SEXUAL VIOLENCE RESOURCE PACKET
Sexual Violence Resource Packet for
Faculty and Staff

This packet is provided to you as part of the Campus Sexual Violence Elimination Act (SaVE), which 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 or someone you know has been sexually harassed or assaulted, subjected to domestic or dating violence, or stalked or threatened, you may find this packet a valuable source of information on the resources available to victims. As a victim, you are encouraged to utilize these resources regardless of your decision to involve law enforcement or have your name kept confidential.

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

www.callutheran.edu/safety_security/
https://www.callutheran.edu/care/
http://www.callutheran.edu/student_life/judicial_affairs/
https://www.callutheran.edu/offices/human-resources/resources/
https://www.callutheran.edu/title-ix/

Please refer any question regarding this packet to:

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California Lutheran University
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I. **Excerpts from Title IX and Clery Amendments Policy**

A. **Statement of Policy**

In accordance with Title IX and the Clery Act, California Lutheran University prohibits all forms of sex-based harassment and discrimination, including sexual harassment, sexual violence, sexual assault, dating and domestic violence, and stalking. This includes claims of discrimination based on gender identity or failure to conform to stereotypical notions of masculinity or femininity. For the purposes of this policy, California Lutheran University also prohibits stalking that is not gender-based but meets the definition of this policy. For full policy, see [Title IX and Clery Amendments Policy](#).

B. **Scope of Policy**

This policy applies to Students/Faculty/Staff/all members of California Lutheran University’s community. To the extent that this policy conflicts with other policies or guidelines, this policy shall prevail.

II. **Definitions**

A. **Advisor/Advocate**

Any individual who provides the reporting party or responding party support, guidance, or advice.

B. **Affirmative Consent**

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.

It shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the reporting party consented to the sexual activity under either of the following circumstances:

- The accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused.
- The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the reporting party affirmatively consented.
In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the reporting party affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the reporting party was unable to consent to the sexual activity under any of the following circumstances:

- The reporting party was asleep or unconscious.
- The reporting party was incapacitated due to the influence of drugs, alcohol, or medication, so that the reporting party could not understand the fact, nature, or extent of the sexual activity.
- The reporting party was unable to communicate due to a mental or physical condition.

C. **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, dating violence

- includes, but is not limited to, sexual or physical abuse or the threat of such abuse;
- does not include acts covered under the definition of domestic violence; and
- does not include acts covered under the definition of domestic violence.

D. **Domestic Violence**

A felony or misdemeanor crime of violence committed

- by a current or former spouse or intimate partner of the victim;
- by a person with whom the victim shares a child in common;
- by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- 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
- 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.

E. **Proceeding**

*All activities related to a non-criminal resolution of a complaint including, but*
not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

F. **Reporting Party**
The person who submits the initial complaint. In some cases, a third-party reporter may be the author.

G. **Responding Party**
The person who responds to a complaint alleging violation of the Title IX & Clery Amendments Policy.

H. **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:

1. **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.

2. **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.

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

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

I. **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
• 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;
• submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting the individual; or
• submission to such conduct is made either explicitly or implicitly a term of condition of an individual’s employment or academic programs.

J. **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.

K. **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.

III. **What to Do Immediately Following a Sexual Assault or Rape**
If you have been sexually assaulted or raped, you have options on how you can proceed. The following are recommendations intended to support you in dealing with this crime:

A. **Do not blame yourself**
Sexual assault is never the survivor’s fault.

B. **Go to a safe location**
If you are the survivor of a sexual assault, your first priority should be to get to a place of safety. If you are injured, seek medical attention immediately.

C. **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.

D. **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.
E. Call the local law enforcement agency at 911 for emergency assistance or one of the following:

- Ventura County Sheriff’s Office, East County Patrol Station: (805) 494-8200 (serving Thousand Oaks and unincorporated areas such as Lynn Ranch, Casa Conejo, Kelley Estates, Hidden Valley, Oak Park, and Bell Canyon)
- Los Angeles Police Department – Topanga Community Police Station: (818) 756-4800 (serving Canoga Park, West Hills, Winnetka, and Woodland Hills)
- Oxnard Police Department: (805) 385-7600
- Berkeley Police Department: (510) 981-7600

1. The local law enforcement agency will respond and you will be transported to a safe harbor. Transportation can be provided by a friend to the local law enforcement agency.
2. 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.
3. 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.
4. If a sexual assault survivor contacts law enforcement, 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.

F. If you choose not to report the incident to law enforcement, you may still seek medical help and personal counseling using your insurance plan.

G. Rape Trauma Syndrome
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) and 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 flashbacks 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, it is recommended that you do the following:

- 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 packet are for you as well.

IV. Procedures for Reporting the Incident

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.

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 survivor 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); and
- ensure 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.

V. Report Filing Options:

A. File a report with the Ventura County Sheriff’s Department

For an incident that took place on-campus, campus members 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 campus member chooses. Campus Safety officers will respond quickly and with sensitivity upon notification of the incident. Campus members 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.

B. **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.

C. **File a no-contact order**
   
   Campus members may also request a “no-contact order” towards the other person 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 campus member or others. A professional staff member in the Human Resources Department will write this document on behalf of the campus member initiating the request. Campus members 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. Campus members who would like to initiate this process can contact the Human Resources Department at (805) 493-3185.

D. **Decline to file a report**
   
   Campus members have the right not to file a report. However, campus members are highly encouraged to seek medical attention, including counseling. Campus members who wish to file a report at a later date may do so by contacting the Campus Safety Office and/or the Human Resources Department 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 campus member declines to file a report, the institution still maintains an obligation to provide a safe, non-discriminatory environment for all campus members and will still move forward with conducting an investigation.
VI. Notification to the University: Sexual Misconduct or Harassment

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, who can be reached at (805) 493-3630 / titleix@callutheran.edu, and the Deputy Title IX Coordinator is Christine Paul, Assistant Dean of Students, who can be reached at (805) 493-3630 / titleix@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, contact Melinda Roper, Vice President for Student Affairs/Dean of Students; Christine Paul, 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, contact Leanne Neilson, Provost and Vice President for Academic Affairs: (805) 493-3145
- When the alleged harasser is a non-teaching staff member of the University, contact Patricia Parham, Assistant Vice President for Human Resources: (805) 493-3185
- When the alleged harasser is any other individual on-campus (including visitors), contact 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; and
- 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.

VII. List of Resources

California Lutheran University is providing faculty and staff with the following contact information for counseling, health, mental health, victim advocacy, legal assistance, and other services both on- and off-campus.

A. Los Angeles and Ventura County Resources

1. On-Campus Resources (applicable to employees at the Thousand Oaks, Woodland Hills, and Oxnard campuses)

For official notification to the University, which may result in a report and investigation, contact:

- Jim McHugh, Title IX Coordinator- (805) 493-3630 / titleix@callutheran.edu. Location: Gilbert Sports and Fitness Center (GSFC) #208. Contact for general assistance and official notification to the University.
- Christine Paul, Deputy Title IX Coordinator, Residence Life and Student Conduct- (805) 493-3630 / titleix@callutheran.edu. Contact for general assistance, to change living accommodations, and for official notification to the University.
- Campus Safety- (805) 493-3911. Contact for immediate emergency response and official notification to the University.
- Patricia Parham, Assistant Vice President for Human Resources- (805) 493-3185. Contact for accommodations regarding work conditions.

For confidential counseling, support, and advocacy, contact:
• **Campus Ministries**- (805) 493-3228. Contact for confidential emotional and spiritual support.

• **Health Services**- (805) 493-3225. Contact for confidential consultation and assistance.
  o 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.

2. **Other Local Resources**

• Call **911** for emergency medical treatment or to report rape.

• Call **211** for a 24-hour information and referral helpline.

• **Coalition for Family Harmony**- (805) 656-1111. Location: Oxnard. Contact for individual counseling, family counseling, women’s support groups (also offered in Spanish), and referrals to other services.

• **Interface Sexual Assault Treatment Services**- (800) 339-9597. This 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. Location: 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.*


• **Santa Monica Rape Treatment Center**- (310) 319-4000. Location: 1250 Sixteenth Street Santa Monica, CA 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. Locations: Santa Clarita and Van Nuys. Contact for individual counseling and referral to other services. *Police involvement is optional.*
- **LA County Department of Mental Health**- (800) 854-7771. Contact for information and referrals on mental health and crisis services.
- **CATS Center**- (818) 908-8630. Location: 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**- (805) 654-3622. Location: 800 S. Victoria Ave., Suite 314, Ventura, CA 93009. Contact for legal assistance.

B. Berkeley Resources

1. **On-Campus Resources** (applicable to employees at the Pacific Lutheran Theological Seminary campus)

   *For official notification to the University, which may result in a report and investigation, contact:*

   - **Christopher Evans, Deputy Title IX Coordinator, Associate Dean for Student Formation** (for general assistance and official notification to the University): (510) 559-2737 / [cevans@plts.edu](mailto:cevans@plts.edu)
   - **Campus Safety** (for official notification to the University): (805) 493-3911
   - **Patricia Parham, Assistant Vice President for Human Resources** (for accommodations regarding work conditions): (805) 493-3185

   *For confidential counseling and emotional support:*

   - **Campus Pastoral Care Team**: [http://www.plts.edu/directory/pastoral-team.html](http://www.plts.edu/directory/pastoral-team.html)

2. **Other Local Resources**

   - **Alta Bates Summit Medical Center**- (510) 204-4444. Location: 2450 Ashby Avenue, Berkeley. *Police involvement is mandatory.*
3. **Government Resources**
   
   [www.notalone.gov](http://www.notalone.gov)

VIII. **Investigating an Allegation of Sexual Misconduct When the Alleged Assailant is a Cal Lutheran Student**

   A. **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, 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.

   B. **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 of Residence Life and Student Conduct will initiate an immediate response to separate the reporting party and 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’s 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 responding party from a hostile living situation.

   C. **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 responding party 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.

D. **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.

E. Appeal Process
Any disciplinary action against a student who has violated the University Policy on Student 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 Students 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.

F. Recording Investigative Materials and Reports
The permanent disciplinary record of a student who violated the University Policy on Student Sexual Misconduct will reflect this violation if and only if the allegations of the complainant 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.

IX. Investigating an Allegation When the Alleged Assailant is a California Lutheran University Employee

A. Initiating a Complaint
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, 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 Assistant Vice President for Human Resources.

B. 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 policy on Harassment & Discrimination Prohibition at https://www.callutheran.edu/offices/human-resources/Policy-Harassment_Discrimination_Prohibition.pdf).

Immediate Response: The professional staff member 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’s 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.

C. Investigation
The Campus Safety or Human Resources Department representative will inform both parties of the time and place of their respective 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 will 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 that it is more likely than not that the conduct in question occurred, 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.
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.

D. Disciplinary Sanctions
Disciplinary action against an employee who has violated the University policy on Sexual Misconduct or Title IX and Clery Amendments 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 recommended by the appropriate Vice President and Assistant Vice President for Human Resources. All disciplinary actions require the approval of the University President.

Both the reporting party and the responding party will be informed of the factual 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.

E. Appeal
Any disciplinary action against an employee who has violated the University policy on Sexual Misconduct or Title IX and Clery Amendments 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).

F. Recording Investigative Materials and Reports
The employment record of an employee who violated the policy on Sexual Misconduct or Title IX and Clery Amendments will reflect this violation if and only if the allegations of the reporting party are found to be true.

X. Work Changes
The Assistant Vice President for Human Resource can assist in initiating any work-related changes as requested by the victim, and if reasonably available, regardless of whether the victim chooses to report the crime to Campus Safety or to local law enforcement.

XI. **Imminent Danger to the Community**

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

XII. **Sexual Misconduct Prevention**

A. **Education**

The University educates the campus community about sexual misconduct throughout the year. In addition, both the Student Affairs and Campus Safety staff offer sexual misconduct education and information programs to University students and employees. Literature on physical and sexual assault and general safety tips on risk education and University response are available at the Campus Safety, Human Resources, Residence Life and Student Conduct, and Student Life offices.

B. **Individual Responsibility**

1. **Establishing Boundaries**

   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, the following are steps you can take to avoid potentially damaging situations:

   - Get to know your partner and discuss 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.

2. **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 or through 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;
who is unconscious; or who is 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.

3. **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.

XIII. Additional Information

A. 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 the assault or rape is reported, the survivor can choose to pursue disciplinary action on campus without needing to file charges with the police.

B. Privacy of Information
To the extent that maintaining the privacy of all parties to a complaint of sexual assault or harassment 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 confidentiality and protect the identity of those with whom they work. Medical professionals at Cal Lutheran Health Services, psychologists/clinicians/counselors at Student Counseling Services, and the Campus Ministry staff 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 recordkeeping 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 (805-493-3630, titleix@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 the University’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 complainant and/or the respondent will not be honored without written permission from the student(s) involved.