

California State University Monterey Bay

Catalog 2022-2023

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Registration

CSUMB strives to make the registration experience as smooth as possible. The registration process includes tuition and fees payment, academic advising and class enrollment. All academic and financial holds must be reconciled prior to registration.

Class Enrollment

If eligible to register, you will receive a registration notification which will inform you of the registration process and offer you several resources to aid in the enrollment process. You may register online during your assigned enrollment appointment or during the open enrollment period.

Late Registration

You may register late with the approval of individual instructors through the end of the schedule adjustment (add/drop) period. A late fee will apply to students registering for the first time on or after the first day of the semester. Registration forms are available on the [Office of the Registrar's Forms](#) website.

Adds and Drops

The responsibility for adding and dropping any course rests solely with you. CSUMB will determine and publish the schedule adjustment periods available and post them on the [Registration Deadlines](#) webpage.

You may add and drop courses during the schedule adjustment period.

After the schedule adjustment period, you may withdraw from a course for serious and compelling reasons using the Class Withdrawal Form. A grade of **W** will appear on your transcript for courses withdrawn from after the schedule adjustment period.

Instructors may give up your place in class if you do not attend or contact the instructor by the second meeting of the course. The course will not appear on your transcript when the instructor drops you for non-attendance during the schedule adjustment period.

Maximum Unit Load

Undergraduate students have a unit enrollment cap which is based upon their major, level, and academic standing. Graduate students may enroll in a maximum of 12 units, while credential and second baccalaureate students may enroll in a maximum of 20 units. Students requesting additional units beyond their maximum allotment may meet with their advisor to obtain permission to exceed this cap. An approved *Additional Unit Authorization Form* must be submitted to the Office of the Registrar prior to the end of the Schedule Adjustment Period.

Withdrawal

If you find it necessary to cancel your registration or to withdraw from all classes after enrolling for any academic term, you **are required** to follow the university's official withdrawal procedures. Failure to follow formal University procedures may result in an obligation to pay tuition fees, as well as the assignment of failing grades in all courses, and the need to apply for readmission before being permitted to enroll in another academic term. Information on canceling registration and withdrawal procedures is available from:

University College
Administration Building (1)
100 Campus Center
Seaside, CA 93955-8001
Phone: 831-582-3680
Fax: 831-582-3558

To begin the withdrawal process, contact the University College. To formally withdraw from the institution, you must complete the withdrawal process by submitting the withdrawal form, with all required signatures, clearances, and documentation to the Office of University College.

If you wish to withdraw from CSUMB after the Schedule Adjustment Period, you may do so for documented serious and compelling reasons (e.g. death in the immediate family, medical complications and legal actions). A grade of **W** will appear on your transcript for all courses dropped after the Schedule Adjustment Period.

Undergraduate students may withdraw from no more than 18 units at CSU Monterey Bay.

Withdrawals shall not be permitted during the final twenty percent of instruction except in cases, such as accident or serious illness, where the cause of the withdrawal is due to circumstances clearly beyond the student's control. Withdrawals of this sort may involve total withdrawal from the campus or may involve only one course, except that course grade and credit or an Incomplete may be assigned for courses in which sufficient work has been completed to permit an evaluation to be made.

If you receive financial aid funds, you **must consult** with the Financial Aid Office prior to withdrawing from the University regarding any required return or repayment of grant or loan assistance received for that academic term or payment period. Students who have received financial aid and withdraw from the institution during the academic term or payment period may need to return or repay some or all of the funds received, which may result in a debt owed to the institution.

Financial Aid Services
Student Services Building, 3rd Floor
100 Campus Center
Seaside, CA 93955-8001
Phone: 831-582-5100

Leave of Absence

A leave of absence is available to students who are in good standing that have attended at least one term at CSUMB prior to requesting a leave. Leaves may be granted for a maximum of one year or two consecutive semesters and must be requested prior to the start of the term requesting absence. Retroactive leave requests will not be approved.

A leave of absence will be granted when the student has filed an approved request with the Office of the Registrar. The *Leave of Absence Request Form* shall specify the reasons for the leave and the duration of the leave.

An approved leave maintains continuing student status, and allows a student to retain catalog rights and eligibility to enroll for the term immediately after the expiration of leave without reapplying to the university. While on leave a student is not considered “enrolled” and is not eligible for any services from the university, except for email account access. The student will be informed of registration information and deadlines for the term he/she is to return to CSU Monterey Bay. Being on an approved leave of absence will not defer your student loans. Loans can only be deferred by continuous enrollment.

Failure to return from leave as specified in the approved petition will be considered withdrawal from the university. Under such circumstances, re-enrollment will require a full application for readmission under the same circumstances as any new or returning applicant including enrollment in the curriculum in effect at the time of re-enrollment.

You must request that official transcripts be forwarded to the Office of the Registrar if you attended another college or university while on leave.

Special note for international (visa) students:

International students are reminded that immigration laws govern their visas. International students should always consult with the International Programs manager before attempting a leave of absence.

Classification of Students By Class Level

Class levels are the categories used to classify students on the basis of units completed. Freshmen are those who have completed fewer than 30 semester units. Students who have completed 30 to 59 semester units are considered sophomores. Juniors are those who have completed 60 to 89 semester units. Students who have completed 90 or more units have achieved senior status. Graduate students are those who have graduated with a bachelor’s degree from an accredited college or university.

Course Numbering

Precollegiate/remedial: 001-099

Lower-division: 100-299

Upper-division: 300-499

Postbaccalaureate/graduate: 500-699

Professional development: 700-999

Credit Hours

As of July 1, 2020, the United States Department of Education changed its definition of the student credit hour. Fundamentally, the change shifted responsibility for credit hour compliance to the accreditation agency and/or to the state.

As such, the CSU’s accreditor, the WASC Senior College and University Commission (WSCUC), has published its own updated definition of student credit hour and related accreditation processes. The new regulations no longer require an accrediting agency to review an institution’s credit hour policy and procedures. It does require the WSCUC to review the institution’s definition of credit hour and an institution’s processes and policies for ensuring the credit hour policy is followed.

The CSU credit hour definition is consistent with federal law (600.2 and 600.4 revised July 1, 2020) and the requirements of WSCUC. The CSU defines a credit hour as an amount of work represented in stated learning outcomes and verified by evidence of student achievement. Such evidence is an institutionally established equivalency that:

1. Approximates not less than:
 - (a) One hour of direct faculty instruction and a minimum of two hours of out-of-class student work each week for approximately fifteen weeks for one semester or equivalent amount of work over a different amount of time; or
 - (b) At least an equivalent amount of work as required in paragraph 1.a. of this definition for other academic activities as established by the institution, including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours; and

2. Permits an institution, in determining the amount of work associated with a credit hour, to take into account a variety of delivery methods, measurements of student work, academic calendars, disciplines, and degree levels. Institutions have the flexibility to award a greater number of credits for courses that require more student work.

As in the past, a credit hour is assumed to be a 50-minute(not 60-minute) period. In courses, such as those offered online, in which “seat time” does not apply, a credit hour may be measured by an equivalent amount of work, as demonstrated by student achievement.

For purposes of accreditation, all CSU campuses are required to develop, communicate, and implement procedures for regular, periodic review of this credit hour policy to ensure that credit hour assignments are accurate, reliable, and consistently applied. WS-CUC published new draft guidelines that took effect in June 2021. Campuses are responsible for publishing a clearly stated practice or process that ensures they are in compliance with the student credit hour definition.

Grading Policy

Grade Mode

The grading policy of the university permits either letter grades **A, B, C, D, F**, with plus or minus designations, or **CR/NC** to represent credit/no-credit. You may request either letter graded or credit/no-credit grading, as available, unless the course has specifically been designated as graded or credit/no-credit. You may only change a grade mode through the Schedule Adjustment Period. There is no limitation regarding the number of courses that may be graded in either manner, however there may be a limit to the number of Credit/No Credit graded courses that can be applied to the degree. See the [Graduation Requirements and Catalog Rights Policy](#) for more detail [section 3.5.3]. You must earn an assessment equivalent to a letter grade of **C-** or better as an undergraduate student, or a **B-** or better as a graduate student to receive a designation of **CR**.

Grade Points

The following grade points are associated with each letter grade:

A+ 4.0 A 4.0 A- 3.7

B+ 3.3 B 3.0 B- 2.7

C+ 2.3 C 2.0 C- 1.7

D+ 1.3 D 1.0 D- 0.7

F 0.0

Administrative Grading Symbols

The following administrative grading symbols may be assigned for various categories of enrollment.

AU (Audit)

Enrollment as an auditor is subject to permission of the instructor and shall be permitted only after students otherwise eligible to enroll on a credit basis have had an opportunity to do so. As an auditor, you are subject to the same fee structure as credit students and regular class attendance is expected. Once enrolled as an auditor, a student may not change to credit status unless such a change is requested during the scheduled adjustment period. A student who is enrolled for credit may not change to audit after the schedule adjustment period has expired. The AU symbol does not indicate completion of the class.

I (Incomplete Authorized)

The I symbol indicates that a portion of your required coursework has not been completed and evaluated in the prescribed time period due to unforeseen, but fully justified reasons, and that earning credit remains possible. It is your responsibility to bring pertinent information to the attention of the instructor and to determine from the instructor the remaining course requirements which must be satisfied in order to remove an incomplete. The instructor assigns your final grade when the work agreed upon has been completed and evaluated.

An **I** must normally be made up within one calendar year immediately following the end of the term during which it was assigned. The limitation prevails whether or not you maintain continuous enrollment. The academic program responsible for the course maintains an official record of the written contract. If the instructor of record is no longer available, the academic program chair ensures that the instructor's obligations are fulfilled.

IC (Incomplete Charged)

The **IC** symbol is used if you received an authorized incomplete **I** and have not completed the required course work within the allowed time limit. The **IC** replaces the **I** and is counted as a failing grade for grade point average and progress point computation.

RD (Report Delayed)

The **RD** symbol may be used where a delay in the reporting of a grade is due to circumstances beyond your control as a student. Only the Registrar can assign this symbol, and, if assigned, it is replaced by a substantive grading symbol as soon as possible. An **RD** is not used in calculating grade point average or progress points.

RP (Report in Progress)

The **RP** symbol is used in connection with courses that extend beyond one academic term (e.g. Capstone, graduate thesis, or a long term upper-division project-based class). It indicates that work is in progress but that assignment of a final grade must await completion of additional work. Work is to be completed within one year except for graduate degree thesis work. If no final grade is reported by the instructor within the time limit established, the **RP** will be converted to **F** or **NC** on the academic transcript.

W (Withdrawal)

The symbol **W** indicates that you were permitted to withdraw from the course after the schedule adjustment period for the term with the approval of the instructor and appropriate campus officials. It carries no connotation of quality of your performance and is not used in calculating grade point average or progress points, however undergraduate students may withdraw from no more than 18 units at CSU Monterey Bay.

WU (Withdrawal Unauthorized)

The symbol **WU** indicates that you were enrolled, did not withdraw from the course, and failed to complete the course requirements. It is used when, in the opinion of the instructor, completed assignments or course activities or both were insufficient to make normal evaluations of academic performance possible. For purposes of grade point average and progress point computation, this symbol is equivalent to an **F**.

Change of Grade

A change of grade may be made only in the case of a clerical or other administrative grading error. An appeal for a change of grade must be initiated by you as the student and must be approved by the instructor. Students seeking to challenge final course grades based on other grounds shall follow the policy and procedures set out in the [Grade Appeal Policy](#).

Repeated Courses

Only courses repeated at CSUMB may be used to adjust the GPA. Grades earned in courses taken at other institutions may not be used to replace grades in CSUMB courses.

The procedures do not apply to courses that are designated as 'repeatable.' Repeatable courses are explicitly designed to allow students to repeat a successfully completed courses for up to a certain number of units. Examples of repeatable courses include graduate thesis courses and special topics courses.

Students are urged to meet with their academic advisor before repeating a course for GPA adjustment.

General Rules

These procedures apply to attempted completions of a course, which include any course in which a letter grade or a grade of **WU**, **IC**, or **NC** was assigned. For the purposes of course repeat for GPA adjustment, grades of **AU**, **RD**, **RP**, and **W** do not count as at-

tempts to complete a course. Once a student has been awarded a degree, courses may not be repeated to raise the GPA.

Students may not repeat a course in which a grade of **CR** was assigned.

In any course or program where enrollment demand exceeds the resources to offer sufficient openings or sections to meet that demand, registration priority may be given to students taking the course for the first time.

Undergraduate

Undergraduates may repeat an attempted course one time. An undergraduate student may petition to take a course a third time only with a course repeat petition. No course may be repeated more than two times (three total attempts). No course in which the grade assigned was the result of a finding of academic dishonesty may be repeated.

Students may only repeat a course in which a grade of C- or lower is assigned. No more than 16 units may be repeated during the entire undergraduate degree program.

When a course is repeated, only the HIGHEST grade will count in calculating the GPA. However, all grades will be recorded on the official transcript as a matter of accurate academic record keeping.

When one requirement is met by two or more co-requisite courses (i.e., a course and a lab) and a C- or lower is assigned in one of those courses, students may be required to repeat one or both courses to fulfill the requirement. Different degree programs interpret co-requisite course repeats differently; students should consult an advisor to determine their obligation.

Students may petition to repeat up to an additional 12 units (i.e., units in addition to the 16 for which grade forgiveness is permitted). In such instances, the repeat grade shall not replace the original grade, but rather, both grades shall be calculated into the student's overall grade-point average.

Graduate, Credential and Post-Baccalaureate Students

Graduate and credential-seeking students may only repeat for GPA adjustment a course in which a grade of B- or lower was assigned. When a course is repeated all grades count toward the GPA and grade forgiveness will not be granted. No more than two different, distinct courses may be repeated during a graduate degree program. Certain degree programs may have more stringent restrictions on course repeats. Students must follow the more stringent requirements.

Grade Appeals

Grades assigned by instructors are to be considered final. If you believe that the final grade issued is based on instructor or clerical error, prejudice, or capriciousness, you may file a written appeal and offer evidence to support the claim.

Prior to filing a formal grade appeal, you must first make every effort to resolve the issue informally with the instructor. Review the guidelines found in the [Grade Appeal Policy](#), they will help you navigate the process. The deadline to initiate a formal University Review is 30 calendar days after the start of the subsequent semester.

Honors

Dean's List

Each semester the college deans recognize superior scholarship by including on their Dean's List those students who earn a 3.5 GPA or better in the preceding semester. To be eligible, undergraduate students must complete a minimum of 12 letter-graded units at CSUMB with no incomplete grades, no grade lower than a "C" and be in good academic standing.

Graduation with Academic Honors

The university recognizes superior academic performance at graduation and on students' diplomas and transcripts. You may earn baccalaureate academic honors based on your cumulative grade point average in all work including your final semester. To qualify for academic honors, you must complete a minimum of three semesters in residence at CSUMB and a minimum of two-thirds of earned credits must be based on letter grades. Second Bachelor's and Master's degree graduates are not eligible for academic honors.

Honors Designations

- Summa Cum Laude: 3.90 to 4.00
- Magna Cum Laude: 3.75 to 3.89
- Cum Laude: 3.50 to 3.74

Distinction in the Major

Departments offering degree programs may confer *Distinction in the Major* honors to students meeting criteria developed by the department faculty and officially published and circulated by the department to students in the program.

Academic Probation

An undergraduate student is placed on academic probation if at any time the cumulative grade point average in all college work or a cumulative grade point average at CSUMB falls below a C (2.0). Students shall remain on academic probation until the cumulative and CSUMB grade point average is a C or until the student has been academically disqualified.

A Graduate student, including one classified or conditionally classified, and credential-seeking is placed on academic probation if the cumulative grade point average at CSUMB falls below a B (3.0).

When such action is taken, the student shall be notified in writing and shall be provided with the conditions for removal from probation and the circumstances that would lead to disqualification, should probation not be removed.

Some graduate programs have more rigorous standards requiring students to maintain a GPA of 3.0 or better in all courses. Students should consult an advisor to determine their obligation.

Academic Disqualification

Academic disqualification means that the student has not maintained satisfactory academic standards and is involuntarily separated from the university.

Undergraduates on academic probation are subject to academic disqualification when:

- As a freshman (fewer than 30 semester hours of college work completed) the student falls below a grade point average of 1.50 in all units attempted or in all units attempted at the campus where enrolled.
- As a sophomore (30-59 semester hours of college work completed) the student falls below a grade point average of 1.70 in all units attempted or in all units attempted at the campus where enrolled.
- As a junior (60-89 semester hours of college work completed) the student falls below a grade point average of 1.85 in all units attempted or in all units attempted at the campus where enrolled.
- As a senior (90 or more semester hours of college work completed) the student falls below a grade point average of 1.95 in all units attempted or in all units attempted at the campus where enrolled.

As authorized by Section 41300(c) of Title 5, undergraduates not on probation are subject to academic disqualification by the President or designee, when the following circumstances exist:

- At the end of any term, the student has a cumulative grade point average below 1.0, and
- The cumulative grade point average is so low that in view of the student's overall educational record, it seems unlikely that the deficiency will be removed within a reasonable period.

Second baccalaureate students (student has previously earned a baccalaureate degree, and is in pursuit of a second degree at the baccalaureate level) on academic probation are subject to Academic Disqualification when the student falls below a 2.0 GPA in all units attempted or in all units attempted at the campus where enrolled.

Graduate or credential seeking students on academic probation are subject to Academic Disqualification when the student's cumulative GPA (or in applicable programs, when the student's course grades) at CSUMB is below a 3.0 for two consecutive terms.

Students who have been disqualified shall be notified of the disqualification and of the right to petition the University for reinstatement.

Notice of Disqualification

If you are disqualified at the end of an enrollment period under any of these provisions you will be notified before the beginning of the next consecutive regular enrollment period.

If you are disqualified at the beginning of a summer enrollment break you will be notified at least one month before the start of the fall term. In cases where you ordinarily would be disqualified at the end of a term, save for the fact that it is not possible to make timely notification, you may be advised that the disqualification is to be effective at the end of the next term. Such notification will include any conditions which, if met, would result in permission to continue in enrollment.

Failure to notify students does not create the right of a student to continue enrollment.

Administrative Academic Probation

An undergraduate or graduate student may be placed on administrative academic probation by action of appropriate campus officials for any of the following reasons:

- Withdrawal from all or a substantial portion of a program of studies in two successive terms or in any of three terms. Students whose withdrawal is directly associated with a chronic or recurring medical condition or its treatment are exempted.
- Repeated failure to progress toward the stated degree objective or other program objective, including that resulting from assignment of 15 units of No Credit, when such failure appears to be due to circumstances within the control of the student.
- Failure to comply, after due notice, with academic requirements or regulation, as defined by campus policy, which is routine for all students of a defined group of students (example: failure to complete a required practicum, failure to complete a specified number of units as a condition for receiving student financial aid or making satisfactory progress in the academic program).

When such action is taken, the student shall be notified in writing and shall be provided with the conditions for removal from probation and the circumstances that would lead to disqualification, should probation not be removed.

Administrative Academic Disqualification

As authorized by Section 41300.1 of Title 5, a student who has been placed on administrative-academic probation may be disqualified from further attendance if:

- The conditions for removal from administrative-academic probation are not met within the period specified.
- The student becomes subject to academic probation while on administrative-academic probation.
- The student becomes subject to administrative-academic probation for the same or similar reason for which they has been placed on administrative-academic probation previously, although not currently in such status.

When such action is taken, the student shall receive written notification including an explanation of the basis for the action.

Moreover, a student who at any time during enrollment has demonstrated behavior so contrary to the standards of the profession for which the student is preparing as to render him/her unfit for the profession may be immediately disqualified and dis-enrolled from CSUMB.

The decision to disqualify a student under these terms shall be made by the appropriate dean in consultation with the Provost. In such cases, the student shall be notified of his/her disqualification and the basis for the action taken by the appropriate university administrator.

Readmission and Reinstatement

If disqualified, you are not eligible for a minimum of one academic year. You will be required to reapply for admission and submit a readmissions appeal form to the Office of Admissions. Your readmission and reinstatement will be reviewed with approval based upon your documented good-faith effort to improve academic standing and improve circumstances within your control that directly resulted in your disqualification. For information regarding reapplication and the petition process, call the Office of Admissions at 582-5100.

Standards of Progress for Veterans

If you are a veteran or an eligible spouse or dependent of a veteran receiving educational benefits and you remain on probation for a deficient cumulative grade point average below 2.0 for undergraduates, or below 3.0 for post-baccalaureate or graduate programs, beyond two terms your veteran's benefits will be discontinued until you have returned to satisfactory academic standing.

Applying to Graduate

All baccalaureate and graduate degree seeking students must apply for graduation during the filing period for the term in which all degree requirements will be completed.

A graduation application and diploma fee is due at the time that you submit your application. Late applications submitted after the final application deadline will be reviewed in date-received order, but may not receive an evaluation prior to final degree verification.

The application process should begin with a meeting with your advisor to review your degree progress online. If you are completing alternate approved courses (substitutions) to clear major and/or minor requirements, online substitution authorizations should be submitted by the program advisor. Applications are reviewed by a graduation counselor in date-received order and students will be notified by campus email when their online Academic Requirements Report has been updated.

If you are a **master's degree candidate**, you must also have your Advancement to Candidacy form on file in the Office of the Registrar prior to the term in which you will apply to graduate.

An explanation of the official graduation application process and filing deadlines/fees can be found on the [Classes & Planning webpage](#) under the heading: [Apply to Graduate](#).

Graduation Application Filing Period

See the [Deadline and Fees webpage](#) for **specific** filing dates and fee information for the current academic year. CSUMB confers degrees in Fall, Spring, and Summer terms.

Document Deadlines

All academic coursework must be completed by the end of the term in which the student has applied to graduate. However, additional time to submit required documentation, such as transcripts or grade changes, is allowed as follows:

- For the Fall graduation term, the deadline is the last business day of February.
- For the Spring graduation term, the deadline is the last business day of July.
- For the Summer graduation term, the deadline is the last business day of September.

Diplomas

CSUMB issues diplomas following the final degree verification for each graduation term. Your diploma will be mailed to the permanent address listed in OASIS within four months of degree conferral. If you would like to pick up your diploma, contact graduation@csumb.edu before the end of your graduation term.

Commencement Ceremony

CSUMB holds its annual commencement ceremony each year during the month of May. Participation in this celebration of educational achievement is voluntary and CSUMB diplomas are NOT distributed during this event. Students are still subject to final degree verification by the Graduation Department prior to degree conferral. Graduation applicants who are candidates for baccalaureate or graduate degrees during the fall, spring, or summer term of the same academic year are eligible to participate. For details regarding the commencement ceremony, visit the [Commencement website](#).

Privacy Rights

The federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) (FERPA) and regulations adopted there under (34 C.F.R. 99) set out requirements designed to protect students' privacy in their records maintained by the campus. The statute and regulations govern access to certain student records maintained by the campus and the release of those records. FERPA provides that the campus must give students access to most records directly related to the student, and must also provide opportunity for a

hearing to correct the records if the student claims they are inaccurate, misleading, or otherwise inappropriate. The right to a hearing under this law does not include any right to challenge the appropriateness of a grade determined by the instructor. FERPA generally requires the campus to obtain a student's written consent before releasing personally identifiable data about the student.

The University has adopted a set of policies and procedures governing implementation of the statute and the regulations. Copies of these policies and procedures may be obtained from:

*Office of the Provost
Administration Building
100 Campus Center
Seaside, CA 93955-8001
Phone: 831-582-5254*

Among the information included in the campus statement of policies and procedures are:

1. The student records maintained and the information they contain;
2. The campus official responsible for maintaining each type of record;
3. The location of access lists indicating persons requesting or receiving information from the record;
4. Policies for reviewing and expunging records;
5. Student access rights to their records;
6. Procedure for challenging the content of student records; and,
7. The student's right to file a complaint with the Department of Education.

The Department of Education has established an office and review board to investigate complaints and adjudicate violations. The designated office is:

*Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202-5920*

FERPA authorizes the campus to release "directory information" pertaining to students. "Directory information" may include the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, grade level, enrollment status, degrees, honors, and awards received, and the most recent previous educational agency or institution attended by the student. The above-designated information is subject to release by the campus at any time unless the campus has received prior written objection from the student specifying what information the student requests not be released. Written objections should be sent to:

*Office of the Registrar
Student Service Building
100 Campus Center
Seaside, CA 93955-8001
Phone: 831-582-5100
Fax: 831-582-3783*

The campus is authorized to provide access to student records to campus officials and employees who have legitimate educational interests in such access. These persons have responsibilities in the campus's academic, administrative, or service functions and have reason for accessing student records associated with their campus or other related academic responsibilities. Student records will be disclosed to the CSU Chancellor's Office to conduct research, to analyze trends, or to provide other administrative services on behalf of the CSU. Student records may also be disclosed to other persons or organizations under certain conditions (e.g. as part of accreditation or program evaluation; in response to a court order or subpoena; in connection with financial aid; or to other institutions to which the student is transferring).

Selective Service

The federal Military Selective Service Act (the "Act") requires most males residing in the United States to present themselves for registration with the Selective Service System within thirty days of their eighteenth birthday. Most males between the ages of 18

and 25 must be registered. Males born after December 31, 1959, may be required to submit a statement of compliance with the Act and regulations in order to receive any grant, loan, or work assistance under specified provisions of existing federal law. In California, students subject to the Act who fail to register are also ineligible to receive any need-based student grants funded by the state or a public postsecondary institution.

Selective Service registration forms are available at any U.S. Post Office, and many high schools have a staff member or teacher appointed as a Selective Service Registrar. Applicants for financial aid can also request that information provided on the Free Application for Federal Student Aid (FAFSA) be used to register them with the Selective Service. Information on the Selective Service System is available and the registration process may be initiated online at <http://www.sss.gov>.

Career Information

CSUMB may furnish, upon request, information about the employment of students who graduate from programs or courses of study preparing students for a particular career field. Any such data provided must be in a form that does not allow for the identification of any individual student. This information includes data concerning average starting salary and percentage of previously enrolled students who obtained employment. The information may include data collected from either CSUMB graduates or graduates of all campuses in the California State University system.

Behavior Codes

Nondiscrimination Policy and Complaint Procedures

Protected Status: Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color or ancestry), Religion or Religious Creed, and Veteran or Military Status

The California State University does not discriminate on the basis of age, genetic information, marital status, medical condition, nationality, race or ethnicity (including color, caste, and ancestry), religion (or religious creed), and veteran or military status—as these terms are defined in the Interim CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation in its programs and activities, including admission and access. Federal and state laws, including Title VI of the Civil Rights Act of 1964 and the California Equity in Higher Education Act, prohibit such discrimination. **Wendy Smith**, Title IX Coordinator and DHR Prevention Administrator, has been designated to coordinate the efforts of CSUMB to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to Wendy Smith at wensmith@csumb.edu or (831) 582-3510. Interim procedures for complaints of discrimination, harassment, sexual misconduct, sexual exploitation, dating violence, domestic violence, stalking and retaliation made against a student, (or any successor policy) is the systemwide procedure for all complaints of discrimination, harassment or retaliation *made against* other CSU students. Interim procedures for complaints of discrimination, harassment, sexual misconduct, sexual exploitation, dating violence, domestic violence, stalking and retaliation (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made against the CSU, a CSU employee, or a third party).

Protected Status: Disability

The California State University does not discriminate on the basis of disability (physical and mental)—as this term is defined in the Interim CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation—in its programs and activities, including admission and access. Federal and state laws, including sections 504 and 508 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, prohibit such discrimination. **Wendy Smith**, Title IX Coordinator and DHR Prevention Administrator, has been designated to coordinate the efforts of CSUMB to comply with all applicable federal and state laws prohibiting discrimination on the basis of disability. Inquiries concerning compliance may be presented to Wendy Smith at wensmith@csumb.edu or (831) 582-3510. Interim Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation Made Against a Student (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment, or retaliation made against other CSU students. Interim Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made against the CSU, a CSU employee or a third party).

Protected Status: Gender (or sex), Gender Identity (including nonbinary and transgender), Gender Expression and Sexual Orientation

The California State University does not discriminate on the basis of gender (or sex), gender identity (including nonbinary and transgender), gender expression or sexual orientation—as these terms are defined in CSU policy—in its programs and activities, including admission and access. Federal and state laws, including Title IX of the Education Amendments of 1972, prohibit such discrimination. **Wendy Smith**, Title IX Coordinator and DHR Prevention Administrator, has been designated to coordinate the efforts of CSUMB to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to Wendy Smith at wensmith@csumb.edu or (831) 582-3510. The California State University is committed to providing equal opportunities to all CSU students in all campus programs, including intercollegiate athletics. Interim Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation Made Against a Student (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment, or retaliation made against other CSU students. Interim Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made against the CSU, a CSU employee or a third party).

As a matter of federal and state law and California State University policy, the following types of conduct are prohibited:

Sex Discrimination or Gender Discrimination - is an adverse action taken against a complainant because of their protected status.

Adverse Action - means an action engaged in by the respondent that has a substantial and material adverse effect on the complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a complainant does not constitute an adverse action.

Sexual Harassment - means unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to, sexual advances, requests for sexual favors, offering employment benefits or giving preferential treatment in exchange for sexual favors, or indecent exposure, and any other conduct of a sexual nature where:

1. Submission to, or rejection of, the conduct is explicitly or implicitly used as the basis for any decision affecting a Complainant's academic status or progress, or access to benefits and services, honors, programs, or activities available at or through the University; **or**
2. Submission to, or rejection of, the conduct by the Complainant is explicitly or implicitly used as the basis for any decision affecting a term or condition of the Complainant's employment, or an employment decision; **or**
3. The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as limiting their ability to participate in or benefit from the services, activities, or opportunities offered by the university; **or**

The conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the Complainant, and is in fact considered by the Complainant, as creating an intimidating, hostile, or offensive environment.

Sexual Harassment could include being forced to engage in unwanted sexual contact as a condition of membership in a student organization or in exchange for a raise or promotion; being subjected to video exploitation or a campaign of sexually explicit graffiti; or frequently being exposed to unwanted images of a sexual nature in a work environment, or in a classroom where the images are unrelated to the coursework.

Claiming that the conduct was not motivated by sexual desire is not a defense to a complaint of Sexual Harassment.

Sexual and/or romantic relationships between members of the campus community may begin as consensual, and may develop into situations that lead to Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence, or Stalking subject to this policy.

Sexual Misconduct All sexual activity between members of the CSU community must be based on **Affirmative Consent**. Engaging in any sexual activity without first obtaining Affirmative Consent to the specific activity is Sexual Misconduct, whether or not the conduct violates any civil or criminal law.

1. Sexual activity includes, but is not limited to:
 - kissing

- touching intimate body parts
 - fondling
 - intercourse
 - penetration, no matter how slight, of the vagina or anus with any part or object
 - oral copulation of a sex organ by another person.
2. Sexual Misconduct includes, but is not limited to, the following conduct:
- an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's Gender or Sex,
 - the intentional touching of another person's intimate body parts without Affirmative Consent,
 - intentionally causing a person to touch the intimate body parts of another without Affirmative Consent,
 - using a person's own intimate body part to intentionally touch another person's body without Affirmative Consent,
 - any unwelcome physical sexual acts, such as unwelcome sexual touching,
 - using physical force, violence, threat, or intimidation to engage in sexual activity,
 - ignoring the objections of the other person to engage in sexual activity,
 - causing the other person's incapacitation through the use of drugs or alcohol to engage in sexual activity,
 - taking advantage of the other person's incapacitation to engage in sexual activity.
 - Intimate body part means the sexual organ, anus, groin, buttocks, or breasts of any person.
 - Sexual activity between a Minor (a person younger than 18 years old) and a person who is at least 18 and two years older than the Minor always constitutes Sexual Misconduct, even if there is Affirmative Consent to all sexual activity. The existence of Affirmative Consent and /or the type of sexual activity may be relevant to the determination of an appropriate Sanction.
 - Persons of all Genders, Gender Identities, Gender Expressions, and Sexual Orientations can be victims of these forms of Sexual Misconduct. Sexual Misconduct can be committed by an individual known to the victim including a person the Complainant may have just met, i.e., at a party, introduced through a friend, or on a social networking website.
3. Affirmative Consent must be voluntary, and given without coercion, force, threats, or intimidation. It is the responsibility of each person involved in the sexual activity to ensure Affirmative Consent has been obtained from the other participant(s) prior to engaging in sexual activity. Affirmative Consent means an agreement to engage in sexual activity that is:
- Informed
 - Affirmative
 - Conscious
 - Voluntary and
 - Mutual
 - Lack of protest or resistance does not mean there is Affirmative Consent.
 - Silence does not mean there is Affirmative Consent.
 - The existence of a dating or social relationship between those involved, or the fact of past sexual activities between them, should never by itself be assumed to be an indicator of Affirmative Consent.
 - A request for someone to use a condom or birth control does not, in and of itself, mean there is Affirmative Consent.
 - Affirmative Consent can be withdrawn or revoked. Consent must be ongoing throughout a sexual activity and can be revoked as any time, including after sexual activity begins. Once consent is withdrawn or revoked, the sexual activity must stop immediately. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity. Consent given to sexual activity on one occasion does not constitute consent on another occasion.
4. Incapacitation - Affirmed Consent cannot be given by a person who is incapacitated. A person is unable to consent when asleep, unconscious, or incapacitated due to the influence of drugs, alcohol, or medication so that the person could not understand the fact, nature, or extent of the sexual activity. A person is incapacitated if the person lacks the physical and/or mental ability to make informed, rational decisions. A person with a medical or mental disability may also lack the capacity to give consent.

Whether an intoxicated person (as a result of using alcohol or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making ability, awareness of consequences, and ability to make informed

judgements. A person's own intoxication or incapacitation from drugs or alcohol does not diminish that person's responsibility to obtain Affirmative Consent before engaging in sexual activity.

Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving consent due to age.

It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or reasonable should have known that the person was unable to consent to the sexual activity under any of the following circumstances:

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

It shall not be a valid excuse that the Respondent believed that the person consented to the sexual activity under either of the following circumstances:

- The Respondent belief in Affirmative Consent arose from the intoxication or recklessness of the Respondent;
- The Respondent did not take reasonable steps, in the circumstances known to the Respondent at the time, to ascertain whether the person affirmatively consented.

1. Dating Violence and Domestic Violence

Dating Violence means physical violence or threat of physical violence committed by a person–

- who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - the length of the relationship
 - the type of relationship
 - the frequency of interaction between the persons involved in the relationship

Domestic Violence means physical violence or threat of physical violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant.

Physical violence means physical conduct that intentionally or recklessly threatens the health and safety of the recipient of the behavior, including assault.

2. Stalking

Stalking means engaging in a Course of Conduct directed at a specific person that would cause a reasonable person to fear for the safety of self or others' safety or to suffer Substantial Emotional Distress. For purposes of this definition:

- **Course of Conduct** means two or more acts, including but not limited to, acts in which one party directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about the other party, or interferes with the other party's property.
- **Substantial Emotional Distress** means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

3. Prohibited Consensual Relationships

A Prohibited Consensual Relationship is a consensual sexual or romantic relationship between an Employee and any Student or Employee over whom they exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority.

4. Retaliation

Retaliation means that a substantial motivating reason for an Adverse Action taken against a person was because the person has or is believed to have:

- Exercised their rights under this policy,
- Reported or opposed conduct which was reasonably and in good faith believed to be in violation of this policy,

- Assisted or participated in an investigation/proceeding under this policy, regardless of whether the Complainant was substantiated,
- Assisted someone in reporting or opposing a violation of this policy or assisted someone in reporting or opposing Retaliation under this policy.

Adverse Action means an action engaged in by the Respondent that has a substantial and material adverse effect on the Complainant's ability to participate in a university program, activity, or employment. Minor or trivial actions or conduct not reasonably likely to do more than anger or upset a Complainant does not constitute an Adverse Action. Retaliation may occur whether or not there is a power or authority differential between the individuals involved.

Additional Prohibited Conduct Definitions

5. **Sexual Harassment** means conduct on the basis of Sex that satisfies one or more of the following:

- An Employee conditioning the provision of aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- Unwelcome conduct determined based on the reasonable person standard to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an Education Program or Activity.
- **Sexual Assault includes the following:**
 - **Rape** is the penetration, or attempted 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 Affirmative Consent of the Complainant. Rape also includes the attempted 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 Affirmative Consent of the Complainant, with the present ability and the intent to commit Rape.
 - **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the Affirmative Consent of the victim, including instances where the Complainant is incapable of giving Affirmative Consent because of their age or because of their temporary or permanent mental incapacity.
 - **Incest** is sexual intercourse between two persons who are related to each other within the degrees wherein marriage is prohibited by law.
 - **Statutory Rape** is sexual intercourse with a person who is under the age of 18 years, the California statutory age of consent.

The definition of Affirmative Consent is that under Article VII above.

6. **Dating Violence** means physical violence or threat of physical violence committed by a person:

- who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship

7. **Domestic Violence** means physical violence or threat of physical violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant.

8. **Stalking** means engaging in a course of conduct directed at a specific that would cause a reasonable person to

- fear for their safety or the safety of others; or
- suffer substantial emotional distress

See further information in CSUMB's sexual violence prevention and education statement, Title IX Notice of Nondiscrimination (which includes facts and myths about sexual violence), and Victim's Rights and Options Notice, at <https://csumb.edu/titleix>.

Whom to Contact If You Have Complaints, Questions or Concerns

Title IX requires the university to designate a Title IX Coordinator to monitor and oversee overall Title IX compliance. The campus Title IX Coordinator is available to explain and discuss the right to file a criminal complaint (for example, in cases of sexual miscon-

duct); the university's complaint process, including the investigation process; how confidentiality is handled; available resources, both on and off campus; and other related matters. *If you are in the midst of an emergency, please call the police immediately by dialing 9-1-1.*

Campus Title IX Coordinator: Wendy Smith University Police: Chief Earl Lawson

Gavilan Hall (Bldg 201) Suite 211

wensmith@csumb.edu

(831) 582-3510

M-F, 8 a.m. to 5 p.m.,

Valley Hall Suite E

elawson@csumb.edu

(831) 655-0268

M-F, 8 a.m. to 5 p.m.,

Title IX requires the university to adopt and publish complaint procedures that provide for prompt and equitable resolution of gender discrimination complaints, including sexual harassment and misconduct, as well as provide training, education and preventative measures related to sex discrimination. CSU Interim Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation Made Against a Student (or any successor) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made against, other CSU students. Interim Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation (or any successor procedure) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made against the CSU, a CSU employee, or a third party.

Duty to Report. Except as provided below under confidentiality and sexual misconduct, dating violence, domestic violence, and stalking, *any* University employee who knows or has reason to know of allegations or acts that violate University policy shall promptly inform the Title IX Coordinator. These employees are required to disclose all information including the names of the parties, *even where the person has requested that his/her name remain confidential*. The Title IX Coordinator will determine whether confidentiality is appropriate given the circumstances of each such incident (see confidential reporting options outlined below).

Regardless of whether an alleged victim of gender discrimination ultimately files a complaint, if the campus knows or has reason to know about possible sexual discrimination, harassment or misconduct, it must review the matter to determine if an investigation is warranted. The campus must then take appropriate steps to eliminate any gender discrimination/harassment/misconduct, prevent its recurrence, and remedy its effects.

U.S. Department of Education, Office for Civil Rights (OCR):

Main Office: (800) 421-3481 or ocr@ed.gov; **California Office:** (415) 486-5555 or ocr.sanfrancisco@ed.gov; or (800) 877-8339 (TDD)

If you wish to fill out a complaint form online with the OCR, you may do so at: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html>.

Safety of the Campus Community is Primary

The University's primary concern is the safety of its campus community members. The use of alcohol or drugs never makes the victim at fault for gender discrimination, harassment or sexual misconduct; therefore, victims should not be deterred from reporting incidents of sexual misconduct out of a concern that they might be disciplined for related violations of drug, alcohol or other university policies. Except in extreme circumstances, victims of sexual misconduct shall not be subject to discipline for related violations of the Student Conduct Code.

Information Regarding Campus, Criminal, and Civil Consequences of Committing Acts of Sexual Violence

Individuals alleged to have committed sexual misconduct may face criminal prosecution by law enforcement and may incur penalties as a result of civil litigation. In addition, students may face discipline at the university, up to and including suspension or expulsion. Employees may face sanctions up to and including suspension, demotion, or dismissal from employment, pursuant to established CSU policies and provisions of applicable collective bargaining unit agreements.

Students who are found responsible by the university with gender discrimination, harassment or misconduct will be subject to discipline, pursuant to the Interim Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation Made Against a Student and the California State University and Student Conduct Procedures (see Executive Order 1098, revised on August 14, 2020, or any successor executive order) and will be subject to appropriate sanctions. In addition, during any investigation, the University may implement interim measures in order to

maintain a safe and non-discriminatory educational environment. Such measures may include but not be limited to: immediate interim suspension from the University; a required move from university-owned or affiliated housing; adjustments to course schedule; and/or prohibition from contact with parties involved in the alleged incident.

Confidentiality and Sexual Violence, Dating Violence, Domestic Violence, and Stalking

The University encourages victims of sexual misconduct, dating violence, domestic violence, or stalking to talk to someone about what happened - so they can get the support they need, and so the University can respond appropriately.

Privileged and Confidential Communications

Physicians, Psychotherapists, Professional Licensed Counselors, Licensed Clinical Social Workers, and Clergy - Physicians, psychotherapists, professional, licensed counselors, licensed clinical social workers, and clergy who work or volunteer on or off campus, acting solely in those roles or capacities as part of their employment, and who provide medical or mental health treatment or counseling (and those who act under their supervision, including all individuals who work or volunteer in their centers and offices) may not report any information about an incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from physicians, psychotherapists, professional, licensed counselors, licensed clinical social workers, and clergy without triggering a University investigation that could reveal the victim's identity or the fact of the victim's disclosure. However, see limited exceptions below regarding when health care practitioners must report to local law enforcement agencies. Healthcare practitioners should explain these limited exceptions to victims, if applicable.

Sexual Assault and Domestic Violence Counselors and Advocates - who work or volunteer on or off campus in sexual assault centers, victim advocacy offices, women's centers, and health centers (including those who act in that role under their supervision, along with non-professional counselors or advocates who work or volunteer in sexual assault centers, victim advocacy offices, women's centers, gender equity centers, or health centers) may talk to a victim without revealing any information about the victim and the incident of sexual misconduct to anyone else at the University, including the Title IX Coordinator, without the victim's consent. A victim can seek assistance and support from these counselors and advocates without triggering a University investigation that could reveal his/her identity or that a victim disclosed an incident to them. However, see limited exceptions below regarding when sexual assault and domestic violence counselors and advocates must report to local law enforcement agencies. Counselors and advocates should explain these limited exceptions to victims, if applicable.

The University will be unable to conduct an investigation into a particular incident or pursue disciplinary action against a perpetrator if a victim chooses to (1) speak only to a physician, professional licensed counselor, licensed clinical social worker, clergy member, sexual assault counselor, domestic violence counselor or advocate; and (2) maintain complete confidentiality. Even so, these individuals will assist victims in receiving other necessary protection and support, such as victim advocacy, disability, medical/health or mental health services, or legal services, and will advise victims regarding their right to file a Title IX complaint with the University and a separate complaint with local or University police. If a victim insists on confidentiality, such professionals, counselors and advocates will likely not be able to assist the victim with: University academic support or accommodations; changes to University-based living or working schedules; or adjustments to course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the University or report the incident to the police, and thus have the incident fully investigated. These counselors and advocates can provide victims with that assistance if requested by the victim. These counselors and advocates will also explain that Title IX includes protections against retaliation, and that the University will not only take steps to prevent retaliation when it knows or reasonably should know of possible retaliation, but will also take strong responsive action if retaliation occurs.

Exceptions

Under California law, any health practitioner employed in a health facility, clinic, physician's office, or local or state public health department or clinic is required to make a report to local law enforcement if he or she provides medical services for a *physical condition* to a patient/victim who he or she knows or reasonably suspects is suffering from (1) a wound or physical injury inflicted by a firearm; or (2) any wound or other physical injury inflicted upon a victim where the injury is the result of assaultive or abusive conduct (including sexual misconduct, domestic violence, and dating violence). This exception does *not* apply to sexual assault and domestic violence counselors and advocates. Health care practitioners should explain this limited exception to victims, if applicable.

Additionally, under California law, *all* professionals described above (physicians, psychotherapists, professional counselors, licensed clinical social workers, clergy, and sexual assault and domestic violence counselors and advocates) are mandatory child abuse and neglect reporters, and are required to report incidents involving victims under 18 years of age to local law enforcement. These professionals will explain this limited exception to victims, if applicable.

Finally, some or all of these professionals may also have reporting obligations under California law to (1) local law enforcement in cases involving threats of immediate or imminent harm to self or others where disclosure of the information is necessary to prevent the threatened danger; or (2) to the court if compelled by court order or subpoena in a criminal proceeding related to the sexual misconduct, dating or domestic violence, or stalking incident. If applicable, these professionals will explain this limited exception to victims.

Reporting to University or Local Police

If a victim reports to local or University Police about sexual misconduct crimes, the police are required to notify victims that their names will become a matter of public record unless confidentiality is requested. If a victim requests that his/her identity be kept confidential, his/her name will not become a matter of public record and the police will not report the victim's identity to anyone else at the University, including the Title IX Coordinator. University Police will, however, report the facts of the incident itself to the Title IX Coordinator being sure not to reveal to the Title IX Coordinator victim names/identities or compromise their own criminal investigation. The University is required by the federal Clery Act to report certain types of crimes (including certain sex offenses) in statistical reports. However, while the University will report the type of incident in the annual crime statistics report known as the Annual Security Report, victim names/identities will not be revealed.

Reporting to the Title IX Coordinator and Other University Employees

Most University employees have a duty to report incidents of sexual misconduct when they are on notice of it. When a victim tells the Title IX Coordinator or another University employee about an incident of sexual misconduct, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably. In all cases, the University strongly encourages victims to report incidents of sexual misconduct directly to the campus Title IX Coordinator. As detailed above, in the "Privileged and Confidential Communications" section of this policy, all University employees except physicians, licensed professional counselors, licensed clinical social workers, sexual assault counselors and advocates, must report to the Title IX Coordinator all relevant details about any incidents of sexual misconduct of which they become aware. The University will need to determine what happened - and will need to know the names of the victim(s) and the perpetrator(s), any witnesses, and any other relevant facts, including the date, time, and specific location of the incident.

To the extent possible, information reported to the Title IX Coordinator or other University employees will be shared only with individuals responsible for handling the University's response to the incident. The University will protect the privacy of individuals involved in a sexual misconduct incident except as otherwise required by law or University policy. A report of sexual misconduct may result in the gathering of extremely sensitive information about individuals in the campus community. While such information is considered confidential, University policy regarding access to public records and disclosure of personal information may require disclosure of certain information concerning a report of sexual misconduct. In such cases, efforts will be made to redact the records, as appropriate, in order to protect the victim's identity and privacy and the privacy of other involved individuals. Except as detailed in the section on "Privileged and Confidential Communications" above, no University employee, including the Title IX Coordinator, should disclose the victim's identity to the police without the victim's consent or unless the victim has also reported the incident to the police.

If a victim requests of the Title IX Coordinator or another University employee that his/her identity remain completely confidential, the Title IX Coordinator will explain that the University cannot always honor that request or guarantee complete confidentiality. If a victim wishes to remain confidential or request that no investigation be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, employees, and third parties, including the victim. Under those circumstances, the Title IX Coordinator will determine whether the victim's request for complete confidentiality and/or no investigation can be honored under the facts and circumstances of the particular case, including whether the University has a legal obligation to report the incident, conduct an investigation or take other appropriate steps. Without information about a victim's identity, the University's ability to meaningfully investigate the incident and pursue disciplinary action against the perpetrator may be severely limited. See Executive Order 1095 (or any successor executive order) for further details around confidential reporting, and other related matters (<http://www.calstate.edu/eo/EO-1095-rev-6-23-15.pdf>).

Additional Resources

See the [CSUMB sexual misconduct prevention and education statement](#), which includes facts and myths about sexual violence.

U.S. Department of Education, regional office

Office for Civil Rights

50 United Nations Plaza

San Francisco, CA 94102

Phone: (415) 486-5555

TTY: (877) 521-2172

U.S. Department of Education, national office

Office for Civil Rights

(800) 872-5327,

California Coalition Against Sexual Assault

1215 K Street, Suite 1850

Sacramento, CA 95814

Phone: (916) 446-2520

Know Your Rights about Title IX

<http://www2.ed.gov/about/offices/list/ocr/docs/title-ix-rights-201104.html>

[Domestic and Family Violence](#), Office of Justice Programs, United States Department of Justice

[National Institute of Justice: Intimate Partner Violence](#), Office of Justice Programs, United States Department of Justice

National Domestic Violence Hotline: 1-800-799-SAFE (7233)

[Office of Violence against Women](#), United States Department of Justice

[Centers for Disease Control and Prevention: Intimate Partner Violence](#)

[Defending Childhood](#), United States Department of Justice

Local Community Resource Information:

Monterey County Rape Crisis Center

P.O. Box 2630

Monterey, CA 93942

Phone: (831) 375-4357

Public Safety

Boundary Observance

CSUMB is surrounded by federal land and is located within a former U.S. Army facility. Federal police have complete jurisdiction on federal property and persons entering onto federal lands are subject to all attendant laws and regulations. Trespassing in posted federal areas is strictly prohibited. Unexploded ordnance is a serious hazard in the wilderness areas on federal land. These areas are off limits.

Firearms

Possession of a loaded or unloaded firearm by a student on university property is a felony and a violation of university policy. Violators are subject to criminal prosecution and disciplinary action. [See subsection (i) of the Code of Conduct.]

Bicycles

Every person riding a bicycle on university grounds is afforded all the rights and is subject to all the responsibilities of a driver of a motor vehicle. The riding of bicycles inside any university building is prohibited. Bicycle riding is prohibited within the campus

quad and on any landscaped or lawn areas.

Rollerblading, skating, and skateboarding are permitted on university grounds only for use as transportation and only during designated hours in designated areas. See the Non-Motorized Transportation (NMT) Policy on the [CSUMB.EDU/policy](https://www.csUMB.edu/policy) website.

Wildlife

University property and the surrounding area are home to an abundance of wildlife including mountain lions, deer, foxes, skunks, opossums, raccoons, squirrels, birds, and reptiles. Wildlife should not be approached or fed. Wild animals are unpredictable and can be dangerous. Hunting or intentionally harming wildlife is illegal and may result in criminal prosecution.

Sexual Harrassment

CSUMB and its auxiliary organizations strive to maintain a working and learning environment free from sexual harassment. Sexual harassment may range from sexual innuendoes made at inappropriate times, perhaps in the guise of humor, to coerced sexual relations.

Sexual harassment occurs when unwelcome conduct is engaged in because of the targeted individual's sex, and:

1. Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or classroom achievement;
2. Submission to or rejection of such conduct by an individual is used as the basis or threatened to be used as the basis for employment, evaluations or grades; or
3. Such conduct is so severe or pervasive that its effect, whether or not intended, is an environment that could be considered by a reasonable person, and is in fact considered by the individual, as intimidating, hostile or offensive.

Sexual harassment can be written (in print or electronically), verbal, visual or physical. Examples of harassment include:

- Written communications, such as sending inappropriate jokes or comments in print or by e-mail;
- Verbal communications, such as making graphic or degrading comments about an individual and/or his or her body or personal characteristics, or using epithets, derogatory comments or slurs;
- Physical acts, such as unwanted touching, physical interference, or even assault;
- Visual acts or displays, such as derogatory cartoons, drawings, or posters, or inappropriate gestures;
- Making unwelcome sexual advances or propositions, or offering employment benefits or giving preferential treatment in exchange for sexual favors;
- Making or threatening reprisals after a negative response to unwelcome conduct.

"Sex" includes, but is not limited to: the victim's actual sex; the harasser's perception of the victim's sex; the harasser's perception of the victim's identity, appearance or behavior; whether or not that identity, appearance, or behavior is different from that traditionally associated with victim's sex at birth; and pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.

To report sexual harassment as a student, contact:

Wendy Smith
Deputy Title IX Coordinator
Dean of Students Office,
Phone: 831-582-3510

Sexual Assault

CSUMB will not tolerate sexual assault in any form. CSUMB has adopted the state of California's definition of sexual assault to mean any involuntary sexual act in which a person is threatened, coerced, or forced to comply against his or her will and includes rape, acquaintance rape, date rape, and sexual battery. Sexual assault, which is a form of sexual harassment, is included in the definition of sex discrimination which is prohibited in Title VII of the Civil Rights Act of 1964 as amended and Title IX of the Educational Amendments of 1972 as amended. It is also governed by the California Penal Code (Sections 261 and 243.4) and Assembly Concurrent Resolution No. 46 (Resolution Chapter 105, passed into law on September 14, 1987).

Report sexual assault on campus to the University Police Department (UPD) immediately at 911 from any campus phone. Sexual assault is a form of sexual harassment and is also a violation of the criminal code. Thus, an individual reporting an allegation of sexual assault may initiate a criminal complaint, a discrimination complaint, or both, as the evidentiary standards and conclusions may differ. To file a criminal complaint, the reporting party should contact UPD at 911 (during the emergency) or 831-655-0268. To file a complaint of discrimination with the University as a student, the reporting party should contact the Deputy Title IX Coordinator at 831-582-3510.

Where there is probable cause to believe that a student, faculty, or staff member has violated the university's regulations prohibiting sexual assault, the university will actively pursue disciplinary action through appropriate investigation and legal channels. Even if criminal justice authorities choose not to prosecute, the university can pursue disciplinary action.

Regardless of the means selected for resolving allegations of discrimination and/or sexual harassment (including sexual assault), the initiation of a complaint will not cause any negative reflection on the complainant, nor will it affect such person's future business dealings with the university, his or her employment, compensation or work assignments or, in the case of students, grades, class selection or other matters pertaining to his or her status as a student at the university. Every effort should be made to resolve any incident as soon as possible while the facts and potential testimony of witnesses, if any, are current.

It is the policy of the university that retaliation against complainants is prohibited. The university acts vigorously to prevent any retaliation being taken against those initiating inquiries or filing complaints; retaliation constitutes separate grounds for filing a complaint with these procedures and for potential disciplinary action against the alleged violator.

Smoke and Tobacco-free Environment

In accordance with the California State University Chancellor's Office [Executive Order 1108](#), CSUMB is 100% Smoke Free and Tobacco Free effective September 1, 2017. Please see the [CSUMB campus compliance guidelines](#) for CSUMB-specific compliance information.

Student Conduct

Title 5, California Code of Regulations, § 41301. Standards for Student Conduct

(a) Campus Community Values

The University is committed to maintaining a safe and healthy living and learning environment for students, faculty, and staff. Each member of the campus community should choose behaviors that contribute toward this end. Students are expected to be good citizens and to engage in responsible behaviors that reflect well upon their university, to be civil to one another and to others in the campus community, and contribute positively to student and university life.

(b) Grounds for Student Discipline

Student behavior that is not consistent with the Student Conduct Code is addressed through an educational process that is designed to promote safety and good citizenship and, when necessary, impose appropriate consequences.

The following are the grounds upon which student discipline can be based:

(1) Dishonesty, including:

- (A) Cheating, plagiarism, or other forms of academic dishonesty that are intended to gain unfair academic advantage.
- (B) Furnishing false information to a university official, faculty member, or campus office.
- (C) Forgery, alteration, or misuse of a university document, key, or identification instrument.
- (D) Misrepresenting oneself to be an authorized agent of the university or one of its auxiliaries.

(2) Unauthorized entry into, presence in, use of, or misuse of University property.

(3) Willful, material and substantial disruption or obstruction of a university-related activity, or any on-campus activity.

(4) Participating in an activity that substantially and materially disrupts the normal operations of the university, or infringes on the rights of members of the University community.

- (5) Willful, material, and substantial obstruction of the free flow of pedestrian or other traffic, on or leading to campus property or an off-campus university related activity.
- (6) Disorderly, lewd, indecent, or obscene behavior at a University related activity, or directed toward a member of the university community.
- (7) Conduct that threatens or endangers the health or safety of any person within or related to the University community, including physical abuse, threats, intimidation, harassment, or sexual misconduct.
- (8) Hazing, or conspiracy to haze. Hazing is defined as any method of initiation or pre-initiation into a student organization or student body, whether or not the organization or body is officially recognized by an educational institution, which is likely to cause serious bodily injury to any former, current, or prospective student of any school, community college, college, university or other educational institution in this state (Penal Code 245.6), and in addition, any act likely to cause physical harm, personal degradation or disgrace resulting in physical or mental harm, to any former, current, or prospective student of any school, community college, college, university or other educational institution. The term "hazing" does not include customary athletic events or school sanctioned events.

Neither the express or implied consent of a victim of hazing, nor the lack of active participation in a particular hazing incident is a defense. Apathy or acquiescence in the presence of hazing is not a neutral act, and is also a violation of this section.
- (9) Use, possession, manufacture, or distribution of illegal drugs or drug-related paraphernalia, (except as expressly permitted by law and university regulations) or the misuse of legal pharmaceutical drugs.
- (10) Use, possession, manufacture, or distribution of alcoholic beverages (except as expressly permitted by law and University regulations), or public intoxication while on campus or at a University related activity.
- (11) Theft of property or services from the University community, or misappropriation of university resources.
- (12) Unauthorized destruction, or damage to University property or other property in the university community.
- (13) Possession or misuse of firearms or guns, replicas, ammunition, explosives, fireworks, knives, other weapons, or dangerous chemicals (without the prior authorization of the campus president) on campus or at a University related activity.
- (14) Unauthorized recording, dissemination, or publication of academic presentations (including handwritten notes) for a commercial purpose.
- (15) Misuse of computer facilities or resources, including:
 - (A) Unauthorized entry into a file, for any purpose.
 - (B) Unauthorized transfer of a file.
 - (C) Use of another's identification or password.
 - (D) Use of computing facilities, campus network, or other resources to interfere with the work of another member of the university community.
 - (E) Use of computing facilities and resources to send obscene or intimidating and abusive messages.
 - (F) Use of computing facilities and resources to interfere with normal university operations.
 - (G) Use of computing facilities and resources in violation of copyright laws.
 - (H) Violation of a campus computer use policy.
- (16) Violation of any published university policy, rule, regulation, or presidential order.
- (17) Failure to comply with directions of, or interference with, any university official or any public safety officer while acting in the performance of duties.
- (18) Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or well being of members of the university community or to property within the university community, or that poses a significant threat of disruption or interference with university operations.

(19) Violation of the Student Conduct Procedures, including:

- (A) Falsification, distortion, or misrepresentation of information related to a student discipline matter.
- (B) Disruption or interference with the orderly progress of a student discipline proceeding.
- (C) Initiation of a student discipline proceeding in bad faith.
- (D) Attempting to discourage another from participating in the student discipline matter.
- (E) Attempting to influence the impartiality of any participant in a student discipline matter.
- (F) Verbal or physical harassment or intimidation of any participant in a student discipline matter.
- (G) Failure to comply with the sanction(s) imposed under a student discipline proceeding.

(20) Encouraging, permitting, or assisting another to do any act that could subject him or her to discipline.

(c) Procedures for Enforcing This Code

The Chancellor shall adopt procedures to ensure students are afforded appropriate notice and an opportunity to be heard before the University imposes any sanction for a violation of the Student Conduct Code.

[Note: At the time of publication, such procedures are set forth in California State University Executive Order 1098 (Revised June 23, 2015), available at <http://calstate.edu/eo/EO-1098-rev-6-23-15.html>]

(d) Application of This Code

Sanctions for the conduct listed above can be imposed on applicants, enrolled students, students between academic terms, graduates awaiting degrees, and students who withdraw from school while a disciplinary matter is pending. Conduct that threatens the safety or security of the campus community, or substantially disrupts the functions or operation of the university is within the jurisdiction of this article regardless of whether it occurs on or off campus. Nothing in this code may conflict with Education Code section 66301 that prohibits disciplinary action against students based on behavior protected by the First Amendment.

Title 5, California Code of Regulations, §41302. Disposition of Fees: Campus Emergency; Interim Suspension.

The President of the campus may place on probation, suspend, or expel a student for one or more of the causes enumerated in Section 41301. No fees or tuition paid by or for such student for the semester, quarter, or summer session in which he or she is suspended or expelled shall be refunded. If the student is readmitted before the close of the semester, quarter, or summer session in which he or she is suspended, no additional tuition or fees shall be required of the student on account of the suspension.

During periods of campus emergency, as determined by the President of the individual campus, the President may, after consultation with the Chancellor, place into immediate effect any emergency regulations, procedures, and other measures deemed necessary or appropriate to meet the emergency, safeguard persons and property, and maintain educational activities.

The President may immediately impose an interim suspension in all cases in which there is reasonable cause to believe that such an immediate suspension is required in order to protect lives or property and to insure the maintenance of order. A student so placed on interim suspension shall be given prompt notice of charges and the opportunity for a hearing within 10 days of the imposition of interim suspension. During the period of interim suspension, the student shall not, without prior written permission of the president or designated representative, enter any campus of the California State University other than to attend the hearing. Violation of any condition of interim suspension shall be grounds for expulsion.

Enforcement Process

The Student Conduct Administrator (SCA) represents the University community's interests during the enforcement process. The SCA is empowered to investigate the allegations against the student, to decide whether or not sufficient evidence exists to file a complaint, and to represent CSUMB at the hearing.

The SCA and other members of the University community may also work with students to resolve the issues in question before a hearing becomes necessary. Detailed information about student conduct policies and procedures is available on the

CSUMB.EDU/judicialaffairs website.

Civil and Criminal Penalties for Violation of Federal Copyrights Law

Anyone who is found to be liable for copyright infringement may be liable for either the owner's actual damages along with any profits of the infringer or statutory damages of up to \$30,000 per work infringed. In the case of a willful infringement, a court may award up to \$150,000 per work infringed. (See 17 U.S.C. §504.) Courts also have discretion to award costs and attorneys' fees to the prevailing party. (See 17 U.S.C. §505.) Willful copyright infringement can also result in criminal penalties, including imprisonment and fines. (See 17 U.S.C. §506 and 18 U.S.C. §2319.)

Student Complaint Procedure (Complaints Regarding the CSU)

The California State University takes complaints and concerns regarding the institution very seriously. If you have a complaint regarding the CSU, you may present your complaint as follows:

1. If your complaint concerns CSU's compliance with academic program quality and accrediting standards, you may present your complaint to the Western Association of Schools and Colleges (WASC) at <http://www.wascsenior.org/comments>. WASC is the agency that accredits the CSU's academic program.
2. If your complaint concerns an alleged violation by CSU of any law that prohibits discrimination, harassment or retaliation based on a protected status (such as age, disability, gender (or sex), gender identity, gender expression, nationality, race or ethnicity (including color, caste, or ancestry), religion or veteran or military status), you may present your complaint as described in Section XVI (Nondiscrimination Policy).
3. If your complaint concerns an alleged violation by the CSU of other state law, including laws prohibiting fraud and false advertising, you may present your complaint to the campus president or designee at president@csumb.edu. See Procedure for Student Complaints-Executive Order No. 1063 for details regarding the complaint requirements and complaint process: www.calstate.edu/eo/eo-1063.html.
4. Other complaints regarding the CSU may be presented to the campus dean of students, who will provide guidance on the appropriate campus process for addressing your particular issue.

If you believe that your complaint warrants further attention after you have exhausted all the steps outlined by the campus, or by WASC, you may file an appeal with the Assistant Vice Chancellor, Academic and Student Affairs (or designee) at the CSU Chancellor's Office.

This procedure should not be construed to limit any right that you may have to legal action to resolve your complaint.
