

# HSU Sexual Misconduct, Intimate Partner Violence, Dating or Domestic Violence, and Stalking Policy

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Humboldt State University (HSU) is committed to maintaining and strengthening an educational, working, and living environment founded on dignity and social responsibility. Sexual misconduct, (including sexual assault and sexual harassment ), intimate partner/domestic violence, dating violence, and stalking as well as acts of retaliation against survivors go against the standards and ideals of our community and will not be tolerated. HSU aims to eliminate these harmful actions through education, training, clear policies, and serious consequences for violations of these policies. This policy applies to all university community members, including university employees, students, and third parties. (Examples of third parties include employees of auxiliary organizations, volunteers, independent contractors, vendors and their employees, and visitors.) If a university community member is found responsible for committing sexual misconduct, intimate partner violence, or stalking, they can face criminal charges and/or the appropriate HSU conduct process. For information concerning the various conduct processes, see “Information Regarding the HSU Campus’ Criminal and Civil Consequences of Committing Acts of Sexual Violence” at [www.humboldt.edu/titleix/](http://www.humboldt.edu/titleix/). HSU is committed to the well-being and rights of the person reporting the assault, while ensuring due process for the accused.

For more information on filing a report or accessing support services related to this policy, please check the Title IX web site [www.humboldt.edu/titleix/](http://www.humboldt.edu/titleix/) and the CSU Executive Order 1095 <https://www.calstate.edu/eo/EO-1095-rev-6-23-15.html>.

## Sexual Misconduct

**Consent** - Fully conscious, voluntary acceptance and agreement to engage in a sexual act. If force, fear, threat, coercion, incapacitation (including by alcohol or other drugs), or violence is used or someone takes advantage of an individual who is incapable of giving consent due to that individual’s age or disability or by the use of coercion through one’s position of authority, consent cannot exist. Consent cannot be inferred from a current or previous sexual, romantic, or marital relationship, nor can it be inferred from consenting to any other sexual acts. Consent can be taken away at any time.

**Criminal charges** – Upon law enforcement investigation a report may be forwarded to the District Attorney’s office, which is solely responsible for the decision of whether to file criminal charges.

**Dating Violence** – A form of sexual violence and is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website.

**Intimate partner/domestic violence** – A pattern of power and control that results in physical, sexual, or mental harm, or other forms of abuse, by a person who is or has been in a social relationship of romantic nature, including spouses. This type of violence can occur among heterosexual or same-sex couples and does not require sexual intimacy. Domestic violence also includes abuse committed against a current or former cohabitant or someone with whom the abuser has a child. Cohabitation means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

**Retaliation** – Adverse action taken against a person who has reported or opposed conduct which the person reasonably and in good faith believes is discrimination or harassment, has participated in an investigation/proceeding, or has assisted someone in reporting or opposing discrimination, harassment or retaliation or is perceived to have done either of these things.

**Sexual assault** – Any attempted or completed sexual act without consent, including unwelcome sexual touching, oral, anal, or vaginal contact and/or penetration. Rape is defined as sexual intercourse without consent, and is a form of sexual assault.

**Sexual harassment** – Consists of both non-sexual conduct based on sex or sex-stereotyping and conduct that is sexual in nature which can be verbal, nonverbal, or physical. Sexual harassment also includes hostile behavior based on sex or gender stereotypes, or one's sexual orientation or gender identity, even if that behavior isn't explicitly sexual. This behavior has the purpose or effect of creating an intimidating, hostile, or offensive working or learning environment, limiting one's ability to participate in or benefit from the services, activities or opportunities offered by the University.

**Stalking (including cyber-stalking)** – A repeated course of conduct directed at a specific person that places that person in reasonable fear for their or the safety of others or others, or causes the victim to suffer substantial emotional distress. This can encompass a range of behaviors, including following someone in person or otherwise monitoring them.

Go to the [Title IX homepage](#) for more information concerning these definitions.

## **Survivors**

HSU Housing & Residence Life is committed to supporting the needs of survivors of sexualized violence. HSU Housing recognizes that anyone can be a survivor of sexual assault regardless of gender identity/performance, race, class, ability, sexuality, or age.

We are here to support you in any and all efforts to process through survival of an incident. If you need to report an incident of sexual assault or misconduct, contact any Housing staff member; be aware that Housing Staff members are required to report incidences of sexual assault to university officials.

Survivors may also seek assistance from:

- HSU Counseling and Psychological Services (CAPS) - (707) 826-3236 (Anonymous and Confidential)
- Student Affairs Office Staff - (707) 826-3361 (Mandated Reporter)
- University Faculty/Staff Members with whom you feel comfortable (Mandated Reporter)
- North Coast Rape Crisis Team - (707) 445-2881 (Anonymous and Confidential)
- University Police Department - (707) 826-5555 (To file a criminal report)
- Mary Sue Savage - (707) 826-5235 (Confidential)
- Mira Friedman - (707) 826-5234 (Confidential)

## **Confidential Reporting**

Survivors of sexual violence choose to file or not file a report for many different reasons. There is no one right choice. If you would like to talk to someone first about what is involved in the various processes of reporting, the [North Coast Rape Crisis Team](#) is available 24 hours a day at (707) 445-2881. Advocates are also available to accompany you if you choose to make a report to the University Police Department, the Student Conduct

System, or the appropriate law enforcement agency. You may also contact the Counseling and Psychological Services Center on campus at (707) 826-3236.

## To Make a Report

You can talk to any Housing staff member including your RA or RLC. These staff members are resources available to support you and ensure your safety. You can reach a Housing staff member by calling (707)826-3451. If you would like to file a complaint or make a report, a Housing staff member can help you begin the process.

Your campus Title IX Coordinator and Deputy Coordinators are available to explain and discuss your right to file a criminal complaint (sexual misconduct, violence, and stalking); the university's complaint process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters. Contact information for the campus Title IX Coordinator is as follows:

Marcus Winder  
University Title IX Coordinator  
1 Harpst Street, Arcata, CA 95521  
Office: Siemens Hall 215C  
Email: [MAW180@Humboldt.edu](mailto:MAW180@Humboldt.edu)  
Telephone: (707) 826-3385  
Office hours: 8:00 am to 5:00 pm, Monday through Friday

**If you are in the midst of an emergency, please consider calling the police by dialing 9-1-1.**

University Police  
1 Harpst Street, Arcata, CA 95521  
Student Business Services Building Room 101  
Telephone: (707) 826-5555 (business)  
9-1-1 EMERGENCY

The North Coast Rape Crisis Team offers a 24-hour crisis line with immediate support services to survivors of sexual assault and their family and friends, information on medical and legal procedures survivors can expect to encounter, accompaniment to medical exams and law enforcement agencies, and on-going support for survivors. You **DO NOT** have to deal with a rape/sexual misconduct/assault situation alone; these resources are accessible to you.

If you would like to get involved in activism on campus focused on ending sexualized violence contact the Women's Resource Center at [hsuwomyn@gmail.com](mailto:hsuwomyn@gmail.com) or the Health Educator, Mira Friedman at [mira@humboldt.edu](mailto:mira@humboldt.edu). You can also check the HSU Sexual Assault Prevention Committee website at <http://stoprape.humboldt.edu>.