**Introduction**

This packet is provided to you as part of the Campus Sexual Violence Elimination (SaVE) Act that took effect March 7, 2014 and as part of California Lutheran University’s effort to provide a safe and secure learning environment for all.

If you are the victim of sexual assault, stalking, dating or domestic violence, believe you are or may become the victim, or if you know someone who is a victim, this packet provides information on victim’s rights and resources available.

Regardless of whether or not law enforcement is involved or you want your name kept confidential, you are encouraged to use these resources if you are a victim or share the resources if you know someone who is a victim.

You may obtain a copy of this packet by going to:

- [www.callutheran.edu/safety_security/](http://www.callutheran.edu/safety_security/)
- [https://www.callutheran.edu/care/](https://www.callutheran.edu/care/)

Please refer any question regarding this packet to the Director Campus Safety, David Hilke, at (805) 493-3208 or email [dhillke@callutheran.edu](mailto:dhillke@callutheran.edu).

**California Lutheran University Statement on Non-Discrimination**

California Lutheran University does not discriminate in its educational, extracurricular, athletic or other programs on the basis of sex (including pregnancy, childbirth, breastfeeding or related medical conditions), race, religion (including religious dress and grooming practices), color, gender (including gender identity and gender expression), national origin or ancestry, physical or mental disability, medical condition, genetic information, marital status, registered domestic partner status, age, sexual orientation, veteran or military status or any other basis protected by federal, state or local law, ordinance, or regulation.
California Lutheran University is providing students with the following contact information for counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available both on and off-campus.

On-Campus Resources (Applicable to the Thousand Oaks, Woodland Hills, Westlake Village, and Oxnard Campuses)
For official notification to the University which may result in a report and investigation:
- Jim McHugh, Title IX Coordinator (for general assistance and official notification to the University): (805) 493-3684, mchugh@callutheran.edu, GSFC # 208
- Christine Paul, Deputy Title IX Coordinator, Residence Life and Student Conduct (for general assistance, change living accommodations, and official notification to the University): (805) 493-3220
- Vice President of Student Affairs/Dean of Students (for options regarding changing living, working, and academic accommodations and official notification to the University): (805) 493-3302
- Campus Safety (for immediate emergency response and official notification to the University): (805) 493-3911
- Assistant Vice President for Human Resources (for accommodations regarding work conditions): (805) 493-3183

For confidential counseling, support, and advocacy:
- Counseling and Psychological Services (for confidential counseling and emotional support): (805) 493-3727
- Campus Ministries (for confidential emotional and spiritual support): (805) 493-3228
- Health Services (for confidential consultation and assistance): (805) 493-3225
  - Health Services may be required to report to local law enforcement (pursuant to CA Penal Code 11160) if you are being treated for a physical injury caused by assaultive or abusive conduct. Health Services is not required to report this information to the university.
- Campus Pastoral Support Team (PLTS) (for confidential counseling and emotional support): PLTS.edu/cpt.html

Other on-campus resources:
- Multicultural and International Programs (for assistance with visa and immigration status): (805) 493-3023
- Office of Financial Aid (for assistance with financial aid status): (805) 493-3115

Other Local Resources
- Call 911 for emergency medical treatment or to report rape.
- Call 211 (24 hour Information and Referral Helpline).
• Coalition for Family Harmony (805) 656-1111. Located in Oxnard. For individual counseling, family counseling, women's support groups (also offered in Spanish), and referrals to other services. Interface Sexual Assault Treatment Services (1-800-339-9597). The clinic provides callers with a counselor who can make medical references and can provide free short-term counseling.
• Interface Sexual Assault Treatment Services (1-800-339-9597). The clinic provides callers with a counselor who can make medical references and can provide free short-term counseling.
• Ventura County Mental Health Crisis Team (805)-652-6727. This team offers counseling to callers and a service that can meet a caller at an emergency room or safe harbor. Short term counseling can be provided.
• Los Robles Hospital (805) 497-2727: 215 W. Janss Rd. Thousand Oaks, California 91360. If you have been sexually assaulted and you go to the Los Robles Emergency Room, they will require police involvement before conducting a preliminary examination and referring you to a clinic in Simi Valley to have a full medical examination and to collect forensic evidence for legal purposes. POLICE INVOLVEMENT IS MANDATORY.
• Kaiser Permanente (818) 719-2000: 5601 De Soto Ave. Woodland Hills, California 91365. POLICE INVOLVEMENT IS MANDATORY.
• Santa Monica Rape Treatment Center (310) 319-4000: 1250 Sixteenth Street Santa Monica, California 90404. This center will provide the survivor with a treatment exam to collect forensic evidence for legal purposes (in the event that he/she chooses to prosecute) and will test for pregnancy and sexually transmitted diseases. Santa Monica Rape Treatment Center is a mandated reporter. A mandated reporter is a person or an agency that must notify the police that they are treating a rape victim. However, it is entirely the victim's choice as to whether or not they want to communicate with the police in further detail. POLICE INVOLVEMENT IS OPTIONAL.
• Strength United (661) 253-0258. Located in Santa Clarita and Van Nuys. For individual counseling and referral to other services. POLICE INVOLVEMENT IS OPTIONAL.
• LA County Department of Mental Health (800) 854-7771. For information and referrals on mental health and crisis services.
• CATS Center (818) 908-8630. This is a confidential location in the city of Van Nuys that will provide the survivor with a treatment exam to collect forensic evidence for legal purposes (in the event that he/she chooses to prosecute) and will test for pregnancy and sexually transmitted diseases. CATS is a mandated reporter. A mandated reporter is a person or an agency that must notify the police that they are treating a rape victim. However, it is entirely the victim's choice as to whether or not they want to communicate with the police in further detail. POLICE INVOLVEMENT IS OPTIONAL.
• Ventura County District Attorney's Office (for legal assistance) (805) 654-3622 800 S. Victoria Ave. Suite 314 Ventura, California 93009.
PLTS Resources (Applicable to the Pacific Lutheran Theological Seminary Campus)

- Christopher Evans, Deputy Title IX Coordinator, Associate Dean for Student Formation (for general assistance, official notification to the University, and visa and immigration assistance): (510) 559-2737, cevans@plts.edu
- Counseling and Psychological Services (for confidential counseling and emotional support): (805) 493-3727
- Campus Pastoral Care Team (for confidential counseling and emotional support): PLTS.edu/cpt.html
- Alta Bates Summit Medical Center, 2450 Ashby Avenue, Berkeley: (510) 204-4444 POLICE INVOLVEMENT IS MANDATORY.
- University of California at Berkeley Health Services, 2222 Bancroft Way, Berkeley: (510) 642-2000 POLICE INVOLVEMENT IS MANDATORY.
- Bay Area Women Against Rape, 470 27th St., Oakland: (510) 845-7273 POLICE INVOLVEMENT IS OPTIONAL.
- Highland Hospital, Highland Sexual Assault Response Team, 1411 E. 31st St. Oakland: (510) 534-9290 or (510) 437-4019 POLICE INVOLVEMENT IS OPTIONAL.
- Jerry McKeen, Director of Financial Aid (for assistance with financial aid status) (805) 493-3139, jmckeen@callutheran.edu
- Alameda County District Attorney’s Office (for legal assistance) (805) 272-6222 1225 Fallon Street, Suite 900 Oakland, CA 94612, info@alcoda.org

Government Resources
- notalone.gov

Any member of the Cal Lutheran community (with the exception of those listed as confidential resources), visitor to the Cal Lutheran campus, or other individual who is subject to sexual assault or harassment, or becomes aware of an actual or potential incident of sexual assault or harassment, should report the incident immediately, either verbally or in writing, to any one of the following people in order to formally notify the University. Upon receiving a report, these individuals are obligated to take action in order to provide a safe non-discriminatory environment for all. Title IX prohibits discrimination on the basis of sex in any federally funded education program or activity. Sexual harassment, which includes sexual violence (assault, stalking, dating violence, domestic violence, rape) is a form of sex discrimination. If you would like to file a complaint under Title IX for sex discrimination, please contact the Title IX Coordinator or another department listed below:

- Regardless of the status of the alleged harasser, any incident may be reported to the Title IX Coordinator or the Deputy Title IX Coordinator for California Lutheran University. Currently, the Title IX coordinator is: Jim McHugh, Associate Vice President for Athletic Affairs (805) 493-3684, mchugh@callutheran.edu, and the Deputy Title IX Coordinator is: Christine Paul, Assistant Dean of Students, (805) 493-3220, clpaul@callutheran.edu).
• If this situation involves anyone who is affiliated with PLTS, please contact Christopher Evans, Deputy Title IX Coordinator, Associate Dean for Student Formation (510) 559-2737, cevans@plts.edu
• When the alleged harasser is a Cal Lutheran student: Vice President for Student Affairs and Dean of Students, the Assistant Dean of Students/Director of Residence Life and Student Conduct, or a member of the Student Conduct professional staff. (805) 493-3302
• When the alleged harasser is a member of the Cal Lutheran faculty: Provost and Vice President for Academic Affairs. (805) 493-3145
• When the alleged harasser is an administrator or non-teaching staff member of the University: Assistant Vice President for Human Resources. (805) 493-3185
• When the alleged harasser is any other individual on-campus (including visitors): Campus Safety. (805) 493-3911

Confidentiality

California Lutheran University will make every effort reasonably possible to preserve the privacy of an individual who makes a report under this policy and to protect the confidentiality of the information reported. The degree to which confidentiality can be protected, however, depends upon the California Lutheran University’s legal duty to respond to the information reported and the professional role of the person being consulted. The professional being consulted should make these limits clear before the disclosure of any facts.

As required by law, all disclosures to any California Lutheran University employee of an on-campus act of sexual misconduct are tabulated for statistical purposes without personal identifying information.

In order to protect the confidentiality of victims and other necessary parties, California Lutheran University will:

• Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim.
• Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of California Lutheran University to provide the accommodations or protective measures.

Procedures for Survivors of Sexual Assault or Rape

Sexual assault can happen to anyone. There is no typical survivor. Statistics indicate anywhere from 85-90% of all sexual assaults occur between people who know each other.
If you are the survivor of a sexual assault, your first priority should be to get to a place of safety. You should obtain necessary medical treatment. The University strongly recommends that a survivor of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection (for legal purposes) and preservation. Filing a report with the University will not obligate the survivor to prosecute, nor will it subject the survivor to scrutiny or judgmental opinions from officers or University staff. University personnel will assist the student in notifying authorities if desired (or if the University is legally obligated to do so). Filing a report with the University will:

- Ensure that a survivor of sexual assault receives information on how to obtain a medical examination for collection of evidence for legal purposes.
- Provide the survivor with information on where they can go for collection of evidence for legal purposes helpful in prosecution, which cannot be obtained later (ideally a survivor of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam).
- Assure the survivor has access to free confidential counseling.

If a sexual assault survivor contacts the Police Department, the Sex Crimes Unit will be notified as well. A survivor may choose that the investigation is pursued through the criminal justice system. A survivor advocate from either the Coalition or District Attorney’s office will guide the survivor through the available options and support the survivor in his or her decision.

**If you have been assaulted or raped, you have options on how you can proceed. The following are recommendations intended to support you in dealing with this crime.**

- Do not blame yourself. Sexual assault is NEVER THE SURVIVOR’S FAULT.
- Go to a safe location. If you are injured, seek medical attention immediately.
- Do NOT SHOWER, BATHE, OR DOUCHE! The only way medical evidence for legal purposes can be collected is if it is left intact.
- Drugs and evidence for legal purposes are only retrievable within the first 72-96 hours.
- Refrain from touching or moving any objects or materials in the location where the assault has taken place. The impulse to clean is normal, but evidence for legal purposes that might be needed may be destroyed by these activities.
- Call the local law enforcement agency at 911 for emergency assistance or
  - Ventura County Sheriff (805) 494-8200.
  - Los Angeles Police Department-Topanga Canyon Division (818) 756-4800
  - Oxnard Police Department (805) 385-7600
  - Berkley Police Department (510) 981-7600
    - The Sheriffs’ Department will respond to campus and you will be transported to a safe harbor. Transportation can be provided by a friend or roommate to the Sheriff’s Department.
In order to collect evidence to later be used in legal proceedings, a Physical Evidence Recovery Kit (PERK) exam should be administered at the safe harbor. This is performed at the survivor’s discretion. Although the survivor may not want to press charges immediately, it is important that evidence for legal purposes be collected for potential future use as soon as possible after the assault takes place.

- Call the Ventura County Sheriff’s Department at 911 or (805) 494-8200. You will be asked to file a report. The option to press charges is an additional step beyond filing a report and is at your discretion. An officer of the same sex as the survivor can be requested.

- If you choose not to report to the Sheriff’s Department, you may still seek medical help at both Cal Lutheran Health Services, (805) 493-3225, and Counseling Services, (805) 493-3727. Services at Cal Lutheran only address health concerns regarding sexually transmitted diseases and pregnancy tests and do not include taking evidence for legal purposes. Health Services and Counseling Services are both available for medical evaluation and psychological support and confidential counseling.
  - Health Services may be required to report to local law enforcement (pursuant to CA Penal Code 11160) if you are being treated for a physical injury caused by assaultive or abusive conduct. Health Services is not required to report this information to the university.
  - All counseling through the Student Counseling Center is free of charge for students. If you prefer to receive off-campus counseling, you may use your personal or student insurance plan.

Options Following a Sexual Misconduct Incident:

**Please Note:** An individual who participates as a reporting party or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the institution's student conduct policy at or near the time of the incident, unless the institution determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk.

1. File a Report with the Ventura County Sheriff’s Department or Local Law Enforcement
   For an incident that took place on-campus, students can contact Campus Safety at (805) 493-3911 and/or call the Ventura County Sheriff’s Department directly at 911 (or 9-911 from a campus landline phone) to file a report with the police. Campus authorities can assist in notifying the local police if the student chooses. Campus Safety officers will respond quickly and with sensitivity upon notification of the incident. Students who survived a sexual assault, dating/domestic violence, or stalking incident that took place off-campus and want to file a sexual
assault with the police can call 911. The Ventura County Sheriff’s Department can assist in filing a restraining order if requested.

2. **File a Report with Campus Safety**
   Campus Safety Officers are on duty 24 hours a day and 7 days a week and will initiate an investigation. At the discretion of the survivor, Campus Safety will assist in filing a report with the police. The survivor may request that the police investigate the crime and gather evidence for legal purposes at the time of the incident. The longer the survivor waits, the evidence for legal purposes the police will be able to obtain becomes weaker. However, it is important that there at least be an incident report on file if the survivor would later decide to take further action. The survivor may request that the police not investigate the crime itself but rather maintain the information of the crime and its particulars in its regular reservoir of crime data.

3. **File a Report with Residence Life and Student Conduct**
   Whether a student elects to report a sexual assault, dating/domestic violence, or stalking to the police, he or she is urged to make an official report directly with a professional staff member in Residence Life and Student Conduct. Coordinators for Residence Life and Student Conduct and Graduate Resident Directors can assist in this process, particularly if the report is being filed after normal business hours. Any Resident Assistant (RA) can assist with getting in touch with a professional staff member at Residence Life and Student Conduct. For the Pacific Lutheran Theological Seminary Campus, the equivalents of Residence Assistants are the Dormitory and Apartments Building Managers.

   Residence Life and Student Conduct staff will first suggest that the student attend to any medical needs immediately. The student will be provided with information regarding hospital procedures and available resources. Accompaniment to the hospital will be provided if desired by the student. The student will be assisted in contacting a support person such as a friend, if desired.

   The student will be informed that the University may investigate and will respond to any allegation of sexual misconduct.

   Students who have experienced sexual misconduct have access to other available assistance in changing academic and living situations after an alleged incident, if so requested by the student and if such changes are reasonably available.

4. **File a No Contact Order**
   Students may also request a “no-contact order” towards the other student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining
student or others. A professional staff member in Residence Life and Student Conduct will write this document on behalf of the student initiating the request. Students who initiate this letter must abide by the same expectations, and may go through the conduct process should they violate the conditions of the letter. Students who would like to initiate this process can contact Residence Life and Student Conduct at (805) 493-3220, located in Mt. Clef Hall.

5. Decline to File a Report
The student has the right not to file a report. However, students are highly encouraged to seek medical attention, including counseling, either on-campus or off-campus. Students who wish to file a report at a later date may do so by contacting Residence Life and Student Conduct and/or Campus Safety when they are ready. They can also file a report with the Ventura County Sherriff’s Department should they choose to do so in the future. Please note that a delay in reporting could weaken evidence for legal purposes used to determine whether an individual is responsible for a sexual assault. Please note that if a student declines to file a report, the institution still maintains an obligation to provide a safe, non-discriminatory environment for all students and may still move forward with conducting an investigation.

Academic, Transportation, Work, or Residence Hall Changes
The Vice President for Student Affairs/Dean of Students and the Director of Residence Life and Student Conduct can assist in initiating any academic, transportation, work-related, or housing changes as requested by the reporting party, and if reasonably available, regardless of whether the reporting party chooses to report the crime to Campus Safety or to local law enforcement.

Eminent Danger to the Community
If it is determined that a serious threat exists, the University will release a warning to protect the community while preserving the reporting survivor’s anonymity.

Rape Trauma Syndrome
(RTS) is an acute stress reaction to the threat of being killed or being seriously injured resulting from either a completed or attempted sexual assault. Not all the reactions encompassed by RTS are experienced by each survivor. Rather, RTS represents a range of possible reactions. RTS reactions vary from person to person. RTS has two major phases; the immediate or acute phase, in which the survivor’s lifestyle is completely disrupted, the long term phase in which the survivor must reorganize the disrupted lifestyle. Characteristics of the first phase include shock, disbelief, sleeping and eating pattern disturbances, difficulty concentrating, fear, shame, guilt, mood swings, lack of self-esteem, and flash backs to the incident. The reintegration is aided by support from friends, relatives, and others in the survivor’s environment.

If a friend has been assaulted or raped:
• Listen and be supportive.
• Let your friend make her or his own choices.
• Encourage your friend to immediately contact the appropriate resources.
• Stay with your friend during interviews and/or examination if she or he wants you to do so.
• Take care of yourself. You may need to talk to someone about how this has affected you. The resources listed in this section are for you as well.

Affirmative Consent
“Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.
Consent that is obtained through the use of force (actual or implied, immediate or future) whether that force is physical, threats, intimidation, or coercion is invalid consent. The survivor of sexual aggression is not required to physically or otherwise resist a sexual aggressor. Silence, a previous sexual relationship, and/or current relationship with the perpetrator may not be taken as an indication of consent.
Use of alcohol by the perpetrator is not an excuse for violating the sexual conduct policy. A person who is not of legal age; who is asleep, who is unable to communicate due to a mental or physical condition, who is incapacitated/helpless by physical or mental illness; who is mentally or physically intoxicated/incapacitated as a result of drug or alcohol consumption; is unconscious or unaware is incapable of giving consent. A person who knows, or reasonably should have known, that another is incapacitated by the use of drugs or alcohol, and engages in sexual activity with that person, is committing sexual assault or rape.

Note: Intoxication of the assailant or survivor does not diminish the assailant’s responsibility of the sexual assault or rape. To have sex with a person who is intoxicated is considered rape because a person under the influence is unable to give informed consent.

Prevention
It can be difficult to discuss sexual expectations with someone—especially when it is early on in the relationship. However, both men and women must take responsibility to prevent rape or any other form of sexual assault. Listed below are prevention tips for both men and women. Although no single method will make you immune to rape and/or assault, there are steps you can take to avoid potentially damaging situations.

Responsibilities for individuals include:
• Get to know your partner and discuss sexual expectations before you find yourself in an intimate situation.
• Clearly communicate your desires and limits, do not make assumptions.
• Avoid excessive use of alcohol.
• Be assertive. If you say “no,” say it CLEARLY.
• Listen and hear. Being told “NO” is not a rejection of you as a person.
• Accept your partner’s decision. Do not try to manipulate or coerce.
• Understand and accept that you are responsible for your behavior and choices.
• Trust your instincts. If you think something is wrong, then you are probably right. Get out of the situation immediately.

Sex Under the Influence
If you choose to drink, the likelihood you will remember to consider the above responsibilities is greatly reduced. Thus, you run the risk of impaired thinking, judgment, and communication. Some individuals get themselves and their partners drunk enough to let sex “just happen.”

As outlined above, consenting sex requires sober, verbal communication free of threats and other coercion. Cal Lutheran policy recognizes that someone who is under the influence is unable to give consent. Furthermore, being under the influence is never an excuse for raping or assaulting anybody.
• At least 70% of all sexual assaults involve alcohol.
• The use of alcohol can be a factor for the survivor, the aggressor, or both.
• Alcohol lowers inhibitions and impairs judgment, which can lead to a dangerous situation.

Sexual Misconduct Prevention and Response
The University educates the student community about sexual misconduct through wellness programs throughout the year. In addition, the Student Affairs staff, as well as Campus Safety, offer sexual misconduct education and information programs to University students and all employees. Literature on physical and sexual assault, and general safety tips on risk education and University response are available at Campus Safety, Residence Life and Student Conduct, and Student Life.

Pertinent Federal Legislation
The Student Right-To Know and Campus Security Act of 1990 and the Campus Sexual Assault Victims Bill of Rights Amendment to the 1992 Higher Education Reauthorization Act include protection that is intended to help survivors of sexual misconduct by requiring colleges to report accurate statistics regarding sexual misconduct. Additionally, if sexual misconduct is reported, the survivor can choose to pursue disciplinary action on campus without needing to file charges with the police.

Investigating an Allegation of Sexual Misconduct when the Alleged Assailant is a Cal Lutheran Student
1. **Initiating a Complaint**

   Students initiating a complaint at California Lutheran University who feel that they have been sexually assaulted, or involved in a dating violence, domestic violence, or stalking incident or any faculty, staff, administrator, or student who witnesses any of the above crimes should promptly report the incident to a professional staff member in Residence Life and Student Conduct to initiate a complaint.

2. **Filing a Report**

   The professional staff member in Residence Life and Student Conduct will meet with the reporting party to review the details of the allegation and to explain the subsequent steps involved in a sexual misconduct investigation. A completed incident report will be promptly submitted and an investigation may begin. *Immediate Response:* The professional staff member(s) of Residence Life and Student Conduct will initiate an immediate response to separate the reporting party and the responding party from engaging each other in common areas, residence halls, campus buildings, and student activities. They will further outline options to change the reporting party or responding party’s academic and/or living situations if those changes requested by the reporting party or responding party are reasonably available. Residence Life has the discretion to remove the reporting party or the responding party from a hostile living situation.

3. **Investigation**

   The assigned Hearing Officer will inform both parties of the respective time and place of the interviews and that contact between the parties will be limited to necessity (see Immediate Response). During this stage of the investigation, the reporting party and the responding party have the right to be accompanied by an advocate of their choosing during interviews with the assigned Hearing Officer; however, the advocate will not be allowed to participate in any interviews or hearings. Proceedings will provide a prompt, fair, and impartial investigation and resolution; and be conducted by Hearing Officers who receive annual training on issues related to sexual misconduct. The burden of proof lies with California Lutheran University.

   The Hearing Officer will investigate the incident by separately questioning the reporting party, responding party, and any identified witnesses. The purpose of the questioning is to ascertain to reasonable suspicion if there may have been a violation of the University’s policies and what immediate responses need to occur. Both the reporting party and the accused will be given an opportunity to present evidence and witnesses to the Hearing Officer, and both may be accompanied by an advocate if they wish. The Hearing Officer will review information provided regarding the incident under a preponderance of evidence standard. The hearing process will be conducted in such a manner that protects the safety of the reporting party(s) and promotes accountability. Should the investigation not produce a conclusion that is more likely than not that the
conduct in question occurred, the responding party may be found not responsible or not in violation of the student code of conduct. The reporting party, however, may still report the incident to the Ventura County Sheriff’s Department and, if both parties request and the facts warrant, a mutual no contact order may be implemented. At the conclusion of the investigation, the Hearing Officer will formulate a written report summarizing all factual evidence pertaining to the investigation. Both the reporting and responding parties will have the opportunity to review the report and submit a written response in advance of the decision of responsibility if they so choose. The written response must be submitted to the Hearing Officer no later than two (2) business days after reading the report. The Title IX Coordinator will make a decision regarding any findings of responsibility and issue any consequent disciplinary sanctions. Both the reporting party and the responding party will be simultaneously informed in writing of the factual findings, determination of responsibility, and any sanctions that affect the reporting party, for non-sexual violence cases. In cases involving sexual violence, as required by the Clery Act, the reporting party will be notified of all sanctions imposed on the responding party, not just those that affect him or her.

During any stage of the investigation, if the Hearing Officer reasonably suspects that the responding party poses an imminent threat of harm or disruption to the campus community, the Vice President of Student Affairs/Dean of Students or his/her designee may immediately remove the responding party from campus housing, study abroad programs, and/or restrict the responding party’s movement on campus.

4. Disciplinary Sanctions
Sanctions against a student who has violated the University policy on Sexual Misconduct will vary depending on the severity of the violation. Action against a student found to have violated the policy may include suspension from the residence halls, and/or may include suspension, dismissal, or expulsion from the University or its programs, including Study Abroad opportunities.

Both the reporting party and the responding party must be informed of the outcome of the factual findings, determination of responsibility, and any sanctions affecting the reporting party proceeding within three (3) business days of the Hearing Officer’s decision. To assist the Hearing Officer in formulating appropriate sanctions, the reporting party may make a statement of impact of the assault. The responding party will also be afforded the right to provide a statement to the Hearing Officer.

Appeal Process
Any disciplinary action against a student who has violated the University policy on Sexual Misconduct may be appealed following the process identified in the Student Handbook in effect at the time of the sanction. The request for an appeal will only be
granted if one or both of the following two conditions are met: 1) if new information becomes available that directly pertains to the details of the incident under investigation and could not have been known at the time of the investigation, or 2) if the process as outlined in the Student Handbook was not followed throughout the investigation and the procedural failure would materially affect the outcome. A written appeal must be submitted to the Vice President for Student Affairs/Dean of Students within five (5) business days of such information becoming available. The Vice President for Student Affairs/Dean of Students will review the appeal and determine whether the evidence warrants the case to be re-opened. Should the Vice President for Student Affairs/Dean of Student approve the appeal, a California Lutheran University Title IX Investigator (or designated alternate) will reevaluate the case. Both the reporting party and the responding party will be simultaneously informed in writing of any change to the results (of the factual findings, determination of responsibility, and any sanctions that affect the reporting party) that occur prior to the time that such results become final as well as when the results become final.

**Initiating a Sexual Misconduct Complaint when the Alleged Assailant is a Cal Lutheran Employee**

Students and employees initiating a complaint at California Lutheran University who feel that they have been sexually assaulted, or involved in a dating violence, domestic violence, or stalking incident, or any faculty, staff, administrator, or student who witnesses any of the above crimes should promptly report the incident to a professional staff member in Campus Safety. Students and employees initiating a complaint of sexual harassment should promptly notify the Associate Vice President for Human Resources.

1. **Filing a Report**

   The professional staff member in Campus Safety will meet with the reporting party to review the details of the allegation and explain the subsequent steps involved in a sexual misconduct investigation. A completed incident report will be promptly submitted and an investigation will begin. In cases of complaints of sexual harassment the AVP for Human Resources or representative will initiate the investigation (See Administrative and Staff Handbook, Section Two, K. Harassment, Formal Complaint Procedure.)

   *Immediate Response:* The professional staff member(s) of Campus Safety will initiate an immediate response to separate the reporting party and the responding party from engaging each other in common areas, residence halls, campus buildings, and student activities. They will further outline options to change the reporting party or responding party’s academic, living situations, and/or employment location if those changes are requested by the reporting party or responding party and are reasonably available. Residence Life has the
discretion to remove the reporting party or the responding party from a hostile living situation.

2. Investigation
The Campus Safety or Human Resources Department representative will inform both parties of the respective time and place of the interviews and that contact between the parties will be limited to necessity (See Immediate Response). Both the reporting party and responding party have the right during interviews to be accompanied by an advocate, although said advocate does not have the right to participate in any interviews or hearings. Proceedings will provide a prompt, fair, and impartial investigation and resolution; and be conducted by representatives who receive annual training on issues related to sexual misconduct. The burden of proof lies with California Lutheran University.

The representative will investigate the incident by separately questioning the reporting party, responding party, and any identified witnesses. The purpose of the questioning is to ascertain to reasonable conclusion if it is more likely than not that there has been a violation of the University’s policies and what immediate responses need to occur. The investigation process will be conducted in such a manner that protects the safety of the reporting party and promotes accountability. Should this questioning not produce a reasonable conclusion, the responding party may be found not responsible or not in violation of University policy. However, the reporting party may still seek options such as filing a no-contact order and report the incident to the Ventura County Sheriff’s Department or a local law enforcement agency. At the conclusion of the investigation, the representative will formulate a written report summarizing all factual evidence pertaining to the investigation. Both the reporting and responding parties will have the opportunity to review the report and submit a written response in advance of the decision of responsibility if they so choose. The written response must be submitted to the representative no later than two (2) business days after reading the report. The representative will make a decision regarding any findings of responsibility and recommend disciplinary actions. Both the reporting party and the responding party will be simultaneously informed in writing of the findings however the specific disciplinary action recommended, if any, to the responding party will remain confidential in sexual harassment cases.

During any stage of the investigation, if the representative reasonably suspects that the responding party poses an imminent threat of harm or disruption to the campus community, the representative may recommend to the Assistant Vice President for Human Resources and the appropriate Vice President that the responding party be placed on administrative leave until administrative remedies have been exhausted.

3. Disciplinary Sanctions
Disciplinary Action against an employee who has violated the University policy on Sexual Misconduct will vary depending on the severity of the violation. Disciplinary action against an employee found to have violated policy may include suspension from employment up to and including termination. All disciplinary actions will be approved by the President of the University.

Both the reporting party and the responding party will be informed of the findings of the investigation and that prompt disciplinary action was taken, when appropriate, and any change that occurs prior to the time that such results become final.

4. Appeal
Any disciplinary action against an employee who has violated the University policy on Sexual Misconduct is final. It is the sole discretion of the University to determine if an employee has demonstrated factors that constitute “just cause” for disciplinary action (See Administrative and Staff Handbook, Section Two, H. - Separation.)

During any stage of the investigation, if the representative reasonably suspects that the responding party poses an imminent threat of harm or disruption to the campus community, the representative may recommend to the Assistant Vice President for Human Resources and the appropriate Vice President that the responding party be placed on administrative leave until administrative remedies have been exhausted.

Title IX Amnesty Policy
California Lutheran University strongly advocates the reporting of sexual misconduct (including sexual assault, domestic abuse and violence, dating abuse and violence, stalking, and sexual harassment). To encourage reporting, a reporting party and/or any witnesses will not be subject to disciplinary sanctions for a violation of the California Lutheran University Student Code of Conduct (including alcohol or illegal substances policies) that may have occurred at the time of or near the time of the incident in question, provided that the violation was not egregious in nature, including, but not limited to, an action that places the health or safety of any other person at risk, or violates the University’s Academic Honesty Policy.

Recording Investigative Materials and Reports
The permanent disciplinary record of a student who violated the policy on Sexual Offenses will reflect this violation if and only if the allegations of the reporting party are found to be true. However, a separate file including the incident report and findings of the University Hearing Board will be kept for at least seven (7) years from the date of the final report.

Non-Retaliation
California Lutheran University prohibits retaliation against any individual who in good faith reports an incident of sexual misconduct or the possible witnessing of the warning signs of sexual misconduct. California Lutheran University also prohibits retaliation against any individual who cooperates with an investigation regarding any matter covered by this policy.

Privacy of Information
To the extent that maintaining the privacy of all parties to a complaint of sexual misconduct does not impede the University’s obligation to fully investigate and respond to allegations and reports, the privacy of all parties to a complaint will be respected.

At California Lutheran University, an individual can speak with professionals who have legally protected abilities to maintain confidentially and protect the identity of those with whom they work. Medical professionals at Cal Lutheran Health Services, psychologists/clinicians/counselors at Counseling and Psychological Services, and the Pastoral Care Team have legally protected obligations to protect the identities of patients, clients, and those who seek their support and counsel if there is not imminent danger of harm to others or self. Health Services may be required to report to local law enforcement (pursuant to CA Penal Code 11160) if you are being treated for a physical injury caused by assaultive or abusive conduct. Health Services is not required to report this information to the university.

As required by law, all disclosures to any University employee of an on-campus sexual assault are tabulated for statistical purposes by Campus Safety, without personal identifying information. In compliance with federal law, these statistics and other mandated crime statistics are reported annually under the federal Clery Act. This type of publicly-available record keeping will be accomplished without including identifying information about the reporting party, to the extent possible by law. The institution will also notify Cal Lutheran’s Title IX Coordinator, Jim McHugh (805) 493-3684, mchugh@callutheran.edu in writing that a sexual assault complaint has been filed and an investigation will be conducted. The Title IX Coordinator is the sole administrator who has the authority to make the decision as to whether or not we can maintain a student's request for confidentiality while also meeting CLU’s obligation to provide a safe and nondiscriminatory environment for all students.

The Family Educational Rights and Privacy Act (FERPA) prohibits the disclosure of conduct records to any third party without written permission from the student(s) involved. Requests from parents, family members, and concerned students for information about the reporting party and/or the responding party will not be honored without written permission from the student(s) involved.

36.0 Student Sexual Misconduct
Introduction
California Lutheran University does not tolerate any degree of sexual misconduct on or off-campus. Sexual assault violates the values of our community as well as the University's mission to educate leaders who are strong in character and in judgment, confident in their identity and vocation, and committed to service and justice as articulated in the University's mission statement. Students, faculty, and administration must be aware of University policies and procedures so that they may act in an educated, responsible manner when dealing with sexual coercive and/or violent situations. A student charged with assault, sexual or otherwise, whether the incident occurred on or off campus can be prosecuted under California criminal statutes and/or disciplined, suspended, or dismissed under the Standards of Conduct. Registered sex offenders are not permitted on campus.

Abusive sexual behavior within the University is harmful to both the learning environment and the sense of community the University seeks to foster among students, staff and administration. All members of the University have an obligation to act responsibly in the realm of sexuality. Any student who, either individually or in concert with others, participates in any of the following misconduct is subject to University discipline, suspension, dismissal, and expulsion.

Sexual Offenses

36.1 Sexual offenses include, but are not limited to, non-forcible sexual intercourse is when a person is under the age of consent (the age of consent in California is 18 years old), physical and/or verbal abuse, threats of violence, actual non-consensual or forcible intercourse, attempted vaginal intercourse by a person(s) known or unknown, incest, sodomy (and intercourse), forced oral copulation (or genital contact), rape by a foreign object (including a finger), sexual battery (unwanted touching by a person of another person with a purpose of sexual arousal and/or any unwanted fondling, kissing, or groping), dating violence, domestic violence and stalking.

The following acts are defined as follows:

36.2 Sexual Assault: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. This includes, but is not limited to:

36.2a Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

36.2b Rape; act of violence; aggression, intimidation and power:
- Sexual intercourse against the will of the victim accomplished by force, perception of force, intimidation, threats or coercion where the reporting party fears bodily harm if he/she does not submit.
- Anal/Vaginal/Oral penetration against the survivor’s will, by person(s) known or unknown, without consent when the survivor’s will is overcome by fear, force or intimidation that results from the
threat of force, drugs or alcohol administered without consent or being physically unable to communicate consent.

36.2c **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

36.2d **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

36.2e **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

36.3 **Sexual violence:** Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age or use of drugs or alcohol, or because an intellectual or other disability prevents the person from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

36.4 **Sexual Harassment:** Any sexual advances, requests or demands for sexual favors and other physical, verbal or visual conduct of sexual nature constitute sexual harassment when:
   a) Such conduct has the purpose or effect of substantially interfering with an individual's work or academic performance, creating an intimidating, hostile or offensive work, learning, living or campus environment; or
   b) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
   c) Submission to such conduct is made either explicitly or implicitly a term of condition of an individual's employment or academic programs.

36.5 **Stalking:** The act of willfully, maliciously, and repeatedly following or willfully and maliciously harassing another person and making a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family or suffer substantial emotional distress.

36.6 **Domestic Violence:** A felony or misdemeanor crime of violence committed--
   a) By a current or former spouse or intimate partner of the victim;
   b) By a person with whom the victim shares a child in common;
   c) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
   d) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
e) By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

36.7 **Dating Violence**: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

a) Dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse.

b) Dating violence does not include acts covered under the definition of domestic violence.

The preceding also includes situations where the survivor is unable to resist due to alcohol or drugs, whether or not the substances were admitted to by the accused.