

**CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating
Violence, Domestic Violence, Stalking, and Retaliation
Attachment D
Revised January 1, 2022**

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Alameda County Family Justice Center

470 27th Street, Oakland, CA 94612

Telephone: (510)267-8800

Email: info@acfjc.org

Website: <http://www.acfjc.org/services/>

Description: “The Alameda County Family Justice Center is open and ready to serve crisis needs for victims of domestic violence, stalking, sexual assault and exploitation, child abuse, child abduction, elder and dependent abuse, and human trafficking.”

Contra Costa County Family Justice Center

Richmond Telephone: 510-974-7200

Concord Telephone: 925-521-6366

Antioch Telephone: 925-281-0970

Website: <http://www.cocofamilyjustice.org/>

Description: “The Family Justice Center (the “Center”) is a warm and welcoming one-stop center for victims of domestic violence, sexual assault, child abuse, elder abuse and human trafficking. The Center is where families come first. We bring resources to meet the needs of children, youth and families impacted by interpersonal violence, recognizing that family violence greatly impacts children’s healthy development including their emotional, mental and physical health.”

California Partnership to End Domestic Violence

Telephone: (916) 444-7163

Website: <https://www.cpedv.org/>

Link to map of domestic violence organizations in California:

<https://www.cpedv.org/domestic-violence-organizations-california>

Description: “The California Partnership to End Domestic Violence (the Partnership) is California’s recognized domestic violence coalition, representing over 1,000 advocates, organizations and allied groups.”

California Courts: The Judicial Branch of California

Website: <https://www.courts.ca.gov/home.htm>

Link: [Asking for a Restraining Order](#)

Link: [What is a Workplace Restraining Order?](#)

BACS (Bay Area Community Services)

Telephone: (510) 613-0330

Email: bacs@bayareacs.org

Website: <https://www.bayareacs.org/>

Description: “Bay Area Community Services (BACS) provides innovative behavioral health and housing services for teens, adults, older adults, and their families across the Bay Area. We envision a world where all people are healthy, safe, and engaged in community wellness, with access to quality housing. Every year, BACS makes a difference in the lives of more than 12,500 people.”

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respond appropriately. Whether – and the extent to which – a University employee may agree to maintain confidentiality (and not disclose information to the Title IX Coordinator) depends on the employee’s position and responsibilities at the University. This information is intended to make you aware of the various reporting and confidential disclosure options available to you – so you can make informed choices about where to turn for help. The University encourages victims to talk to someone identified in one or more of these groups.

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

Privileged and Confidential Communications

*Physicians, Psychotherapists, Professional Counselors and Clergy*⁵ – 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/sexual assault to anyone else at the University, including the Title IX Coordinator, without your consent. You can seek assistance and support from physicians; psychotherapists, professional, licensed counselors, and clergy without triggering a University investigation that could reveal your identity or the fact of your disclosure. *However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Health care practitioners should explain these limited exceptions to you, if applicable.* Following is the contact information for professional counselors and physicians (if any) on campus:

Student Health & Counseling Services

Log into [MyPioneerHealth](#) or call 510-885-3735

Emergency Telephone: 911

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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.⁸ 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;⁹ or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the incident.¹⁰ 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*.¹¹ 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 campus 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 included.

Reporting to the Title IX Coordinator and Other University Employees

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the Supportive Measures. The campus will protect the privacy of individuals involved except as otherwise required by law or University policy. A report may result in the gathering of extremely sensitive information about you and other individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a reported incident. In such cases, efforts will be made to redact the records, as appropriate, in order to protect your identity and privacy and the privacy of other involved individuals.

The Title IX Coordinator can be reached at:

Terri La Beaux, Title IX Coordinator
Office of Diversity
25800 Carlos Bee Boulevard, Hayward, CA 94542
Telephone: (510) 885- 4918
Email: title9@csueastbay.edu
Website: <https://www.csueastbay.edu/diversity/title-ix/>

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

The Title IX Coordinator will inform you prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the campus' 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 campus and Title IX Coordinator will also:

- Provide Supportive Measures requested by you, if they are reasonably available, regardless of whether you choose to report sexual misconduct/sexual assault, sexual exploitation, 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;
- Make connections to individuals on campus who can provide support and solutions with respect to a variety of logistics, including transportation assistance, visa/immigration assistance, and financial aid assistance;
- Provide other security and support, which could include issuing a mutual no-contact order, helping arrange a change of campus-based living or working arrangements or course schedules or adjustments for assignments, tests, or work duties; and

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Inform you of your right to report a crime to university or local police – and provide you with assistance if you wish to make such a report.

The campus will not require you to participate in any investigation or disciplinary proceeding if you do not wish to participate.

The campus will not generally notify parents or legal guardians of your report unless you are under the age of 18 or you provide the campus with written permission to do so.¹²

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.¹³ However, the identity of the person who reports and the report itself are confidential and disclosed only among appropriate agencies.¹⁴

Because the campus is under a continuing legal obligation to address the issue of sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking campus-wide, any such reports (including non-identifying reports) may also prompt the campus to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported incident occurred; increased education, training and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revising its policies and practices.

The Office of the Ombuds, if available on your specific campus, provides confidential, neutral and informal dispute resolution services, provides information about University policies and procedures, and makes referrals. However, in sexual misconduct/sexual assault, sexual exploitation, dating and domestic violence, and stalking cases, the Ombuds as well as all other University employees (except for physicians, licensed counselors, sexual assault counselors and advocates as discussed above) must report incidents to the Title IX Coordinator.

NOTE: If the campus 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.

AS A REPORTER, AM I PROTECTED FROM RETALIATION?

Yes, University policies prohibit retaliation against a person who:

- Reports sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking;
- Assists someone with such a report; or
- Participates in any manner in any related investigation or resolution.

No officer, employee or agent of the University shall retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising his/her rights or responsibilities. Retaliation includes threats,

¹² If there is a health and safety issue (e.g., immediate threat to self or others), the campus may notify parents or legal guardians, regardless of the victim's age, as allowed under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

¹³ See Cal. Penal Code §§ 11164-11174.3; see also [CSU Executive Order 1083](#) or any superseding executive order.

¹⁴ See Cal. Penal Code § 11167(d).

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Provide the Complainant and the Respondent the same opportunity to be accompanied to any related meeting or proceeding by an Advisor of their choice;
Simultaneously inform the Complainant and the Respondent in writing of:

- The disciplinary outcome;
- The procedures available to appeal the results of the disciplinary outcome;
- Any change to the disciplinary results that occurs prior to the time such results become final; and
- When disciplinary results become final.

Most Recent Revisions: February 18, 2022