Office Memorandum

Date: October 19, 2015

To: All Employees

From: William A. Covino
President

Copies: L. Chavez, J. Dial, J. Gomez, L. Mahoney, P. Quan, N. Wada-McKee

Subject: Annual Notification of Campus Statement of Nondiscrimination, Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy, Policy Regarding Consensual Relationships between Employees or Employees and Students and Statement of Compliance with the Americans with Disabilities Act

Each year the University is required to inform the campus community of its commitment to nondiscrimination, Title IX of the Education Amendment Act of 1972, related sex discrimination, sexual harassment and sexual violence federal and state legislation as well as the policy on the prohibition of sexual harassment and sexual misconduct, and compliance with the Americans with Disabilities Act. In addition, those specific areas copied below must ensure that these policy statements appear in their respective publications at least annually. The University's policies and summary statements are attached.

Thank you for your cooperation and assistance in this matter. If you have any questions, please contact the Office for Equity, Diversity and Inclusion/Title IX Coordinator, Human Resources Management, Administration Building Room 606, extension 3-3040.

COPIES:
C. Lenz, Career Development Center; F. Smith, University-Student Union; R. Tran, University-Student Union; J. Celaya-Davis, University-Student Union; M. Jazabli, Student Health Center; C. Cobb, Registrar's Office; R. Lopez, Communications and Public Affairs; M. Hawley, Undergraduate Studies; K. Elliot-Brown, Graduate Studies; E. Bullard, Professional and Global Education; P. McAllister, Arts and Letters; J. Goodrich, Business and Economics; C. Ney, Charter College of Education; E. Allen, Engineering, Computer Science, and Technology; B. Yorker, Health and Human Services; S. Bowman, Natural and Social Sciences; A. Kawakami, University Librarian; D. Bridges, Athletics; T. Pham, Honors College.

Office of the President
California State University, Los Angeles

NONDISCRIMINATION STATEMENT

California State University, Los Angeles, affirms its commitment to equality of opportunity for all individuals. This 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 other 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 nondiscrimination 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.
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 persons have been designated to handle inquiries regarding the non-discrimination policies:

**Title IX Coordinator:**

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

**Deputy Title IX Coordinators:**

Judicial Affairs Office  
**Letycia Gomez,** Judicial Affairs Officer  
5151 State University Drive, Student Affairs, Rm. 115A  
Los Angeles, CA 90032  
lgomalez@cslanet.calstatela.edu  
(323) 343-3812

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

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

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, 415-486-555.
California State University, Los Angeles

California State University, Los Angeles, will take action to eliminate and prevent sexual harassment and to address its effects, as mandated by the Chancellor Office's Executive Orders No. 1095, 1096 and 1097, revised on June 23, 2015.


Sexual harassment is conduct subject to disciplinary action, including termination.

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.
California State University, Los Angeles

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.
California State University, Los Angeles

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:
California State University, Los Angeles

- 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.

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.

WHO SHALL I CONTACT? CONFIDENTIAL AND LIMITED CONFIDENTIAL RESOURCES

Privileged and Confidential Communications

Physicians, Psychotherapists, Professional Counselors and Clergy\(^1\) – 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.

Sexual Assault and Domestic Violence Counselors and Advocates\(^2\) – 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.

**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

---

\(^1\) See Cal. Evid. Code § 990 *et seq.*, § 1010 *et seq.*, and § 1030 *et seq.*

abusive conduct (including sexual misconduct and dating and domestic violence). This exception does not apply to sexual assault and domestic 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 University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, your name/identity will not be revealed.

**Reporting to the Title IX Coordinator and Other University Employees**

Most University employees have a duty to report incidents of sexual misconduct, dating and domestic violence, and stalking when they are on notice of it. When you tell the Title IX Coordinator or another University employee about an incident, you have the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, we strongly encourage victims to report sexual misconduct, dating and domestic violence, and stalking directly to the Title IX Coordinator.

---

3 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.

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


As detailed above, all University employees except physicians, licensed counselors, sexual assault victim’s advocates must report to the Title IX Coordinator all relevant details about incidents of which they become aware. The University will need to determine what happened and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University employee will be shared only with individuals 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 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.

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.

**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.

---

8 See Cal. Penal Code §§ 11164-11174.3; see also CSU Executive Order 1083 or any superseding executive order.
9 See Cal. Penal Code § 11167(d).
California State University, Los Angeles

Please see specific rules and procedures for reporting complaints of sexual harassment and for pursuing available remedies in the links to applicable Executive Orders listed above. Additional information is available in the following locations: Human Resources Management; Office for Equity, Diversity and Inclusion; Office of the Vice President for Student Affairs; and the University Student Health Center.

Contact the following University personnel or departments for help or to report a violation:

University Title IX Coordinator

Mariel S. Mulet
Director, Equity, Diversity and Inclusion
(323) 343-3040
Mariel.Mulet@calstatela.edu

Deputy Title IX Coordinators

Letycia Gomez
Judicial Affairs Officer
Student Affairs
(323) 343-3812
LtGomez@cslanet.calstatela.edu

Sheila Hudson
Associate Athletics Director
Intercollegiate Athletics
(323) 343-5240
Shudson@calstatela.edu

Rebecca Palmer
Associate Director, Housing Services
(323) 343-4812
Rpalmer@cslanet.calstatela.edu

University Police
(323) 343-3700

CONFIDENTIAL RESOURCES:

Student Health Center
Counseling and Psychological Services
(323) 343-3314

Sexual Assault Victim’s Advocate
Sonia Rivera
Director of Sexual Assault & Emergency Services
East Los Angeles Women’s Center
(800) 585-6231
Executive Order 1096, Systemwide Policy Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and Systemwide Procedure for Addressing Such Complaints by Employees and Third Parties Executive Order 1096 Revised June 23, 2015 states as follows:

**Consensual Relationships.** Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the University community may begin as consensual, they may evolve into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking subject to this policy.

A CSU Employee shall not enter into a consensual relationship with a Student or Employee over whom s/he exercises or influences direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, the Employee should report the relationship to the appropriate head of the organizational unit (e.g., Dean or Director) and that person will implement procedures to reassign such authority to avoid violations of this policy and/or the University policy on Nepotism.10

This prohibition does not limit the right of an Employee to make a recommendation on personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or Management Personnel Plan.

For more information, contact:

University Title IX Coordinator
Mariel S. Mulet
Director, Equity, Diversity and Inclusion
Human Resources Management
(323) 343-3040
Mariel.Mulet@calstatela.edu

---

California State University, Los Angeles

NOTIFICATION OF COMPLIANCE WITH THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, AS AMENDED

California State University, Los Angeles, does not permit discrimination on the basis of disability in admission to, access to, or operation of its instruction, programs, services, or activities, or in its hiring and employment practices. Also, the University does not permit unlawful harassment based on a protected disability. In addition, the University does not permit discrimination or unlawful harassment based on an applicant’s, employee’s, or student’s relationship with or association with anyone with a known protected disability.

Upon request, the University will consider a request for reasonable accommodation(s) when needed to facilitate the participation of qualified individuals with protected disabilities. Reasonable accommodations will be considered to permit qualified individuals with protected disabilities to: (a) complete the admission/employment process; (b) perform essential job functions; (c) participate in instruction, programs, services or activities; and, (d) enjoy other benefits and privileges of similarly situated individuals without disabilities.

Questions, concerns, complaints and requests for reasonable accommodation or additional information may be forwarded to Human Resources Management, Office for Equity, Diversity and Inclusion, the campus office assigned responsibility for compliance with the ADA. 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.