



Stanislaus State's Annual Title IX Report July 2016 to June 2017

Stanislaus State will maintain an environment in which all persons who live, work and learn here are free from all forms of discrimination and harassment, including violence and sexual misconduct. Sex offenses threaten the emotional, physical and psychological well-being of our students, staff and faculty and endanger the safety of our community. Sex offenses affect our students' ability to feel safe on our campus and achieve their greatest potential in the classroom.

The annual report provides information about complaints of sexual violence reported to the Title IX office for the reporting period of July 1, 2016 to June 30, 2017 and the actions taken to address these complaints.

This report should raise awareness of sexual violence to encourage reporting and participation in our programs to prevent sexual violence. This report does not contain identifying information about specific matters to protect the privacy of all.

Sexual violence as defined in California State University (CSU) Executive Orders encompasses a broad range of behaviors. Due to privacy obligations, this report cannot convey the variety and complexity of circumstances of each incident. This report includes complaints of sexual misconduct committed by or against a member of our campus community independent of criminal complaints and geographic location. This report includes incidents that occurred outside the reporting period but were reported during the reporting period.

Policies

The Title IX office is a neutral resource for the campus community to report concerns about sexual violence to the University and to have those concerns addressed. The Title IX webpage can be found at www.csustan.edu/titleix.

The following are CSU policies in effect during the reporting period:

Executive Order 1095 Revised June 23, 2015, the Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy

Executive Order 1096 Revised June 23, 2015, the 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 1097 Revised June 23, 2015, the Systemwide *Policy* Prohibiting Discrimination, Harassment and Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide *Procedure* for Addressing Such Complaints by Students

The full text of the Executive Orders can be found at www.calstate.edu/eo/.

Reported Policy Violations

Under CSU policies, the Title IX office responds to reported policy violations. Sometimes, the report of misconduct may follow the complaint procedures in the Executive Orders. When this occurs, the Title IX office investigates the complaint and reaches a determination on whether or not a preponderance of the evidence reflects that the respondent violated the policy. Where a violation is found, the finding is referred to the applicable disciplinary process.

CSU Executive Orders 1096 and 1097 include the option to resolve a concern of possible misconduct without an investigation. The cases resolved by Early Resolutions are included in this report.

Not all reports of possible policy violations arise as a complaint made by someone seeking to use the complaint or resolution procedures. The Title IX office responded to reports where the information is insufficient to open an investigation. Insufficient information circumstances include incident reports to police but not to administration and requests that victim identity be kept confidential, persons who report incidents but decline to identify a perpetrator, incidents where the person reporting the misconduct requests their identity not be disclosed in any investigation, and incidents in which the reporting person requests that no investigation be opened.

When confidentiality is requested or the individual does not want to pursue an investigation, the individual is informed that the response may be limited and reminded, as for all matters; retaliation is prohibited by CSU policies.

The Title IX office evaluates a request not to reveal identifying information in balance with the responsibility to provide a safe and nondiscriminatory environment for all. If the request is honored, even if the campus cannot take disciplinary action, the Title IX office pursues other steps to limit the effects of misconduct and prevent reoccurrence.

The campus also receives reports of incidents that did not occur on campus and did not involve a member of our campus community. The Title IX office provides support and resources in those circumstances, but those reports are not included in this report because they do not involve allegations of misconduct subject to CSU policy.

Definitions

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 based on Gender, Domestic Violence or Stalking also constitute Sexual Misconduct. Sexual Misconduct may include using 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) to engage in sexual activity. 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.

1. **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.
2. **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.
3. **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 above.)
4. **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.)

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 s/he has the Affirmative Consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent. Affirmative Consent can be withdrawn or revoked. Affirmative Consent cannot be given by a person who is incapacitated. A person with a medical or mental Disability may also lack the capacity to give consent. Sexual activity with a minor (under 18 years old) is never consensual because a minor is considered incapable of giving legal consent due to age.

Preponderance of the Evidence means the greater weight of the evidence; i.e., that the evidence on one side outweighs, preponderates over, or is more than, the evidence on the other side. The Preponderance of the Evidence is the applicable standard for demonstrating facts and reaching conclusions in an investigation conducted pursuant to this Executive Order.

Sexual Misconduct, Dating and Domestic Violence, and Stalking Reports for FY 2016 - 2017

| Sexual Misconduct, Dating and Domestic Violence, and Stalking Reports | Student was the Respondent | Employee was the Respondent | Reports were Investigated | Reports resolved without an investigation ⁱ | Respondent was held responsible ⁱⁱ | Investigations in which evidence was found insufficient to hold the respondent responsible |
|---|----------------------------|-----------------------------|---------------------------|--|---|--|
| Totals | 3 | 0 | 3 | 20 | 3 | 1 |

ⁱ 20 investigations respondents were not affiliated with the University

ⁱⁱ Final sanctions – 5 year suspension, early resolution

These statistics are provided in compliance with Executive Order 1095, revised 6/23/15. They are for the period July 1, 2016 through June 30, 2017 while Clery Act statistics in the University’s Annual Security Report are for the 2016 calendar year as required by federal law. Reports to the Office of the Title IX Coordinator may be related to incidents which did not take place on Clery defined geography, therefore the statistics in this report may not coincide with Clery statistics in the Annual Security Report.

Human Resources | Equal Opportunity | Compliance

One University Circle | MSR320 | Turlock, CA 95382 | T 209.667.3351 | F 209.664.7011 | csustan.edu/hr

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