

California State University, Stanislaus

2020-2021 Academic Catalog

[Archived Catalog]

Student Rights & Responsibilities

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Civil and Criminal Penalties for Violation of Federal Copyright Laws

Anyone who is found to be liable for copyright infringement may be liable for either the owner's actual damages along with any profits of the infringer or statutory damages of up to \$30,000 per work infringed. In the case of a willful infringement, a court may award up to \$150,000 per work infringed. (See 17 U.S.C. §504.) Courts also have discretion to award costs and attorneys' fees to the prevailing party. (See 17 U.S.C. §505.) Willful copyright infringement can also result in criminal penalties, including imprisonment and fines. (See 17 U.S.C. §506 and 18 U.S.C. §2319.)

Family Educational Rights and Privacy Act (FERPA)

The federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) (FERPA) and regulations adopted thereunder (34 C.F.R. 99) set out requirements designed to protect students' privacy in their records maintained by the campus. The statute and regulations govern access to certain student records maintained by the campus and the release of such records. FERPA provides that the campus must give students access to most records directly related to the student, and must also provide opportunity for a hearing to challenge the records if the student claims they are inaccurate, misleading, or otherwise inappropriate. The right to a hearing under this law does not include any right to challenge the appropriateness of a grade determined by the instructor. The law generally requires the institution to receive a student's written consent before releasing personally identifiable data about the student. The institution has adopted a set of policies and procedures governing implementation of the statute and the regulations. Copies of these policies and procedures may be obtained at the Enrollment Services Office. Among the types of information included in the campus statement of policies and procedures are: (1) the types of student records maintained and the information they contain; (2) the official responsible for maintaining each type of record; (3) the location of access lists indicating persons requesting or receiving information from the record; (4) policies for reviewing and expunging records; (5) student access rights to their records; (6) the procedures for challenging the content of student records; (7) the cost to be charged for reproducing copies of records; and (8) the right of the student to file a complaint with the Department of Education. The Department of Education has established an office and review board to investigate complaints and adjudicate violations. The designated office is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202-5920.

The campus is authorized under the Act to release "directory information" concerning students. "Directory information" may include the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors, and awards received, and the most recent previous educational

agency or institution attended by the student. The above-designated information is subject to release by the campus at any time unless the campus has received prior written objection from the student specifying what information the student requests not be released. Written objections should be sent to the Enrollment Services Office.

The campus is authorized to provide access to student records to campus officials and employees who have legitimate educational interests in such access. These persons have responsibilities in the campus's academic, administrative or service functions and have reason for accessing student records associated with their campus or other related academic responsibilities. Student records will be disclosed to the Chancellor's Office of the CSU in order to conduct research, to analyze trends, or to provide other administrative services on behalf of the CSU. Student records may also be disclosed to other persons or organizations under certain conditions (e.g., as part of the accreditation or program evaluation; in response to a court order or subpoena; in connection with financial aid; or to other institutions to which the student is transferring).

FERPA Rights, Obligations, Procedures

Who is Responsible for Upholding FERPA Protections?

All members of the campus with access to, oversight of, or responsibilities for the maintenance of student records are responsible for upholding FERPA protections. Student rights under FERPA may impose compliance obligations upon faculty members within the classroom, and upon associated classroom practices, in addition to those obligations imposed upon staff and managers within administrative departments responsible for creating, maintaining, and securing student data and records. Individuals may, under certain circumstances, be held legally responsible for the release of confidential information protected by FERPA.

Faculty and Academic Departments

The posting or display of emblems of academic performance, and the disclosure of information contained in confidential student records, generally require official student consent. That consent may be gained, for example, by circulating a statement of consent collectively to all students in a classroom for their signature of official endorsement.

Administrative Units

Steps should be taken to adequately and appropriately protect student records in compliance with law and policy. Each office that releases educational records under this policy shall maintain records of requests made and whether each request was granted or denied.

Accessing Student Records

Students Seeking Access to the Student's Own Records

Students wishing to view the contents of their Educational Records must contact the appropriate records custodian in the office maintaining the records they seek, generally the Office of Enrollment Services, to request an appointment to view these records. Access to inspect records shall normally be granted to the student making the request no later than fifteen (15) working days following the date of the request from the student. Original records shall not leave the office where the records are maintained.

Fees for Copies of Records

While the student retains the right to inspect his or her records, the California State University, Stanislaus is not generally required under FERPA to provide copies of documents contained in the educational record. With the exception of transcripts, which may be subject to separate provisions, requests for copies of records may be subject to an administrative copying fee.

Limitations on Access to Educational Records

The following limitations exist regarding the student's right to inspect and review records:

- The University retains the right to deny copies of records if the student has an unpaid or delinquent financial obligation to the University, pursuant to Section 42381, Title 5, California Code of Regulations, and the California State University's Executive Order 145.

- When a record contains information about more than one student, the student may inspect and review only the records that relate to him or her.
- Students may not access information pertaining to the financial status of his or her parents.
- Students may not access confidential letters and confidential statements of recommendation placed in educational records prior to 1975, or confidential letters and statements of recommendations for which the student has waived the right to review.
- Individuals do not have the right, under FERPA, to inspect and review their admissions application, if that application was denied.

Parental Access to Records

Parents are not eligible to access their child's non-directory information unless the student has authorized this release; or unless the student has been claimed as a dependent on their parents' federal income taxes.

Parents, legal guardians, or other relevant family members seeking information contained within protected student records, including grade reports, should be directed to the Office of the Vice President for Student Affairs or the Office of Enrollment Services.

Faculty, Staff, and Administrators Seeking Access

Requests should be submitted to the appropriate records custodian, generally the campus admissions and records officer or equivalent departmental or college official, who shall maintain copies of requests submitted and granted. Requests must demonstrate a legitimate educational interest, or a legitimate rationale for access in the case of university officials requesting access to student educational records.

Who is Responsible for Ensuring FERPA Compliance?

The Offices of the Vice President for Strategic Planning, Enrollment Management and Innovation, Vice President of Student Affairs, Business and Finance, University Advancement, and Academic Affairs all have obligations and input regarding the proper maintenance of relevant student records, and the proper implementation and adherence to protocols designed to uphold FERPA rights and obligations, within their respective units, colleges, and departments.

Complaints about violation of this policy may be made to the Stanislaus State FERPA Compliance Officer (FERPA@csustan.edu) or to Department of Education. The Department of Education has established an office and review board to investigate complaints and adjudicate violations. The designated office is: Family Policy Compliance Office, U.S. Department of Education, Washington, D.C. 20202-4605.

What Student Information is Covered By FERPA?

FERPA establishes two categories of information:

Directory Information

Pre-established categories of directory information:

- Student name
- Address
- Telephone number
- Date and place of birth
- Honors and awards
- Dates of attendance
- University-assigned e-mail
- Photograph
- Enrollment Status
- Weight and height of members of the athletic team
- Degrees received
- Major field of study

- Student identification number

BUT: Eligible students/parents may request non-disclosure, and must be given the opportunity and reasonable time to so request.

Non-Directory Information is not available to the general public:

- Social Security number
- Race/ethnicity/nationality/gender
- Grades
- Course schedules
- Transcripts
- Disciplinary files/actions

Releasing Information

Directory information will be released to a member of the public upon submission of the appropriate request form to the Enrollment Services Office. As noted, students have the right to request non-disclosure of directory information.

Non-directory information will only be released upon written authorization from the student, except as described below.

Student Requests for Non-Disclosure of Directory Information

Students can file a form with the Enrollment Services Office if they do not want public information included in the directory.

Disclosure of Non-Directory Records Without Student Consent

Under certain circumstances, the campus is permitted to release information without the student's consent. Examples of individuals or circumstances prompting permissible disclosure without consent include, but are not necessarily limited to:

- School officials who have a legitimate educational interest in the records.
- Parents of an eligible student who is claimed as a dependent for income tax purposes.
- Appropriate parties in a health or safety emergency.
- The parent or legal guardian of a student under the age of 21, when that student has broken University policy or state or federal law as it applies to the use and/or possession of alcohol or controlled substances.
- In cases involving the results of a disciplinary hearing where the alleged victim has been subject to a crime of violence.
- To comply with federal laws, such as the Patriot Act.
- To comply with other federal or state legislation passed subsequent to FERPA, including but not limited to the Tax Payer Relief Act.
- To comply with a California judicial order or lawfully issued subpoena.

References

U.S. Department of Education; Family Educational Rights and Privacy Act (FERPA), www.ed.gov/policy/gen/guid/fpco/ferpa

Programs Leading to Licensure and Credentialing

Admission into programs leading to licensure and credentialing does not guarantee that students will obtain a license or credential. Licensure and credentialing requirements are set by agencies that are not controlled by or affiliated with the CSU and requirements can change at any time. For example, licensure or credentialing requirements can include evidence of the right to work in the United States (e.g., social security number or tax payer identification number) or successfully passing a criminal background check. Students are responsible for determining whether they can meet licensure or credentialing requirements. The CSU will not refund tuition, fees, or any associated costs, to students who determine subsequent to admission that they cannot meet licensure or credentialing requirements. Information concerning licensure and credentialing requirements are available from the Director of the Office of International Education. Contact (209) 667-3117 or stop in at the Student Services Building.

Office of Student Conduct

Mary Stuart Rogers Building 360, (209) 667-3177
www.csustan.edu/student_conduct

The main mission of the Office of Student Conduct at CSU Stanislaus is to ensure a productive and safe environment in which students can work, study, learn and live. In this capacity the office seeks to help students successfully graduate from the campus as responsible citizens. In accordance with these principles, the office provides students with developmental learning experiences and holds students responsible for their actions as they proceed through the disciplinary process.

The Student Conduct Officer is responsible for investigating and adjudicating allegations that a student's conduct may have violated the CSU Student Discipline Code. Potential violations include cheating and/or plagiarism, alcohol and other drugs, indecent, abusive, and other behaviors, falsification or forgery of documents, etc. It is the student's responsibility to know what constitutes improper behavior at California State University, Stanislaus. This information can be found in the University catalog, schedule of classes, and on the Office of Student Conduct website. Students engaged in the student discipline process have the right to due process and may consult the Student Resource Assistant for information about campus policies and procedures. Student discipline is covered under the CSU Executive Order 1098 (pursuant to California Code of Regulations, Title V, Section 41301).

Nondiscrimination Policy and Complaint Procedures

Protected Status: Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color or ancestry), Religion or Religious Creed, and Veteran or Military Status.

California State University does not discriminate on the basis of age, genetic information, marital status, medical condition, nationality, race or ethnicity (including color and ancestry), religion (or religious creed), and veteran or military status - as these terms are defined in CSU policy - in its programs and activities, including admission and access. Federal and state laws, including Title VI of the Civil Rights Act of 1964 and the California Equity in Higher Education Act, prohibit such discrimination. Julie Johnson, Senior Associate Vice President of Human Resources Equal Opportunity and Compliance, coordinates Stanislaus State's efforts to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to this person at MSR 320 or by phone at (209) 667-3351. CSU Executive Order 1097 Revised March 29, 2019 (<https://calstate.policystat.com/policy/6742449/latest/>) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made by students** against the CSU, a CSU employee, other CSU students or a third party.

Protected Status: Disability

California State University does not discriminate on the basis of disability (physical and mental) - as this term is defined in the CSU policy - in its programs and activities, including admission and access. Federal and state laws, including sections 504 and 508 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, prohibit such discrimination. Julie Johnson, Senior Associate Vice President of Human Resources Equal Opportunity and Compliance, has been designated to coordinate the efforts of Stanislaus State to comply with all applicable federal and state laws prohibiting discrimination on the basis of disability. Inquiries concerning compliance may be presented to this person at MSR 320 or by phone at (209) 667-3351. CSU Executive Order 1097 Revised March 29, 2019 (<https://calstate.policystat.com/policy/6742449/latest/>) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made by students against the CSU, a CSU employee, other CSU students or a third party.

Protected Status: Gender (or sex), Gender Identity (including transgender), Gender Expression and Sexual Orientation

California State University does not discriminate on the basis of gender (or sex), gender (including transgender) identity, gender expression or sexual orientation - as these terms are defined in the CSU policy - in its programs and activities, including admission and access. Federal and state laws, including Title IX of the Education Amendments of 1972, prohibit such discrimination. Julie Johnson, Senior Associate Vice President of Human Resources Equal Opportunity and Compliance, has been designated to coordinate the efforts of Stanislaus State to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to this person at MSR 320 or by phone at (209) 667-3351. The California State University is committed to providing equal opportunities to all CSU students in all campus programs, including intercollegiate athletics. CSU Executive Order 1097 Revised March 29, 2019

(<https://calstate.policystat.com/policy/6742449/latest/>) (or any successor executive order) is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made by students** against the CSU, a CSU employee, other CSU students or a third party.

As a matter of federal and state law and California State University policy, the following types of conduct are prohibited:

Sex Discrimination means an adverse action taken against a student by the CSU, a CSU employee, or another student because of gender or sex (including sexual harassment, sexual misconduct, domestic violence, dating violence, and stalking) that is perpetrated against an individual on a basis prohibited by Title IX of the Education Amendments of 1972, 20 U.S.C. §1681 et seq., and its implementing regulations, 34 C.F.R. Part 106 (Title IX); California Education Code §66250 et seq., and/or California Government Code §11135.

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.

Executive Order 1097 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. Claiming that the conduct was not motivated by sexual desire is not a defense to a complaint of harassment based on Gender.

Sexual misconduct: All sexual activity between members of the University 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 acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, and dating violence. When based on gender, domestic violence or stalking also constitutes 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.

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.

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.

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 inca-

pable of giving consent because they are incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical disability renders the person incapable of giving consent. The respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant.

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.

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 they have 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 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 sexual act) does not constitute consent to other forms of sexual activity. 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. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- A person who is incapacitated cannot give affirmative consent. A person is unable to consent when they are asleep, unconscious or is incapacitated due to the influence of drugs, alcohol, or medication so that they could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if they lack 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 capacity, awareness of consequences, and ability to make fully informed judgments. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that 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 not consensual, because a minor is considered incapable of giving legal 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 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.

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.

- A University employee shall not enter into a consensual relationship with a student or employee over whom they exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, each campus shall develop a procedure to reassign such authority to avoid violations of this policy.
- This prohibition does not limit the right of an employee to make a recommendation on the 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 MPP/confidential personnel plan.

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. It does not include roommates who do not have a romantic, intimate, or sexual 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.

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.

Stalking means a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for their 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, surveys, 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 status(es) 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.

See further information in Stanislaus State’s sexual violence prevention and education statement, Title IX Notice of Nondiscrimination (which includes facts and myths about sexual violence), and Victim’s Rights and Options Notice, at www.csustan.edu/titleix.

Who to Contact If You Have Complaints, Questions or Concerns

Title IX requires the university to designate a Title IX Coordinator to monitor and oversee overall Title IX compliance. The campus Title IX Coordinator is available to explain and discuss university’s complaint process, including the investigation and hearing process; the availability of reasonable supportive measures (both on and off campus regardless of whether the person chooses to report the conduct); the right to file a criminal complaint (for example, in cases of sexual misconduct); how confidentiality is handled; and other related matters. **If you are in the midst of an emergency, please call the police immediately by dialing 9-1-1.**

Campus Title IX Coordinator:

- Julie Johnson
- MSR 320, jjohnson34@csustan.edu
- (209) 667-3351
- Office hours: 8:00am - 5:00 pm

University Police Department

- Campus Services Building, public_safety@csustan.edu
- (209) 667-3114

Title IX requires the university to adopt and publish complaint procedures that provide for prompt and equitable resolution of gender discrimination complaints, including sexual harassment and misconduct, as well as provide training, education and preventive measures related to sex discrimination. CSU Executive Order 1097 (www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf) (or any successor policy) is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made by students** against the CSU, a CSU employee, other CSU students or a third party.

Duty to Report. Except as provided below under confidentiality and sexual misconduct, dating violence, domestic violence, and stalking, **any** university employee who knows or has reason to know of allegations or acts that violate university policy shall promptly inform the Title IX Coordinator. These employees are required to disclose all information including the names of the parties, **even where the person has requested that their name remain confidential**. The Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident. (See confidential reporting options outlined below.)

Regardless of whether an alleged victim of gender discrimination ultimately files a complaint, if the campus knows or has reason to know about possible sexual discrimination, harassment or misconduct, it must review the matter to determine if an investigation is warranted. The campus must then take appropriate steps to eliminate any gender discrimination/harassment/misconduct, prevent its recurrence, and remedy its effects.

U.S. Department of Education, Office for Civil Rights (OCR):

- (800) 421-3481, or (415) 486-5555, or (800) 877-8339 (TDD), or ocr@ed.gov (main office) or ocr.sanfrancisco@ed.gov (California Office)
- If you wish to fill out a complaint form online with the OCR, you may do so at www2.ed.gov/about/offices/list/ocr/complaintintro.

Safety of the Campus Community is Primary

The University's primary concern is the safety of its campus community members. The use of alcohol or drugs never makes the victim at fault for gender discrimination, harassment or sexual misconduct; therefore, victims should not be deterred from reporting incidents of sexual misconduct out of a concern that they might be disciplined for related violations of drug, alcohol or other university policies. Except in extreme circumstances, victims of sexual misconduct shall not be subject to discipline for related violations of the Student Conduct Code.

Information Regarding Campus, Criminal and Civil Consequences of Committing Acts of Sexual Violence

Individuals alleged to have committed sexual misconduct may face criminal prosecution by law enforcement and may incur penalties as a result of civil litigation. In addition, students may face discipline at the university, up to including suspension or expulsion and withholding of their degrees. Employees may face sanctions up to and including suspension, demotion or dismissal from employment, pursuant to established CSU policies and provisions of applicable collective bargaining unit agreements.

Students who are charged by the University with gender discrimination, harassment or sexual misconduct will be subject to discipline, pursuant to the California State University Student Conduct Procedures (see Executive Order 1098 at <https://calstate.policystat.com/policy/6742449/latest/> or any successor executive order) and will be subject to appropriate sanctions. In addition, during any investigation, the University may implement interim measures in order to maintain a safe and non-discriminatory educational environment. Such measures may include but not be limited to: immediate interim suspension from the University; a required move from university-owned or affiliated housing; adjustments to course schedule; and/or prohibition from contact with parties involved in the alleged incident

Confidentiality and Sexual Violence, Dating Violence, Domestic Violence and Stalking

The University encourages victims of sexual misconduct, dating violence, domestic violence, or stalking (collectively sexual misconduct) to talk to someone about what happened - so they can get the support they need, and so the University can respond appropriately.

Privileged and Confidential Communications

Physicians, Psychotherapists, Professional Licensed Counselors, Licensed Clinical Social Workers and Clergy

- Physicians, psychotherapists, professional, licensed counselors, licensed clinical social workers, and clergy who work or volunteer on or off campus, acting solely in those roles or capacities as part of their employment, and who provide medical or mental health treatment or counseling (and those who act under their supervision, including all individuals who work or volunteer in their centers and offices) may not report any information about an incident of sexual misconduct to anyone else at the

University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, licensed clinical social workers, and clergy without triggering a University investigation that could reveal the victim's identity or the fact of the victim's 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 victims, if applicable.

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 and who are acting solely in that role (including those who act in that role under their supervision, along with non-professional counselors or advocates who work or volunteer in sexual assault centers, victim advocacy offices, women's centers, gender equity centers, or health centers) may talk to a victim without revealing any information about the victim and the incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal his/her identity or that a victim 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 victims, if applicable.

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a physician, professional licensed counselor, licensed clinical social worker, clergy member, sexual assault counselor, domestic violence counselor or advocate; and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the University and a separate complaint with local or University police. If a victim insists on confidentiality, such professionals, counselors and advocates will likely not be able to assist the victim with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide victims with that assistance if requested by the victim. These counselors and advocates will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if retaliation occurs.

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, domestic violence, and dating violence). This exception does not apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, all professionals described above (physicians, psychotherapists, professional counselors, licensed clinical social workers, 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 victims, 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 sexual violence incident. If applicable, these professionals will explain this limited exception to victims.

Reporting to University or Local Police

If a victim reports to local or University Police about sexual misconduct crimes, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that their identity be kept confidential, their name will not become a matter of public record and the police will not report the victim's 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 victim names/identities 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, victim names/identities will not be revealed.

Annual Security Report

Pursuant to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the Annual Security Report (ASR), is now available for viewing at the [Annual Security Report](#) webpage. The ASR contains the current security and safety-related policy statements, emergency preparedness and evacuation information, crime prevention and sexual assault prevention information, and drug and alcohol prevention programming. The ASR also contains statistics of Clery Act crimes for Stanislaus State for the previous three years. A paper copy of the ASR is available upon request by contacting the Office of the Clery Director located at One University Circle, Turlock, CA 95382, or by calling 209-667-3572.

Reporting to the Title IX Coordinator and Other University Employees

Most university employees have a duty to report incidents of sexual misconduct when they are on notice of it. When a victim tells the Title IX Coordinator or another university employee about an incident of sexual misconduct, the victim has 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, the university strongly encourages victims to report incidents of sexual misconduct directly to the campus Title IX Coordinator. As detailed above, in the “Privileged and Confidential Communications” section of this policy, all university employees except physicians, licensed professional counselors, licensed clinical social workers, sexual assault counselors and advocates, must report to the Title IX Coordinator all relevant details about any incidents of sexual misconduct 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 employees 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 in a sexual misconduct violence incident except as otherwise required by law or university policy. A report of sexual misconduct may result in the gathering of extremely sensitive information about 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 report of sexual misconduct. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim’s identity and privacy and the privacy of other involved individuals. Except as detailed in the section on “Privileged and Confidential Communications” above, no university employee, including the Title IX Coordinator, should disclose the victim’s identity to the police without the victim’s consent or unless the victim has also reported the incident to the police.

If a victim requests of the Title IX Coordinator or another university employee that their identity remain completely confidential, the Title IX Coordinator will explain that the university cannot always honor that request or guarantee complete confidentiality. If a victim wishes to remain confidential 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 the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim’s 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 a victim’s identity, the university’s ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited. See Executive Order 1095 (or any successor executive order) for further details around confidential reporting, and other related matters ([EO 1095](#)).

Additional Resources

Stanislaus State’s sexual misconduct prevention and education statement, which includes facts and myths about sexual misconduct, at www.csustan.edu/titleix

- U.S. Department of Education, regional office:
Office for Civil Rights
50 United Nations Plaza
San Francisco, CA 94105

(415) 486-5555
TDD (877) 521-2172

- U.S. Department of Education, national office:
Office for Civil Rights
(800) 872-5327
- California Coalition Against Sexual Assault (calcasa.org)
1215 K. Street, Suite 1850
Sacramento, CA 95814
(916) 446-2520

- Know Your Rights about Title IX www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.
- [Domestic and Family Violence](#), Office of Justice Programs, United States Department of Justice
- [National Institute of Justice: Intimate Partner Violence](#), Office of Justice Programs, United States Department of Justice
- [National Domestic Violence Hotline: 1-800-799-SAFE \(7233\)](#)
- [Office of Violence against Women](#), United States Department of Justice
- [Centers for Disease Control and Prevention: Intimate Partner Violence](#)
- [Defending Childhood](#), United States Department of Justice
- Local Community Resource Information:

Women's Haven Center
301 Starr Avenue
Turlock, CA 95382

(209) 664-9131
Office Hours: 8:30 am - 4:30 pm
www.havenwcs.org

Student Complaint Procedure (Complaints Regarding the CSU)

The California State University takes complaints and concerns regarding the institution very seriously. If you have a complaint regarding the CSU, you may present your complaint as follows:

1. If your complaint concerns CSU's compliance with academic program quality and accrediting standards, you may present your complaint to the Western Association of Schools and Colleges (WASC) at www.wascsenior.org/comments. WASC is the agency that accredits the CSU's academic program. If you believe that your complaint warrants further attention after you have exhausted all the steps outlined by WASC, you may file an appeal with the Assistant Vice Chancellor, Academic and Student Affairs at the CSU Chancellor's Office.
2. If your complaint concerns an alleged violation by CSU of any law that prohibits discrimination, harassment or retaliation based on a protected status (such as age, disability, gender (or sex), gender identity, gender expression, nationality, race or ethnicity (including color or ancestry), religion or veteran or military status), you may present your complaint as described in Section XVI (Nondiscrimination Policy).
3. If your complaint concerns an alleged violation by the CSU of other state law, including laws prohibiting fraud and false advertising, you may present your complaint to the campus president or designee. See Procedure for Student Complaints- Executive Order No. 1063 for details regarding the complaint requirements and complaint process: [EO 1063](#).
4. Other complaints regarding the CSU may be presented to the campus dean of students, who will provide guidance on the appropriate campus process for addressing your particular issue.

This procedure should not be construed to limit any right that you may have to take legal action to resolve your complaint.

Student Conduct

Title 5, California Code of Regulations, §41301. Standards for Student Conduct

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.

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:
 - i. Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.
 - ii. Furnishing false information to a University official, faculty member, or campus office.
 - iii. Forgery, alteration, or misuse of a University document, key, or identification instrument.
 - iv. 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:
 - i. Unauthorized entry into a file, for any purpose.
 - ii. Unauthorized transfer of a file.
 - iii. Use of another's identification or password.
 - iv. Use of computing facilities, campus network, or other resources to interfere with the work of another member of the University community.
 - v. Use of computing facilities and resources to send obscene or intimidating and abusive messages.
 - vi. Use of computing facilities and resources to interfere with normal University operations.
 - vii. Use of computing facilities and resources in violation of copyright laws.

- viii. 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 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:
 - i. Falsification, distortion, or misrepresentation of information related to a student discipline matter.
 - ii. Disruption or interference with the orderly progress of a student discipline proceeding.
 - iii. Initiation of a student discipline proceeding in bad faith.
 - iv. Attempting to discourage another from participating in the student discipline matter.
 - v. Attempting to influence the impartiality of any participant in a student discipline matter.
 - vi. Verbal or physical harassment or intimidation of any participant in a student discipline matter.
 - vii. 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.

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. [**Note:** At the time of publication, such procedures are set forth in California State University Executive Order 1098 (Revised June 23, 2015), available at [EO 1098](#).]

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.

Title 5, California Code of Regulations, § 41302. Disposition of Fees: Campus Emergency; Interim Suspension.

The President of the campus may place on probation, suspend, or expel a student for one or more of the causes enumerated in Section 41301. No fees or tuition paid by or for such student for the semester, quarter, or summer session in which he or she is suspended or expelled shall be refunded. If the student is readmitted before the close of the semester, quarter, or summer session in which he or she is suspended, no additional tuition or fees shall be required of the student on account of the suspension.

During periods of campus emergency, as determined by the President of the individual campus, the President may, after consultation with the Chancellor, place into immediate effect any emergency regulations, procedures, and other measures deemed necessary or appropriate to meet the emergency, safeguard persons and property, and maintain educational activities.

The President may immediately impose an interim suspension in all cases in which there is reasonable cause to believe that such an immediate suspension is required in order to protect lives or property and to insure the maintenance of order. A student so placed on interim suspension shall be given prompt notice of charges and the opportunity for a hearing within 10 days of the imposition of interim suspension. During the period of interim suspension, the student shall not, without prior written permission of the President or designated representative, enter any campus of the California State University other than to attend the hearing. Violation of any condition of interim suspension shall be grounds for expulsion.

Use of Social Security Number

Applicants are required to include their correct social security numbers in designated places on applications for admission pursuant to the authority contained in Section 41201, Title 5, California Code of Regulations, and Section 6109 of the Internal Revenue Code (26 U.S.C. 6109). The University uses the social security number to identify students and their records including identification for purposes of financial aid eligibility and disbursement and the repayment of financial aid and other debts payable to the institution. Also, the Internal Revenue Service requires the University to file information returns that include the

student's social security number and other information such as the amount paid for qualified tuition, related expenses, and interest on educational loans. This information is used by the IRS to help determine whether a student, or a person claiming a student as a dependent, may take a credit or deduction to reduce federal income taxes.
