



CSU Bakersfield

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## MEMORANDUM

**DATE:** August 23, 2019

**TO:** All Faculty and Staff

**FROM:** Marcus Brown, J.D.   
Director of Equity, Inclusion, and Compliance  
Title IX Coordinator

**SUBJECT:** Annual Notification on the CSU's Policies and Procedures Relating to Title IX

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This annual notification is being sent as a reminder of our campus policy and procedures relating to Title IX. Title IX and other federal and state laws prohibit discrimination on the basis of sex, gender, or sexual orientation, and protect all regardless of their gender or gender identity from sex discrimination, which includes sexual harassment and sexual misconduct (sexual assault, domestic violence, dating violence, and stalking).

All employees, with the exception of University employed physicians, professional counselors, and Advocates, are required to report incidents of sexual misconduct (including the identities of parties involved) to the Title IX Coordinator at (661) 654-2713 or [mbrown59@csub.edu](mailto:mbrown59@csub.edu) so the University can take immediate action and take steps to correct and eliminate the cause of sexual misconduct.

### **Options for Reporting Sexual Misconduct:**

CSUB encourages campus community members to report sexual misconduct. By reporting, campus community members can get the support they need.

1. **Report to Police:** You have the option to pursue criminal charges. You can pursue criminal charges by contacting the police directly. Campus police officers do report incidents to the Title IX Coordinator but will withhold the victim's name if requested by the victim. For emergencies, you can contact police at 9-1-1 or (661) 654-2111 (on campus UPD).

2. **Report to University Administration:** You should report the incident to a campus official such as the Title IX Coordinator or Deputy Title IX Coordinators (in Athletics (Cindy Goodman), Housing (MaxJulian Ham), and Student Affairs (Rubicelia Alvarez)). The Title IX Coordinator is available to provide interim remedies, such as “no contact orders,” and conduct administrative investigations. You can contact the Title IX Coordinator, Marcus Brown, at [mbrown59@csub.edu](mailto:mbrown59@csub.edu) or (661) 654-2713.

## **Confidential Support**

CSUB offers free support services for our faculty and staff and students. Confidential support services available are:

1. **Employee Assistance Program (EAP):** EAP is a free, confidential referral and counseling service designed to help you and members of your family balance life challenges you face every day. For more information please visit: <https://www.csub.edu/bas/hr/Benefits/EAP/index.html>
2. **Campus Advocate:** The Campus Advocate is available to provide assistance and resources to student, including accompaniment and explanation of law enforcement, legal, and medical processes. The Advocate is located in Rohan Hall (Student Housing West). For more information, please visit: <https://www.csub.edu/compliance/campusadvocate/>

## **CSU Executive Orders**

CSUB complies with CSU Executive Orders 1096 and 1097 in responding to and investigating allegations of sexual misconduct. The EOs were updated on March 29, 2019 to reflect the recent changes to legal requirements under California case law.

CSU Executive Order 1096: Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Employees and Third Parties and Systemwide *Procedure* for Addressing Such Complaints by Employees and Third Parties  
<https://www.calstate.edu/eo/EO-1096-rev-3-29-19.pdf>

CSU Executive Order 1097: Systemwide *Policy* Prohibiting Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating and Domestic Violence, and Stalking against Students and Systemwide *Procedure* for Addressing Such Complaints by Students  
<https://www.calstate.edu/eo/EO-1097-rev-3-29-19.pdf>

Please review the supplemental section on the changes and how they affect our procedures going forward.

## Nursing Rooms on Campus

The University maintains three nursing/lactation rooms available on campus for our faculty, staff, and students. The nursing/lactation rooms are available in Rohan Hall (Student Housing West), Walter Stiern Library, and the Student Health Center. The rooms are available for use during normal operating hours.

## Gender Neutral Restrooms

The University has a number of single uses restrooms that have now been designated as gender-neutral restrooms. For a list of available restrooms please visit: <https://www.csub.edu/compliance/TitleIX/SingleOccupancy-UserRestrooms/index.html>

## Update to the Campus on Sexual Misconduct Procedures

On March 29, 2019, the Chancellor's Office released revised CSU Executive Orders, which affect how the campus adjudicates allegations of sexual misconduct made against students. The updated policies may be found at <http://www.calstate.edu/eo/>. For reference, please see the addendums attached to CSU Executive Orders 1096, 1097, and 1098 (revised March 29, 2019). ***The new procedures will apply specifically to cases 1) alleging sexual misconduct (e.g., rape or sexual battery) by a student that 2) if substantiated, could result in a severe sanction such as expulsion or suspension and 3) where credibility of any party or witness is central to the finding.***

The updates to these policies are the result of changing legal requirements, and the offices for Equity, Inclusion, and Compliance and Student Rights and Responsibilities here at CSUB are working to ensure an appropriate implementation of the new procedures.

The new procedures provide for a hearing on the factual findings and policy findings in applicable sexual misconduct cases following an investigation. Parties in these cases have the opportunity to bring an advisor and a support person with them to the hearing. A Hearing Coordinator will walk students through the process and facilitate the logistical needs through the process.

Parties in applicable sexual misconduct cases will also have the option to discuss an early resolution prior to and instead of a hearing. Early resolutions may include disciplinary action. In order for an early resolution to be finalized, both parties must agree to the terms, and the Title IX Coordinator (in consultation with Student Rights and Responsibilities) must consider the resolution reasonable in light of the totality of the circumstances (e.g., taking into account factors such as the seriousness of the alleged conduct and concerns for student safety).

Please be assured that CSUB continues to take sexual misconduct seriously and will continue to investigate reports in an efficient and impartial manner. Any substantiated complaints of sexual misconduct will result in appropriate discipline and remedial measures.

CSUB community members should report instances of sexual misconduct promptly to the Marcus Brown, Title IX Coordinator, at **(661) 654-2713** or [mbrown59@csub.edu](mailto:mbrown59@csub.edu).

Any community member who has experienced sexual misconduct may also contact the CSUB Campus Advocate at **(661) 654-6210** or [advocate@csub.edu](mailto:advocate@csub.edu). The Campus Advocate will provide confidential support to students throughout any process in which they choose to participate, including police investigation and/or administrative investigation and hearing.

For additional information and resources regarding CSUB's policy on sexual misconduct and resources please visit <https://www.csub.edu/compliance/TitleIX/index.html>