Procedures and Guidelines for Supporting Students Affected by Sexual Misconduct

Policy Statement:
The CSU is committed to maintaining an inclusive community that values diversity and fosters tolerance and mutual respect. We embrace and encourage our community differences in Age, Disability, Race or Ethnicity, Gender, Gender Identity or Expression, Nationality, Religion, Sexual Orientation, Genetic Information, Veteran or Military Status, and other characteristics that make our community unique. All Students have the right to participate fully in CSU programs and activities free from Discrimination, Harassment, and Retaliation. The CSU prohibits Harassment of any kind, including Sexual Harassment, as well as Sexual Misconduct, Dating and Domestic Violence, and Stalking. Such behavior violates University policy and may also violate state or federal law.

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 sexual activity is Sexual Misconduct and constitutes a violation of this policy, whether or not the sexual activity violates any civil or criminal law.

Our policy is established in compliance with the California Equity in Higher Education Act, Title IX, VAWA/Campus SaVE Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, among other applicable state and federal laws.

Step 1: Filing a Complaint
A student may submit a written* complaint to the Title IX Coordinator or designee. The campus may determine that circumstances warrant initiating an investigation even if a complaint has not been filed.

Step 2: Intake Interview
No later than 10 Working Days after the complaint was received, the Title IX Coordinator or designee will meet with the complainant and a Safer advocate (or advisor of their choice) to conduct an initial intake interview and will acquaint the student with the investigation procedure and timelines, anti-retaliation provision, advise of available campus resources and reporting options, and discuss interim remedies as appropriate. Details, facts, evidence and witness information are gathered.

Step 3: Impartial Fact Finding Investigation Begins
The Title IX Coordinator or designee meets with the respondent and a Safer advisor (or advisor of their choice) to explain the investigation procedures, provide a description of the allegations, provide an opportunity for the respondent to respond to the allegations, and discuss interim remedies as appropriate. Details and facts, evidence and witness information are gathered.

Witnesses are contacted and scheduled for interviews with the investigator. Facts and supporting evidence are reviewed.

The investigation shall be completed no later than 60 working days after the intake interview, and may be extended by mutual agreement.

Updated: 8/18/15
Step 4: **Follow up Interviews/Pre-Determination Meeting with Complainant**
Within the investigation timeline, follow up interview(s) with the complainant are done to review facts and provide an opportunity to offer any additional information to be considered.

Step 5: **Follow up Interviews/Pre-Determination Meeting with Respondent**
Within the investigation timeline, follow up interview(s) with the respondent are done to review facts and provide an opportunity to offer any additional information to be considered.

Step 6: **Investigation Report**
Within the 60 day investigation period stated, the investigator shall prepare an investigative report. The report shall include a summary of the allegations, the investigative process, the preponderance of evidence standard (greater weight of the evidence), a detailed description of the evidence considered, and appropriate findings.

Step 7: **Notice of Investigation and Outcome and Student Support**
Within 10 Working Days of completion of the investigation, the complainant and respondent will be notified in writing of the investigation outcome by the Title IX Coordinator.

The complainant and the respondent will have 10 working days after the date of the Notice of Investigation Outcome to appeal the Campus investigation outcome to the Chancellor’s Office.

The Student Conduct Administrator (SCA) shall offer the complainant the opportunity to meet with the student conduct administrator separately, prior to the conference. Within 10 Working Days after the SCA receives the final investigation report – or, if an appeal was filed, the final appeal outcome, and after the Complainant has been given 10 Working Days to have a Conference with the SCA, the SCA shall notify the Student charged in writing that a conference has been scheduled or that the Student is directed to promptly schedule a conference with the SCA.

Step 8: **Final Notice**
The SCA shall promptly notify the Title IX Coordinator of the outcome of the conferences with the Student and the Complainant(s). After the final outcome, whether it is the hearing or disciplinary conference, the Title IX Coordinator shall:

1) Notify the Complainant(s) of the outcome of the conference, including any proposed resolution agreement as well as the Complainant’s right to appeal any proposed resolution agreement to the CO pursuant to Article IV

2) Take any appropriate further steps to address the effects of any Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking.

3) Identify and address any remaining systemic or other patterns of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking at the Campus.

**Sanctions may include, but are not limited to,**

- Sexual misconduct education program
- Probation, suspension or expulsion
- No contact and no retaliation notice

*The Title IX Coordinator or designee shall offer reasonable accommodations to Students who are unable to submit a written complaint because of a disability.*