEXUAL RESPONSE ASSAULT CENTER FOR A MEDICAL EXAM. UNIVERSITY POLICE CAN ALSO PROVIDE ACCESS TO A CONFIDENTIAL SEXUAL ASSAULT VICTIM'S ADVOCATE, IF DESIRED. FIRST AND FOREMOST, THE MEDICAL EXAM YOU RECEIVE FROM A HOSPITAL OR SEXUAL ASSAULT RESPONSE CENTER TREATS ANY PHYSICAL INJURY OR EFFECT. THE EXAM MAY INCLUDE A VAGINAL AND/OR ANAL EXAMINATION, TESTING, AND PROPHYLACTIC TREATMENT FOR SEXUALLY TRANSMITTED INFECTIONS AND POSSIBLE PREGNANCY.

SECOND, THE MEDICAL EXAM PROPERLY COLLECTS AND PRESERVES EVIDENCE. SEEKING A MEDICAL EXAM FOR TREATMENT AND EVIDENCE COLLECTION DOES NOT COMMIT YOU TO ANY PARTICULAR COURSE OF ACTION, AND YOUR MEDICAL RECORDS ARE CONFIDENTIAL.

WHAT CSU PROCEDURES ARE AVAILABLE?

THE UNIVERSITY HAS FORMAL WRITTEN PROCEDURES THAT PROVIDE FOR A CAMPUS INVESTIGATION OF REPORTS OF SEXUAL MISCONDUCT, DATING AND DOMESTIC VIOLENCE, AND STALKING, WRITTEN FINDINGS SENT TO THE COMPLAINANT AND THE RESPONDENT, AND A REVIEW OF THE CAMPUS INVESTIGATIVE FINDINGS BY THE CSU CHANCELLOR’S OFFICE. THE PROCEDURE FOR CSU EMPLOYEES AND THIRD PARTIES IS SEPARATE FROM, BUT SIMILAR TO THE PROCEDURE FOR CSU STUDENTS. YOUR CAMPUS TITLE IX COORDINATOR CAN EXPLAIN THESE PROCEDURES IN DETAIL. PLEASE VISIT THE TITLE IX COORDINATOR’S WEBSITE FOR FURTHER INFORMATION AT HTTP://WEB.CALSTATELA.EDU/UNIV/HRM/TITLE_IX.PHP.

AT THE CONCLUSION OF THE UNIVERSITY’S COMPLAINT PROCEEDING, ANY EMPLOYEE OR STUDENT FOUND TO HAVE VIOLATED UNIVERSITY POLICY WILL BE SUBJECT TO DISCIPLINE. DISCIPLINE WOULD BE ADMINISTERED CONSISTENT WITH APPLICABLE COLLECTIVE BARGAINING AGREEMENTS AND MPP/CONFIDENTIAL PERSONNEL PLANS (FOR EMPLOYEES), UNIVERSITY POLICIES AND LEGAL REQUIREMENTS. AS THE VICTIM, YOU ARE NOT REQUIRED TO PARTICIPATE IN ANY UNIVERSITY DISCIPLINARY PROCEDURE AND MAY CHOOSE NOT TO BE A PART OF IT.

DISCIPLINARY PROCEDURES FOR SEXUAL MISCONDUCT, DATING AND DOMESTIC VIOLENCE, AND STALKING WILL:
• PROVIDE A PROMPT, FAIR, AND IMPARTIAL PROCESS AND RESOLUTION;
• BE CONDUCTED BY OFFICIALS WHO RECEIVE ANNUAL TRAINING ON SEXUAL MISCONDUCT, DATING AND DOMESTIC VIOLENCE, AND STALKING, INCLUDING HOW TO CONDUCT A PROCESS THAT PROTECTS THE SAFETY OF VICTIMS AND PROMOTES ACCOUNTABILITY;
• PROVIDE THE COMPLAINANT AND THE RESPONDENT THE SAME OPPORTUNITY TO BE ACCOMPANYED TO ANY RELATED MEETING OR PROCEEDING BY THE ADVISOR OF THEIR CHOICE;
• SIMULTANEOUSLY INFORM THE COMPLAINANT AND THE RESPONDENT IN WRITING OF:
  • THE OUTCOME OF THE DISCIPLINARY PROCEEDING;
  • THE PROCEDURES AVAILABLE TO APPEAL THE RESULTS OF THE DISCIPLINARY PROCEEDING;
  • ANY CHANGE TO THE DISCIPLINARY RESULTS THAT OCCURS PRIOR TO THE TIME SUCH RESULTS BECOME FINAL; AND
  • WHEN DISCIPLINARY RESULTS BECOME FINAL.

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WHAT ARE SEXUAL MISCONDUCT, DATING AND DOMESTIC VIOLENCE, STALKING, AND AFFIRMATIVE CONSENT?

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

Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical sexual acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, and dating violence. When it is based on gender, domestic violence and stalking also constitute sexual misconduct. Sexual misconduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person’s intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person’s incapacitation (including voluntary intoxication). Men as well as women can be victims of these forms of sexual misconduct. Sexual activity with a minor is never consensual when the Complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

a. Sexual Assault is a form of sexual misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person’s gender or sex.

b. Sexual Battery is a form of sexual misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person’s gender or sex as well as touching an intimate part of another person against that person’s will and for the purpose of sexual arousal, gratification, or abuse.

c. Rape is a form of sexual misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical disability renders a person incapable of giving consent. The Respondent’s relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of affirmative consent below.)

d. Acquaintance Rape is a form of sexual misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

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

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

Stalking means engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for his/her or others’ safety or to suffer substantial emotional distress. For purposes of this definition:

Course of Conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property;

Reasonable Person means a reasonable person under similar circumstances and with the same protected statuses as the Complainant;

Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

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

The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of affirmative consent. A request for someone to use a condom or birth control does not, in and of itself, constitute affirmative consent.
Affirmative consent can be withdrawn or revoked. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity (or other sexual acts). Consent given to sexual activity on one occasion does not constitute consent on another occasion. There must always be mutual and affirmative consent to engage in sexual activity. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once affirmative consent is withdrawn or revoked, the sexual activity must stop immediately.

Affirmative consent cannot be given by a person who is incapacitated. A person is unable to consent when s/he is asleep, unconscious, or is incapacitated due to the influence of drugs, alcohol or medication so that s/he could not understand the fact, nature, or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions.

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

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

Sexual activity with a minor (a person under 18 years old) is never consensual, because a minor is considered incapable of giving consent due to age.

It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonably should have known that the person was unable to consent to the sexual activity under any of the following circumstances:

- The person was asleep or unconscious;
- The person was incapacitated due to the influence of drugs, alcohol, or medication, so that the person could not understand the fact, nature, or extent of the sexual activity;
- The person was unable to communicate due to a mental or physical condition.

It shall not be a valid excuse to alleged lack of affirmative consent that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:

- The Respondent’s belief in affirmative consent arose from the intoxication or recklessness of the Respondent;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.

SMOKING
For the health of all members of the university community, smoking is prohibited in all enclosed indoor areas on campus, and within 20 feet of any building.

STANDARDS FOR STUDENT CONDUCT
Inappropriate conduct by students or by applicants for admission is subject to student discipline as described in the California Code of Regulations, Title 5, Subsections 41301 and 41302.

(a) Campus Community Values
The University is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Each member of the campus community should choose behaviors that contribute toward this end. Students are expected to be good citizens and to engage in responsible behaviors that reflect well upon their university, to be civil to one another and to others in the campus community, and contribute positively to student and university life.

(b) Grounds for Student Discipline
Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate consequences. The following are the grounds upon which student discipline can be based:

(1) Dishonesty, including:
   - Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.
   - Furnishing false information to a University official, faculty member, or campus office.
   - Forgery, alteration, or misuse of a University document, key, or identification instrument.
   - Misrepresenting one’s self to be an authorized agent of the University or one of its auxiliaries.

(2) Unauthorized entry into, presence in, use of, or misuse of University property.

(3) Willful, material and substantial disruption or obstruction of a University-related activity, or any on-campus activity.

(4) Participating in an activity that substantially and materially disrupts the normal operations of the University, or infringes on the rights of members of the University community.

(5) Willful, material and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to campus property or an off-campus University related activity.

(6) Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the University community.

(7) Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, or sexual misconduct.
(8) Hazing, or conspiracy to haze. Hazing is defined as any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university or other educational institution in this state (Penal Code 245.6), and in addition, any act likely to cause physical harm, personal degradation or disgrace resulting in physical or mental harm, to any former, current, or prospective student of any school, community college, college, university or other educational institution. The term “hazing” does not include customary athletic events or school sanctioned events.

Neither the express or implied consent of a victim of hazing, nor the lack of active participation in a particular hazing incident is a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section.

(9) Use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and University regulations) or the misuse of legal pharmaceutical drugs.

(10) Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity.

(11) Theft of property or services from the University community, or misappropriation of University resources.

(12) Unauthorized destruction, or damage to University property or other property in the University community.

(13) Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals (without the prior authorization of the campus president) on campus or at a University related activity.

(14) Unauthorized recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose.

(15) Misuse of computer facilities or resources, including:
   (A) Unauthorized entry into a file, for any purpose.
   (B) Unauthorized transfer of a file.
   (C) Use of another’s identification or password.
   (D) Use of computing facilities, campus network, or other resources to interfere with the work of an other member of the University community.
   (E) Use of computing facilities and resources to send obscene or intimidating and abusive messages.
   (F) Use of computing facilities and resources to interfere with normal University operations.
   (G) Use of computing facilities and resources in violation of copyright laws.
   (H) Violation of a campus computer use policy.

(16) Violation of any published University policy, rule, regulation or presidential order.

(17) Failure to comply with directions or, or interference with, any University official or any public safety officer while acting in the performance of his/her duties.

(18) Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or well being of members of the University community, to property within the University community or poses a significant threat of disruption or interference with University operations.

(19) Violation of the Student Conduct Procedures, including:
   (A) Falsification, distortion, or misrepresentation of information related to a student discipline matter.
   (B) Disruption or interference with the orderly progress of a student discipline proceeding.
   (C) Initiation of a student discipline proceeding in bad faith.
   (D) Attempting to discourage another from participating in the student discipline matter.
   (E) Attempting to influence the impartiality of any participant in a student discipline matter.
   (F) Verbal or physical harassment or intimidation of any participant in a student discipline matter.
   (G) Failure to comply with the sanction(s) imposed under a student discipline proceeding.

(20) Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

(c) Procedures for Enforcing This Code

The Chancellor shall adopt procedures to ensure students are afforded appropriate notice and an opportunity to be heard before the University imposes any sanction for a violation of the Student Conduct Code.

(d) Application of This Code

Sanctions for the conduct listed above can be imposed on applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is pending. Conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the University is within the jurisdiction of this Article regardless of whether it occurs on or off campus. Nothing in this Code may conflict with Education Code Section 66301 that prohibits disciplinary action against students based on behavior protected by the First Amendment.

Note: Authority cited: Sections 66017, 66452, 66600, 69810, 89030, 89030.1 and 89035, Education Code. Reference: Sections 66450, 69813 et seq. and 89030, Education Code; and Section 245.6, Penal Code.
Terms contained within this Notice are intended to be gender neutral.

Executive Order 1096 (Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Procedure for Addressing Such Complaints by Employees and Third Parties); Executive Order 1097 (Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students).


Executive Order 1096 (Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Procedure for Addressing Such Complaints by Employees and Third Parties); Executive Order 1097 (Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students).


Assaultive or abusive conduct is defined to include a list of 24 criminal offenses, including sexual battery, incest, rape, spousal rape, abuse of a spouse or cohabitant, and any attempt to commit these crimes. See Cal. Penal Code §§ 11160-11163.2.

See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.


If there is a health and safety issue (e.g., immediate threat to self or others), the University may notify parents or legal guardians, regardless of the victim’s age, as allowed under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.


Executive Order 1096 (Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Employees and Third Parties and Procedure for Addressing Such Complaints by Employees and Third Parties); Executive Order 1097 (Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking Against Students and Systemwide Procedure for Addressing Such Complaints by Students); Executive Order 1095 (Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy.)