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CAL STATE EAST BAY ANNUAL SECURITY

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As a part of our responsibility and to our community informed, Cal State East Bay's Annual Security Report (ASR) available for review. Produced annually, it includes statistics regarding crimes committed on or around campus as well as University Police Department services, crime prevention, victims' rights, and resources that can raise awareness of how we create and maintain a supportive and safe campus community.

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I am proud of the efforts that our faculty, staff, and students make to keep our campus secure and safe. Interim Chief Deputy Michael J. ... the entire University

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This Annual Security Report (ASR) is prepared, published, distributed and maintained by the Clery Director in compliance with

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	1	0	0
2021	0	0	0	0
2022	1	1	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0



Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	1	1	0	0
2022	2	2	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	1	0	0
2021	0	0	0	0
2022	0	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	3	0	0
2021	0	0	0	0
2022	0	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	1	1	0	0
2021	0	0	0	0
2022	1	3	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	1	0	0
2021	0	0	0	0
2022	0	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0	0	0	0
2021	0	0	0	0
2022	0	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	0			



Concord Center

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
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Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	1	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	1	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	1	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	1	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

There is no University Housing located at the Concord Center. Public property offenses are those offenses reported to the Concord Police Department.

Unfounded Crimes

Year	Total
2020	0
2021	0
2022	0

Oakland Center

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Residential

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-			

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

Year	Campus Residential	Campus Total	Noncampus	Public Property
2020	-	0	0	0
2021	-	0	0	0
2022	-	0	0	0

There is no University Housing located at the Oakland Center. Public property offenses are those offenses reported to the Oakland Police Department.

Unfounded Crimes

Year	Total
2020	0
2021	0
2022	0

Hate Crimes

2020 – There were no reported hate crimes.

2021 – There were no reported hate crimes.

2022 – There were no reported hate crimes.

2020 – There were no reported hate crimes.

2021 – There were no reported hate crimes.

2022 – There were no reported hate crimes.

criteria

University Police. If a crime occurs off campus, members of the community can always contact the University Police Department at 510-885-3791, who can help determine if the crime should be reported to University

If a CSA report includes 1) a Clery crime 2) on Clery Geography and 3) a discernible serious or ongoing threat, a timely warning as described below shall be issued expeditiously.

In the absence of any of these three elements, no timely warning will be issued.

The Chief of Police (or the management designee) shall have ultimate authority and responsibility for determining whether to issue a Timely Warning. The Clery Director or designee will issue the Timely Warning notice. UPD personnel, the Clery Director, and the Clery Compliance Records Specialist maintain a repository of Timely Warning templates.

Each reported incident must be analyzed on a case-by-case basis. All known factors shall be considered in the case-by-case analysis to determine whether a timely warning should be issued. No single factor should govern the decision regarding the issuance of a timely warning. Campuses are prohibited from circumventing a case-by-case analysis by issuing a blanket rule that timely warnings will be issued for all reports of any given Clery reportable crime. Requests from an outside law enforcement agency to refrain from issuing a timely warning is insufficient grounds on its own for not issuing or delaying the issuing of a timely warning, unless the Chief of Police concurs that by issuing a timely warning, an identified risk can be articulated that would compromise the law enforcement efforts.

Community is separate and distinct from the Timely Warning Policy. Such notices must be distributed in a manner that assures that members of the community are notified in a timely manner. Timely warning notifications required by the Clery Act; members are encouraged to believe that such notices are timely warnings.

Content of Timely Warning

When a timely warning is issued, it shall be titled "Timely Warning Bulletin" and contain the following:

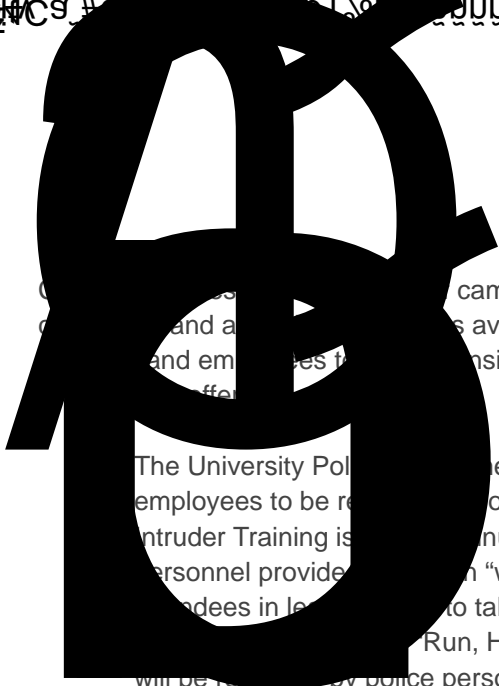
A statement that reads, "This Timely Warning Bulletin is being issued in compliance with the Clery Act and the purpose is to provide information to the Campus community to aid members in the prevention of a similar crime."

Identify the Clery reportable crime that occurred (i.e., rape, burglary, motor vehicle theft, arson, etc.)

:

University notification system - computer desk

Campus facilities and grounds are frequently inspected by various entities, such as Facilities Development and Operations, Risk Management and Internal Control, and Environmental Health and Safety. Safety walks are frequently held to identify security concerns, such as broken lighting in parking areas and pathways, trip hazards, excessive shrubbery, etc. Any



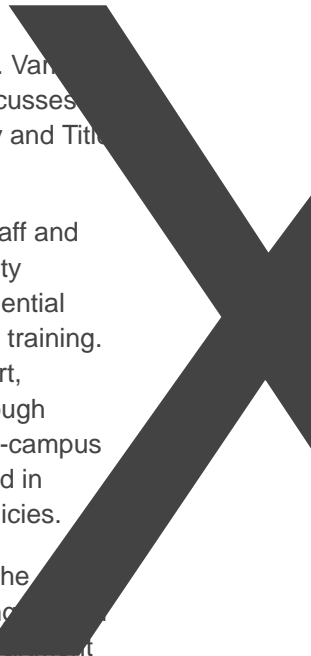
campus safety through a variety of means. Various departments and services are available to members of the campus community and encourage students, faculty, and employees to be responsible for their personal safety and the safety of others. Below is a list of resources that are available to the campus community.

The University Police Department offers several trainings that encourage students and employees to be responsible for their own personal safety and the safety of others. The Violent Intruder Training is offered annually and throughout the year upon request. University Police personnel provide training on "what to do" during an active intruder incident. The training assists students and employees in learning how to take active steps to protect themselves during an emergency. The "Run, Hide, Fight" video and are taught how to make an action plan that will be reviewed by police personnel.

Human Resources - new employee orientations are offered monthly for new employees. Various departments present policies and procedures to new employees. Risk Management discusses injury and illness prevention. All new employees are required to take the "Gender Equity and Title IX" training.

University Housing & Residence Life Student Staff - The Residential Life professional staff and student staff, such as Resident Assistants, Graduate Assistants, and Themed Community Assistants are provided annual training regarding safety and crisis response to the residential community. These employees are considered mandated reporters and offered voluntary training. Emergency training topics may include fire, earthquake, active shooter, medical transport, students in crisis, and more. In addition, residents are provided self-guided learning through emails and websites, and a fire drill during each semester. To ensure the safety of all on-campus residents, University Housing premises are held to university conduct policies as outlined in CSUEB Code of Conduct, as well as additional University Housing & Residence Life policies.

All Community Service Officers, Student Service Officers and full-time employees from the Parking & Transportation Department are encouraged to take the Active Shooter Training annually. Because of the nature of the work in the Parking & Transportation department (i.e. issuing tickets in the lots, assisting with



A description of drug and alcohol abuse education programs required by the Drug-Free Schools and Communities Act (DFSCA) including standards of conduct, applicable legal sanctions, associated health risks, available treatment and support programs and discipline and sanctions can be found at: <https://www.csueastbay.edu/atod/drug-alcohol-abuse-prevention-plan.html>

The California State University (CSU) promotes a safe living, learning, and working environment through systemwide policies and through a variety of campus educational programs provided to students, faculty, and staff. The CSU prohibits dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, and provides programs to prevent, educate, and promote awareness of these topics, in accordance with the CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation ("Nondiscrimination Policy"). These prohibited behaviors are also crimes as defined by 34 C.F.R. §668.46, and California criminal definitions.

The CSU provides comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to stop dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking before they occur through the promotion of behaviors that foster healthy relationships, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

The CSU's prevention programs and initiatives are sustained over time and focus on increasing awareness and understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, and stalking, using a range of strategies with audiences throughout the CSU community. This includes both community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, reduce perpetration, promote safety and a culture of respect.

Campus programs must include primary prevention and awareness training: (1) for all new Students²; and new Employees; (2) refresher programs at least annually for all Students; (3) twice a year for all Students who serve as advisors in residence halls; (4) annually for all Student members of fraternities and societies; (5) annually for all Student athletes and coaches; and (6) annually for all Employees consistent with their role in the organization and reporting incidents. Ongoing prevention and awareness campaigns for

Information About Campus Reporting, Adjudication and Discipline Procedures

Campus training programs will reference the procedures outlined in the CSU Nondiscrimination Policy that victims/survivors may follow if an incident of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking has occurred. Training programs will also reference information about preserving evidence, reporting to the appropriate authorities, confidentiality options, available protective and supportive measures.

Campuses apply the relevant CSU policy and procedures when responding to all reports of dating violence, domestic violence, sexual misconduct/sexual assault, sexual exploitation, or stalking.

Campuses shall establish processes to provide a print and/or digital copy of the file

What someone should do in the event of a sexual assault, sexual exploitation or sexual harassment.

Individuals to whom the information should be reported and confidentiality may be maintained.

The availability of support services for victims/survivors of sexual assault, sexual exploitation or sexual harassment, including counseling, medical services, legal services, and other services.

11/15/2023



Procedures victims/survivors are recommended to follow if sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking has occurred, as well as the fact that the following written information must be provided to victims:

The importance of preserving evidence following an incident of sexual misconduct/sexual assault, sexual exploitation, dating or domestic violence, or stalking, which may also be used to obtain a temporary restraining or other protective order.

The name and contact information of the campus Employee(s) to whom the alleged incident should be reported.

Reporting to law enforcement and campus authorities, including the option to: (a) notify law enforcement authorities, including on-campus and local police; (b) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and, (c) decline to notify such authorities.

Where applicable, the rights of victims/survivors and the campus' responsibility

A person's own intoxication or incapacitation does not diminish their responsibility to obtain affirmative Consent from any person with whom they engage in sexual activity.

Signs that someone does not respect the importance of consent:

They pressure or guilt you into doing things you may not want to do.

They suggest you "owe" them something (including sexual acts) because you're dating or because they have done something to you.

If you recognize the behaviors above in yourself, or in how your partner reacts, then you are hurting them. This can be a difficult realization to come to but it's vital that you change and stop hurting your partner. By acknowledging that your actions are your responsibility for the harm you've done, you can begin to progress on the path toward correcting the harm. You could consider taking a technology course or consulting with a counselor confidentially. You could also contact the National Domestic Violence Hotline (800) which is free and confidential.

[Source: [National Domestic Violence Hotline](#)]

Respecting boundaries

If someone tells you that they do not want you to contact them or do something like visit their home or send them gifts, or if they have stopped interacting with you, respect their choice. Everyone has the right to set boundaries.

Recognizing stalking behaviors

A person who engages in stalking may:

- Repeatedly call or send other unwanted communication such as text messages, emails, social media messages, letters, etc.
- Follow the person and seem to "show up" wherever they are.
- Send unwanted gifts.
- Damage home, car, or other property.
- Monitor phone calls

intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

1 in 6 (Male Survivors of Sexual Assault)

(877) 628-1466

24 hour helpline chat: <https://1in6.org/helpline>

Alameda County Family Justice Center

(510) 267-8800

info@acfjc.org

Bay Area Community Services (BACS)

(510) 613-0330

bacs@bayareacs.org

Contra Costa County Family Justice Center

Antioch - (925) 281-0970

Concord - (925) 521-6366

Richmond - (510) 974-7200

California Partnership to End Domestic Violence

(916) 444-7163

California Courts: The Judicial Branch of California

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

[Asking for a restraining order](#)

[Workplace restraining order](#)

Family Violence Law Center

(510) 208-0220

24 hour helpline: (800) 947-8301

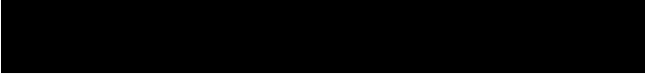
info@fvlc.org

U.S. Department of Education, Office for Civil Rights

(800) 421-3481

ocr@ed.gov

National Domestic Violence Hotline



RAINN - National Sexual Assault Hotline

RAINN

25800 Carlos Bee Boulevard, Hayward, CA 94542
Phone: (510) 885-4918
Email: title9@csueastbay.edu

Reporting to University Administration

Complaints of discrimination, harassment, sexual misconduct and sexual assault, dating and domestic violence, sexual exploitation, and stalking may be addressed through the University administrative process⁴. A complainant or reporting party can report an incident to the University by contacting the Title IX Coordinator on their campus. A complainant has the right to have a support person present with them while making a complaint.

The University will protect the privacy of everyone involved in a report to the greatest degree possible under applicable law and University policy. Personally identifiable information about the involved parties will be shared only on a need-to-know basis, e.g., to those who are investigating/adjudicating the report or those involved in providing support services. By only sharing personally identifiable information with individuals on a need-to-know basis, the University will maintain as confidential any supportive measures and remedies provided to the parties, to the extent that maintaining such confidentiality would not impair the ability of the University to provide supportive measures and remedies.

The CSU does not publish the name of victims/survivors or other identifiable information regarding victims/survivors in the Daily Crime Log or in the crime statistics that are disclosed in the . Furthermore, if a Timely Warning is issued on the basis of a report of sexual assault, dating violence, domestic violence, sexual exploitation, or stalking, the name of and other personally identifiable information about the victim/survivor will be withheld.

Victims/survivors are encouraged to preserve all physical evidence, including but not limited to: clothing worn during the assault, bed sheets, and/or photos of any injuries. This evidence may be helpful in proving that a crime occurred, in the event the victim/survivor chooses to report now or in the future. It may also be helpful in obtaining a court-ordered protective or restraining order. If a victim/survivor does not have any evidence preserved, they still have an option to report the crime and request a medical evidentiary examination.

Victims/survivors of sexual misconduct, sexual assault, sexual exploitation, stalking, dating violence and domestic violence are also encouraged to preserve evidence by saving text messages, instant messages, social networking pages, other communications, pictures, logs or other copies of documents that may be useful to University investigators or police should the victim/survivor decide to report now or in the future.

Some forms of misconduct prohibited under the Nondiscrimination Policy may also be prohibited by law. You have a right to be informed of law enforcement options and information regarding the availability of a criminal or civil prosecution for victims of crime.

⁴ See page # 43

It is a victim's/survivor's choice to report a crime. You have the right to report or decline to report an incident to law enforcement. You have the right to not be forced, coerced, or pressured into reporting to law enforcement.

A victim/survivor may report an incident to law enforcement at any time. In the event of an emergency where immediate assistance is required, a victim/survivor should dial 9-1-1 to be connected with the nearest police department. If there is no emergency, victims/survivors can file a police report at any time in the jurisdiction where the assault occurred. A confidential victim advocate can assist the victim/survivor

if
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file

last up to seven calendar days. The judge can order the alleged abuser to leave the domicile and

anticipated timelines for both forms and the steps, decisionmakers, and any

The campus Title IX Coordinator will review reports of Sex Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Assault, Sexual Coercion, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and associated Retaliation.

Cal State East Bay's Title IX Coordinator can be reached by phone at (510) 885-4918 and by email at eo-wbappeals@calstateeastbay.edu. Complaints can also be entered online through the [Campus Title IX and Discrimination, Harassment, and Retaliation Reporting Form](#).

Complaints against a Change of Status, Harassment, and Retaliation can be filed at eo-wbappeals@calstateeastbay.edu.

The campus will respond to all Complaints and will take appropriate action to prevent continuation of the violations.

After receiving a report, the Title IX Coordinator will assess the report and reach out to the Complainant name if possible. The report will include the following:

- a. A statement that the Complainant has experienced Discrimination, Sexual Harassment, Sexual Misconduct, Sexual Exploitation, Sexual Assault, Sexual Coercion, Dating Violence, Domestic Violence, or Stalking.
- b. A description of the incident.

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Prior to engaging in an informal resolution process,

The investigator will share with the Parties the answers to questions posed during the review of evidence. If additional disputed material facts are identified or evidence is gathered, it will be included in the preliminary timeline.

the disputed issue to which the witness's testimony relates. The hearing officer may also identify witnesses from the final investigation report.

No later than 10 Working Days before the hearing, the hearing coordinator will share a final witness list with the Parties, and notify each witness of the date, time, and location of the hearing. Witnesses will be directed to attend the hearing and t

disciplinary outcomes for similar conduct and whether the Respondent was previously found to have violated university policy.

Within 5 Working Daym

before the hearing. Objections to an appointed hearing officer will be made in writing to the hearing coordinator no later than 5 Working Days after notice of hearing has been sent to the Parties.

No later than 15 Working Days before the hearing, each Party will provide to the hearing coordinator a proposed witness list that includes the names of, and current contact information for, that Party's proposed witnesses as well as an explanation of the relevance of each proposed witness' testimony. The hearing officer may also identify witnesses from the Final Investigation Report.

Where there is more than one Respondent or Complainant in connection with a single occurrence or related multiple occurrences, the hearing officer and the Parties may agree to a single hearing. A Party may request consolidation with other cases, or the Title IX Coordinator, may initiate the consolidation (subject to FERPA and other applicable privacy laws). Request for consolidation will be made no later than 15 Working Days before the hearing. The hearing officer makes consolidation decisions.

Parties must provide the name of, and contact information for, the Party's Advisor and Support Person (if any) to the hearing coordinator 15 Working Days before the hearing.

No later than 10 Working Days before the hearing, the hearing coordinator will share a final witness list with the Parties, and notify each witness of the date, time, and location of the hearing. Witnesses will be instructed to attend the hearing and to promptly direct any questions or concerns about their attendance

with the Parties, and notify each witness of the date, time, and location of the hearing. Witnesses will be instructed to attend the hearing and to promptly direct any questions or concerns about their attendance

before

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After the hearing:

After the hearing, the hearing officer will make written findings of facts and conclusions about whether the Respondent violated the Policy. The Title IX Coordinator will review the hearing officer's report to ensure compliance with the Policy. The hearing coordinator will forward the hearing officer's report promptly to the Parties, the Title IX Coordinator, and the student conduct administrator, usually within 15 Working Days

. Compensation for loss, damages or injury. This may include appropriate service and/or monetary material replacement.

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Equal Opportunity and Whistleblower Compliance Unit
Systemwide Human Resources
Office of the Chancellor
401 Golden Shore
Long Beach, California 90802
eo-wbappeals@calstate.edu

The Chancellor's Office will provide prompt written acknowledgment of the receipt of the appeal to the appealing Party, and will provide written notification of the appeal, including a copy of the appeal, to the non-appealing Party and the campus Title IX Coordinator/DHR Administrator. The notice will include the right of the non-appealing Party and the campus to provide a response to the appeal within 10 Working Days of the date of the notice. The appeal response will be limited to 3,500 words, excluding exhibits. Any response to the appeal received by the Chancellor's Office R r

California's sex offender registration laws require convicted sex offenders to register their status with the University police department if they are enrolled, residing, attending, carrying on a vocation (i.e., contractor or vendor on campus for more than 30 days in the year), or working with or without compensation for the institution. All public information available in California about registered sex offenders, to include the ability to look-up offenders by name, residence address, and zip code, is on the California Department of Justice Megan's law website at <http://www.meganslaw.ca.gov/>.

If a member of the University Community has reason to believe that a student who resides in on-campus Housing is missing, they should immediately notify the University Police Department by calling (510) 885-3791. All appropriate efforts will be made to locate the student to determine their state of health and well-being through the collaboration between UPD and the University Housing and Residence Life department. The Department does not consider any report of a missing person to be routine and assumes that the missing person is in need of immediate assistance until an investigation reveals otherwise. The Department gives missing person cases priority over property-related cases and will not require any time frame to pass before beginning a missing person investigation (Penal Code § 14211).

The Jeanne Clery Act requires the institution to allow a student who resides in on-campus Housing to identify an individual as a separate confidential contact to be notified in the event they are determined to be missing. This separate missing person confidential contact is collected during the application and contracting process to live on campus. The separate missing person confidential contact information is stored and will only be accessible to authorized University Housing and Residence Life staff and it will only be disclosed to law enforcement officials in the furtherance of a missing person investigation. Once the University Police Department has at umes

Rape CA Penal Code Chapter Section

(a) Rape is an act of sexual intercourse accomplished under any of the following circumstances:

(1) If a person who is not the spouse of the person committing the act is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding

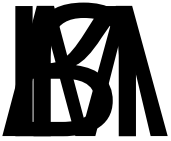
victim's will by means of force or fear of immediate and unlawful bodily injury on the victim or another person or where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat, shall be punished by imprisonment in the state prison for five, ~~and~~

at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for not more than one year. Notwithstanding

(B) Any person who commits an act of oral copulation upon a person who is under 14 years of age, when the act is accomplished against the victim's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person, shall be punished by imprisonment in the state prison for 8, 10, or 12 years.

~~(C)~~ Any person who commits an act

- (1) Was conscious or asleep at the time the act occurred.
- (2) Was aware, knowing, perceived, or reasonably should have perceived the essential characteristics of the act occurred.
- (3) Was aware, knowing, perceived, or reasonably should have perceived the essential characteristics of the act due to the perpetrator's fraud in fact.
- (4) Was not aware, knowing, perceived, or reasonably should have perceived the essential characteristics of the act due to the perpetrator's fraud in fact if the copulation served a professional purpose when it served no professional purpose.
- (g) Except as provided in subdivision (b), any person who commits an act of oral copulation, and the victim is at the time incapable, because of a mental or physical developmental or physical disability, of giving legal consent, and this person or reasonably should have known to the person committing the act, shall be punished by imprisonment in the state prison, for one, two, three, four, five, six, seven, or eight years. Notwithstanding the existence of a conservatorship of the person, the provisions of the German-Petris-Short Act (Part 1 commencing with Section 26200) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental or physical developmental or physical



As used in this subdivision, "public official" means a person employed by a governmental agency wh

mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(c) Any person who commits an act of sexual penetration, and the victim is at the time incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act or causing the act to be committed and both the defendant and the victim are at the time confined in a state hospital for the care and treatment of the mentally disordered or in any other public or private facility for the care and treatment of the mentally disordered approved by a county mental health director, shall be punished by imprisonment in the state prison, or in a county jail for a period of not more than one year. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1 (commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the crime, that a mental disorder or developmental or physical disability rendered the alleged victim incapable of giving legal consent.

(d) Any person who commits an act of sexual penetration, and the victim is at the time unconscious of the nature of the act and this is known to the person committing the act or causing the act to be committed, shall be punished by imprisonment in the state prison for three, six, or eight years. As used in this subdivision, "unconscious of the nature of the act" means incapable of resisting because the victim meets one of the following conditions:

~~(1) Any person who is unconscious of the nature of the act because of the use of a drug or alcohol by the perpetrator.~~
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(1) Any person who is unconscious of the nature of the act because of the use of a drug or alcohol by the perpetrator.
DB

... person

As used in this subdivision, "public official" means a person employed by a governmental agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

(h) Except as provided in Section 288, any person who participates in an act of sexual penetration with another person who is under 18 years of age shall be punished by imprisonment in the state prison or in a county jail for a period of not more than one year.

(i) Except as provided in Section 288, any person over 21 years of age who participates in an act of sexual penetration with another person who is under 16 years of age shall be guilty of a felony.

(j) Any person who participates in an act of sexual penetration with another person who is under 14 years of age and who is more than 10 years younger than he or she shall be punished by imprisonment in the state prison for three, six, or eight years.

(k) As used in th]

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abuse, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a fine not exceeding ten thousand dollars (\$10,000).

(c) Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery. A violation of this subdivision is punishable by imprisonment in a county jail for not more than one year, and by a fine not exceeding two thousand dollars (\$2,000); or by imprisonment in the state prison for two, three, or four years, and by a

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(3) "Seriously disabled" means a person with severe physical or sensory disabilities.

(4) "Medically incapacitated" means a person who is incapacitated as a result of prescribed sedatives, anesthesia, or other medication.

(5) "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.

(6) "Minor" means a person under 18 years of age.

(h) This section shall not be construed to limit or prevent prosecution under any other law which also proscribes a course of conduct

(4) The mother or father of the offender's child.

CA Penal Code e

(1) When a battery (willful and unlawful use of force or violence upon the person of another) is committed against a spouse, a person with whom the defendant is cohabiting, a person who is the parent of the defendant's child, former spouse, fiancé, or fiancée, or a person with whom the defendant currently has, or has previously had, a