

STUDENT RIGHTS, RESPONSIBILITIES & THE FINE PRINT

Academic Honesty / Dishonesty Academic Honesty Policy (P16-05)

Academic honesty is of serious concern at Humboldt. Students are expected to maintain high standards of academic integrity. Acting in good conscience is integral to our vision statement.

Academic dishonesty is willful and intentional fraud and deception to improve a grade or obtain course credit. It includes all student behavior intended to gain unearned academic advantage by fraudulent and/or deceptive means.

Cheating is defined as obtaining or attempting to obtain, or aiding another in obtaining or attempting to obtain credit for work or any improvement in evaluation of performance, by any dishonest or deceptive means. Cheating includes, but is not limited to:

Taking information:

- (1) Copying graded homework assignments from another student.
- (2) Working with others on a take-home test or homework when specifically prohibited by the instructor.
- (3) Looking at another student's paper or screen during an examination.
- (4) Looking at text, notes or electronic devices during an examination when specifically prohibited by the instructor.
- (5) Accessing another student's electronic device and taking information from the device.
- (6) Allowing another person to complete assignments or an on-line course.

Providing information:

- (1) Giving one's work to another to be copied or used in an oral presentation.
- (2) Giving answers to another student during an examination or for a take-home test.
- (3) After having taken an exam, informing another person in a later section about questions appearing on that exam.
- (4) Providing a term paper to another student.
- (5) Taking an exam, writing a paper, or creating a computer program or artistic work for another.

Policy on Cheating. At faculty discretion, cheating may result in an "F" grade on the assignment or examination, or in the course. If a student denies the charge of cheating, s/he will be permitted to remain in the class through the formal hearing process (as outlined in Executive Order 1098).

The instructor shall contact the student with evidence of the cheating in writing within one week of discovery of the event. The

Academic Dishonesty Referral form will also be submitted to the Office of Student Rights & Responsibilities with copies to the student and to the student's major department. Student's rights shall be ensured through attention to matters of due process including timeliness of action.

The Student Conduct Administrator located in the Office of Student Rights & Responsibilities shall determine if any further disciplinary action is required. Disciplinary actions might include but are not limited to: requiring special counseling, loss of membership in organizations, or disciplinary probation, suspension or expulsion from the university and the CSU system.

Plagiarism is defined as the act of using the ideas or work of another person or persons as if they were one's own, without giving proper credit to the sources. Such actions include but are not limited to:

- (1) Copying homework answers from the text to hand in for a grade.
- (2) Failing to give credit for ideas, statements of facts, or conclusions derived by another author. Failure to use quotation marks when quoting directly from another, whether it be a paragraph, a sentence, or part thereof.
- (3) Submitting a paper purchased from a "research" or term paper service or downloaded from the internet.
- (4) Copying another student's paper and handing it in as one's own.
- (5) Giving a speech or oral presentation written by another and claiming it as one's own work.
- (6) Claiming credit for artistic work done by someone else, such as a musical composition, photos, a painting, drawing, sculpture, or design.
- (7) Presenting another's computer program as one's own.

Policy on Plagiarism. Plagiarism may be considered a form of cheating and therefore subject to the same policy as cheating which requires notification of the Office of Student Rights & Responsibilities and disciplinary action. However, as there may be plagiarism as a result of poor learning or inattention to format, and there may be no intent to deceive, some instructor discretion is appropriate. Under such circumstances, the instructor may elect to work with the student to correct the problem at an informal level. In any case that any penalty is applied, the student must be informed of the event being penalized and the penalty.

Within one week of discovery of the alleged plagiarism, the instructor will contact the

student and describe the event deemed to be dishonest. In this contact, the student and instructor shall attempt to come to a resolution of the event. The instructor may assign an "F" or "O" on the exam or project, or take other action within the structure of the class as deemed appropriate to the student's behavior. A report of this contact and resolution shall be filed with the Office of Student Rights & Responsibilities using the Academic Dishonesty Referral form.

When a case is referred to the Office of Student Rights & Responsibilities, the consequences might be severe. Disciplinary actions might include but are not limited to: requiring special counseling, loss of membership in organizations, suspension or dismissal from individual programs, or disciplinary probation, suspension or expulsion from the university. If the Office of Student Rights and Responsibilities determines that no violation has occurred, the instructor will comply with the decision, and refrain from issuing penalties, or remove those already on the student's record.

Other forms of academic dishonesty include any actions intended to gain academic advantage by fraudulent and/or deceptive means not addressed specifically in the definition of cheating and/or plagiarism. These actions may include but are not limited to:

- (1) Planning with one or more fellow students to commit any form of academic dishonesty together.
- (2) Giving a term paper, speech or project to another student whom one knows will plagiarize it.
- (3) Having another student take one's exam or do one's computer program, lab experiment, or artistic work.
- (4) Lying to an instructor to increase a grade.
- (5) Submitting substantially the same paper or speech for credit in two different courses without prior approval of the instructors involved.
- (6) Altering a graded work after it has been returned, then submitting the work for regrading, without the instructor's prior approval.
- (7) Removing tests from the classroom without the approval of the instructor, or stealing tests.

The policy on these and other forms of academic dishonesty is the same as that described above for cheating.

Student Responsibility. The student has full responsibility for the content and integrity of all academic work submitted. Ignorance of a rule does not constitute a basis for waiving

the rule or the consequences of that rule. Students unclear about a specific situation should ask their instructors, who will explain what is and is not acceptable in their classes.

For further information on the disciplinary process and sanctions, see the Office of Student Rights & Responsibilities, Siemens Hall Room 211, 707-826-3504, or Associate Dean of Students, Student Rights & Responsibilities. An Academic Dishonesty Referral Form (PDF, req. Adobe Reader) is provided for use.

Anti-Hazing & Initiation Policy

Each year universities experience hazing incidents that result in serious physical and/or emotional injury. As members in university student organizations, students may become victims in what are believed to be acceptable initiation traditions and rituals. Humboldt State University is committed to maintaining an environment that is safe, healthy and conducive to learning. We support the educational and character development of students as they transition into university life and continue toward graduation and becoming life-long learners.

Definition of Hazing. Hazing is a violation of California State University and Humboldt State University policy, as well as State law.

Humboldt State University interprets the term “hazing” broadly, to include not just conduct likely to cause physical harm but also conduct likely to cause personal degradation or disgrace resulting in physical or mental harm. Hazing can occur even when the victim voluntarily submits to being hazed. The full definition of hazing is:

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.

(Title 5, California Code of Regulations, section 41301(b)(8), emphasis added.)

Participation in hazing, actively or passively, will result in both individual and organizational disciplinary action, including possible expulsion from Humboldt State University and the California State University system. Disciplinary action will also be initiated

against organizational officers who permit hazing to occur within their own organization.

Examples of prohibited hazing activities include but are not limited to:

- Paddling, shoving, or otherwise striking individuals
- Requiring individuals to consume alcohol or drugs
- Requiring individuals to eat or drink foreign or unusual substances, or requiring the consumption of undue amounts of food
- Having substances thrown at, poured on, or otherwise applied to the bodies of individuals
- Morally degrading or humiliating games, or any other activities that make the individual the object of ridicule, including postings on Facebook, Twitter, other forms of electronic media, and social network sites
- Transporting individuals against their will, abandoning individuals at distant locations, conducting a kidnap or engaging in any “road trip” or “ditch” that might in any way endanger or compromise the health, safety, or comfort of any individual

- Activities that require a person to remain in a fixed position for a long period of time
- “Line-ups” involving intense demeaning intimidation or interrogation, such as shouting obscenities or insults
- Assigning activities such as pranks or scavenger hunts that compel a person to deface property, engage in theft, or harass other individuals or organizations
- Requiring individuals to wear or carry unusual, uncomfortable, degrading, or physically burdensome articles or apparel

Any activity or similar activity as described above upon which the initiation or admission into, or affiliation with the organization is directly or indirectly conditioned, or which occurs during a pre-initiation or initiation activity shall be presumed to be “compelled” activity, regardless of the willingness of an individual to participate in such an activity.

Engaging in hazing that is likely to cause serious bodily injury is also a crime, punishable by up to one year in jail and up to a \$5,000 fine. (Penal Code 245.6.) If Humboldt State University determines that hazing has occurred and appears to meet the criminal definition, it may refer the matter to the District Attorney’s office for prosecution, regardless of any disciplinary action that is taken.

Permissible Initiation Activities. Joining an on-campus organization should be a positive experience. Initiation rituals should therefore focus upon the positive aspects of both the organization and the individual. Examples of permissible team and community building include:

- Hosting a dinner for new members
- Completing a community service project
- Sponsoring activities such as hiking, camping, or bowling
- Hosting a fundraiser for a local charity such as a movie night

- Holding a new member recognition night

Reporting Procedures. If you wish to report an act of hazing, you should contact University Police, at 707-826-5555, or the Office of Student Rights and Responsibilities, at 707-826-3504 or online at publicdocs.maxient.com/reportingform.php?HumboldtStateUniv&layout_id=1

Prohibition Against Retaliation. “Retaliation” means adverse action taken against a student because the student has or is believed to have:

- reported or opposed conduct which the student reasonably and in good faith believes is hazing or
- participated in a hazing investigation/disciplinary proceeding.

Organizations and individuals who retaliate against such student(s) shall be subject to university disciplinary action which may include suspension or permanent expulsion from the Humboldt State University and the California State University system.

Complaint Procedure, Student (Complaints Regarding the CSU)

The California State University takes very seriously complaints and concerns regarding the institution. 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 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 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 claim complaint to the campus president or designee at: Student Affairs, W. Wayne Brumfield, Vice President for Student Affairs, 707-826-3361, ovasa@humboldt.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 [or other appropriate administrator], 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 take legal action to resolve your complaint.

Student Conduct

Students at Humboldt State University assume the responsibility for conducting themselves in a manner compatible with the university's function as an educational institution and in a way which will not impair achievement of the university's educational mission. Inappropriate conduct by students or applicants for admission is subject to discipline as provided in Title 5, California Code of Regulations, § 41301.

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.

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

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.

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 one's self 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 or interference with, any university official or any public safety officer while acting in the performance of his/her duties.

(18) Any act chargeable as a violation of a federal, state, or local law that poses a substantial threat to the safety or wellbeing of members of the university community, to property within the university community or 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.

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 calstate.edu/eo/EO-1098-rev-6-23-15.html.

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.

Title 5, California Code of Regulations, § 41303. Conduct by Applicants for Admission. Note: Authority cited: Sections 66300, 66600, 89030 and 89035, Education Code. Reference: Sections 66017, 66300, 66600, 69810-69813 and 89030, Education Code; and Section 626.2, Penal Code.

Title 5, California Code of Regulations, § 41304. Student Disciplinary Procedures for the California State University. Note: Authority cited: Sections 66300, 66600, 89030 and 89035, Education Code. Reference: Sections 66017, 66300, 66600, 69810-69813 and 89030, Education Code; and Section 626.2, Penal Code.

Questions regarding campus procedures and adjudicating complaints against students pursuant to the above-listed violations of Section 41301 of Title 5 of the California Code of Regulations can be answered in the Office of Student Rights & Responsibilities, 707-826-3504, or the Office of the Vice President for Student Affairs, 707-826-3361.

Civil and Criminal Penalties for Violation of Federal Copyright Laws

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.)

Class Attendance & Disruptive Behavior

Students have the right to attend and participate in all classes for which they are officially enrolled. They may be denied only for the purpose of maintaining suitable circumstances for teaching and learning. Any student who has neglected the work of the course or is disruptive to the educational process may be excluded from a course.

Attendance. At Humboldt, regular and punctual class attendance is expected. Each instructor establishes regulations regarding attendance requirements. It is the responsibility of the student to make arrangements regarding class work in those cases where the student's absence is because of participation in intercollegiate athletics, forensics, drama festivals, music tours, and the like.

Disruptive Behavior. Disruptive student behavior in the classroom is defined as behavior which interrupts, obstructs, or inhibits the teaching and learning processes. The faculty member determines what is disruptive and has a duty to terminate it. Disruptive behavior may take many forms: persistent questioning, incoherent comments, verbal attacks, unrecognized speaking out, incessant arguing, intimidating shouting, and inappropriate gestures.

Disruptive classroom behavior may, on the other hand, result from overzealous classroom participation, lack of social skills, or inappropriately expressed anger at the course content. Sometimes there is a thin line between controlling the learning environment and permitting students' academic freedom, between intentional and unintentional disruption. Faculty have the responsibility to maintain a learning environment in which students are free to question and criticize constructively and appropriately. Faculty also have the authority and responsibility

to establish rules, to maintain order, and to eject students from the course temporarily for violation of the rules or misconduct.

The faculty member shall give at least one verbal warning to a student to cease in-class disruptive behavior. In cases of abusive behavior, this requirement may be waived. In addition, if the in-class disruption does not cease, an attempt shall be made to resolve the problem in a conference between the faculty member and the student. If disruption occurs after these two measures are taken, the instructor may file a complaint with the Office of Student Rights & Responsibilities to initiate university disciplinary action which may result in the student's permanent exclusion from the course and other disciplinary sanctions. Ordinarily, if a student banned from a course has passing status, the student will be granted a grade of W — withdrawal.

In cases where a student exhibits abusive behavior, is physically abusive, or threatens physical abuse, a verbal warning from the faculty member is not necessary. Examples might include directed profanity, physical disruption of the classroom, or threatening behavior. Public Safety may be requested to escort the student from the class, and an interim suspension may be imposed by the president.

Individuals in attendance in a course in which they are not officially enrolled may be excluded from the course by the instructor.

Diversity & Common Ground

The principles enunciated as a basis for campus community require that students accord one another the fundamental respect due to fellow human beings and that they respect the various cultural traditions contributing to the richness of our human heritage.

While freedom of thought and expression are values deeply held in an academic community, freedom should not be construed as license to engage in demeaning remarks or actions directed against individuals or groups on the basis of race, ethnicity, or gender.

Educational Records: Privacy Rights of Students

The federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) (FERPA) and regulations adopted thereunder (34 C.F.R. 99) set out requirements designed to protect students' privacy in their educational 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 obtain a student's written consent before releasing personally identifiable data pertaining to the student. The campus has adopted a set of policies and procedures governing implementation of FERPA and the regulations. Copies of these policies and procedures may be obtained at the Office of the Registrar, the Vice Provost for Academic Programs & Undergraduate/Graduate Studies, and the Office of Diversity & Inclusion. Among the information included in the campus statement of policies and procedures is: (1) the student records maintained and the information they contain; (2) the campus official responsible for maintaining each 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 Avenue, SW, Washington, D.C. 20202-5920.

FERPA authorizes the campus to release "directory information" pertaining to students. "Directory information" may include:

- 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 campus may release this "directory information" at any time unless the campus has received prior written objection from the student specifying the information the student requests not be released. Forms requesting the withholding of directory information are available at the Office of the Registrar, SBS 133.

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. Student records may also be disclosed to other persons or organizations under certain conditions (e.g., as part of the 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).

Disclosure of Student Information. Agencies of the State of California may request, for recruitment purposes, information (including the names, addresses, major fields of study, and total units completed) of CSU students and former students. The university is required by law to release such information to state agencies. Students may request, in writing, release of such information. Students may also forbid release of any personally identifiable information to state agencies or any other person or organization. Forms requesting the withholding of personally identifiable information are available in the Office of the Registrar, SBS 133.

Career Placement Information. Humboldt 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. This information includes data concerning the average starting salary and the percentage of previously enrolled students who obtained employment. The information may include data collected from either graduates of the campus or graduates of all campuses in the California State University.

Student Papers, Theses, or Projects. The university may require that graduate or undergraduate student papers, theses, or projects be placed in the library, available to interested members of the public. Students may wish to secure copyrights for their work. For information regarding proper procedure for obtaining a copyright, contact the library's documents section (3rd floor) or the Office of Academic Programs.

Use of Social Security Number. Applicants are required to include their correct social security numbers in designated places on applications for admission pursuant to the authority contained in Section 41201, Title 5, California Code of Regulations, and Section 6109 of the Internal Revenue Code (26 U.S.C. 6109). The university uses the social security number to identify students and their records including identification for purposes of financial aid eligibility and disbursement and the repayment of financial aid and other debts payable to the institution. Also, the Internal Revenue Service (IRS) requires the university to file information returns that include the student's social security number and other information such as the amount paid for qualified tuition, related expenses and interest on educational loans. This information is used by the IRS to help determine whether a student, or a person claiming a student as a dependent, may take a credit or deduction to reduce federal income taxes.

Student Records Access Policy

The purpose of this Records Access Policy is to ensure that the campus community is aware of, and complies with, the Family Educational Rights and Privacy Act of 1974 as amended, 20 U.S.C. 1232g et seq. (FERPA), the regulations adopted thereunder, 34 C.F.R. 99, and California State University policy related to the administration of student education records. FERPA seeks to assure the right of privacy to the Education Records of persons who are or have been in attendance in postsecondary institutions. The university registrar is responsible for the biannual review of this policy.

Definitions. For the purposes of this Policy, the following terms are defined below:

Student — any person who is or has been previously enrolled at the university.

Disclosure — access or release of personally identifiable information from an education record.

Access — personal inspection of an education record or an oral or written description of the contents of an education record.

Education Records — any records, files, documents, and other materials maintained by the university, which contain information directly related to a student. Consistent with FERPA, the following is excluded from the definition of education records:

- (1) Information designated by the university as Directory Information (See Article II of this Policy);
- (2) Information provided by parents related to student applications for financial aid or scholarships;
- (3) Confidential letters or statements of recommendation filed on or before January 1, 1975;
- (4) Records created and maintained by the university Police Department for law enforcement purposes;
- (5) Employee records;
- (6) Records of physicians, psychologists, psychiatrists, or other recognized professional or paraprofessional persons acting in their professional or paraprofessional capacity (e.g. treatment records);
- (7) Information maintained by instructional, supervisory, administrative, and related educational personnel which is not revealed to any other person except a substitute;
- (8) Alumni records which contain only information relating to a person after that person was no longer a student.

Directory Information

A. Designated Directory Information. The university designates the following items as directory information:

- student name;
- mailing addresses (on-campus residence hall addresses are not released to the public);
- email addresses;
- telephone number (on-campus residence hall telephone numbers are only released

- with prior permission of the resident);
- date and place of birth;
- major field of study;
- participation in officially recognized activities and sports;
- weight and height of members of athletic teams;
- photographs;
- dates of attendance; class level; enrollment status (full-time/part-time, undergraduate, graduate);
- degrees and awards received;
- most recent previous educational agency or institution attended.

B. Right to Request that Directory Information Not be Released. Directory information is subject to release by Humboldt State University at any time unless a student requests confidential status to prevent the release of the information listed above to non-university persons or organizations. Such a request will result in outside parties (including friends and relatives of the student) being unable to obtain contact information for the student through the university and the university being unable to include the student's name in information provided to outside parties offering scholarship, career and other opportunities and benefits. The Request for Confidential Status of Directory Information is available at registrar.humboldt.edu/forms.

Annual Notification. The registrar will ensure that students are notified of their rights under this policy by annual publication on the Office of the Registrar website, and in the *University Catalog* and *Graduate Student Handbook*.

The university registrar will review this policy and campus information management practices concerning education records at least every two years or more often as the need arises and recommend to the president any changes deemed necessary after such review.

Inspecting Education Records. Students who wish to inspect the contents of their education records must make a written request to the university registrar. Each Unit Custodian or designee will meet with the Student at a time and place set by the Unit Custodian. The unit custodians are listed in Article VI of this Policy. The original records may not leave the Unit Custodian's office.

The Unit Custodian must respond to the Student's request within forty-five (45) days. When an Education Record contains information about more than one Student, the Student may inspect only the records which relate the Student.

Copies. While students retain the right to inspect their Education Records, the university may refuse to provide copies of such records, including transcripts, if Students have an unpaid financial obligations to the university. [See Section 42381 of Title 5 of the California Code of Regulations and CSU policy.]

Custodians of Education Records. The university registrar is the university custodian of education records. The unit custodian is the person who has physical custody of the requested records, or is in charge of the office with such custody. The unit custodian shall properly control access, handle, store, and dispose of the education records as appropriate.

The following is a list of the types of education records that the university maintains, and the unit custodians:

Academic: University Registrar, Office of the Registrar

Counseling & Psychological Services: Director Counseling & Psychological Services

Disciplinary: Coordinator, Office of Student Rights & Responsibilities, Student Affairs

Extended Education: Director, College of Extended Education & Global Engagement

Graduate student: Dean, Office of Academic Programs & Undergraduate/Graduate Studies

Health: Director, Student Health & Wellness

Housing: Housing & Residence Life Director

Financial & Student Payroll: Fiscal Affairs Director

Financial Aid: Director, Financial Aid
Placement: Director Academic & Career Advising Center

Disclosure of Education Records

A. Disclosure to School Officials. The university may disclose education records without written consent of Students to school officials who have a legitimate educational interest in the records. Examples of school officials include the following:

- (1) University employees in an administrative, supervisory, academic, research, or support staff position (including the Health Center staff) in the ordinary course of the performance of their job duties or providing a service or benefit relating to the Student, such as health care, counseling, job placement, or financial aid;
- (2) University Police Department employees;
- (3) Independent contractors or employees thereof who have contracted with the university to perform a service for the university (such as the National Student Clearinghouse), or a special task (such as an attorney or auditor);
- (4) Student(s) or university employees serving on an official committee, such as a student disciplinary or grievance committee, or assisting another school official in performing such tasks.

B. Third Party Access. The university will not disclose education records to an outside party without the written consent of the student, except the university may disclose education records without consent of the student:

(1) To officials of another school, upon request, in which a Student seeks or intends to enroll;

(2) To authorized representatives of the U.S. Department of Education, the controller general, and state and local educational authorities, in connection with audit or evaluation of certain state or federally supported education programs;

(3) In connection with a student's application for, or receipt of, financial aid;

(4) To organizations conducting studies for educational agencies in connection with predictive tests, student aid programs or improvements to instruction;

(5) To accrediting organizations to carry out their functions;

(6) To parents of a student who is claimed as a dependent for income tax purposes;

(7) To comply with a judicial order or lawfully issued subpoena. A reasonable effort will be made to notify the student in advance of compliance unless the courts or other issuing agency has ordered that the existence of the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

(8) To appropriate parties in a health or safety emergency;

(9) To individuals requesting directory information so designated by the university;

(10) The final results of a student disciplinary hearing that upholds a charge of a "crime of violence" or "non-forcible sex offense;"

(11) To the victim only, the final results of a disciplinary hearing conducted by the institution against the alleged perpetrator of a "crime of violence" or of a "non-forcible sex offense," whether or not the charges are sustained;

(12) To U.S. Military recruiters pursuant to federal regulations (See 32 CFR 216);

(13) To the Student and Exchange Visitor Information System (SEVIS), the INS internet-based system for tracking, monitoring and reporting information to the INS about international students;

(14) To comply with a court order to produce education records sought by the U.S. Attorney General (or designated federal officer or employee in a position not lower than assistant attorney general) based on "specific and articulable facts giving reason to believe that the education records are likely to contain information" relevant to the investigation or prosecution of terrorist acts;

(15) To counsel or the court when the student whose records are being disclosed has sued the university provided such a disclosure is relevant for the university to defend itself in the lawsuit.

C. Log of Requests. Each Unit Custodian will maintain a record of all requests for and/or disclosures of information from a Student's Education Records unless otherwise required by federal or state law, including without limitation the USA Patriot

Act of 2001. (PL 107-56, 2001 HR 3152; 115 Stat 272. Unless otherwise required by law, the log will state (1) the name of the requesting party, (2) any additional party to whom it may be re-disclosed, and (3) the legitimate interest the party had in obtaining the information (unless a school official is the requesting party). A Student may review this log upon request.

Challenging the Contents of an Education Record. Students have the right to challenge the contents of their education records if they believe the education records are inaccurate or misleading. Following are the procedures for the correction of education records:

A. Request to Amend or Correct Education Records. A student may request amendment or correction of the student's education records(s) by submitting a written request to the university registrar. The student shall identify the part of the education record to be amended or corrected and state the reason(s) the student believes the information in the record is inaccurate or misleading.

B. Notice of Decision. The university registrar shall within 15 working days of receipt of the written request of a student provide notice to the student of (1) the decision to either comply with or deny the request, (2) of the student's right to file a complaint under the grievance policy and procedures for students filing complaints other than discrimination or unprofessional conduct against faculty, staff, or administrators (University Management Letter 00-01); and (3) of the Student's right to place a statement of dispute in the Education Record.

C. Statement of Dispute. If the university registrar decides not to comply with the student's request to amend or correct the specified education record, the student has the right to place in the education record a statement commenting on the challenged information and stating the reasons the student believes the record is inaccurate or misleading. The statement will be maintained as part of the student's education records as long as the contested portion is maintained. If the university discloses the contested portion of the record, it must also disclose the statement.

U.S. Department of Education Complaints. Students have the right to file a complaint with the U.S. Department of Education regarding compliance with FERPA. The name and address of the office that administers FERPA is:

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-4605
800-USA-LEARN
Federal Relay Service, TTY :800-877-8339

First-Time Freshmen: How to Graduate in Four Years

At Humboldt, we realize that the completion of your undergraduate degree in four years may be an important goal. To assist you, we are committed to advising you on how to graduate within four years.

At the same time, we believe that an education with an emphasis on time constraints might not meet some students' desire for enhanced educational and growing experiences. If you choose to change majors, enhance your education by taking additional courses, involve yourself in extracurricular activities, study abroad, engage in one or more internships or work study opportunities, or simply work, it may not be possible to graduate within four years. The quality of your experience may be more important than the time required to complete your degree.

As a residential community, Humboldt staff and faculty will strive to provide you with an enriched educational experience. We offer the following guidelines for completing graduation requirements in four years:

- Enroll in general education mathematics and writing composition during first year.
- Satisfactorily complete a minimum of 30 semester units per year. (Certain majors may require additional units per year.) You need a minimum GPA of 2.0 to graduate.
- Meet each semester with your assigned academic advisor to plan an appropriate course of study. Also meet with a Transfer & Graduation Counselor (Office of the Registrar, SBS 133) each semester to review academic progress.
- Declare a major at the time of admission or during your first semester. A major change may increase the time to degree.
- Pass the Graduation Writing Proficiency Exam (GWPE) as soon as possible after completing 60 semester units.
- Meet all financial aid and fee-payment deadlines.
- Apply for graduation at least three semesters prior to graduation.
- Participate in early registration each semester and refrain from withdrawing and/or taking educational leaves.

The university will provide regular academic advising, provide required courses, and make available sufficient class offerings for the student to make satisfactory progress.

If the required courses for a four-year degree plan are not available, and if all conditions above are met, the student will not be required to pay tuition and/or the tuition fee otherwise required to register and enroll in subsequent courses necessary for graduation. This is the sole remedy for the university's breach of the four-year degree pledge program. Please contact the Office of the Registrar, SBS 133, if you wish to establish this agreement.

Graduation/Persistence Rates

The federal Student Right to Know law (PL 101-542 as amended) requires an institu-

tion to disclose graduation and persistence rates for first-time, full-time, degree-seeking undergraduate students. The following reflects the six-year graduation rate for the group of first-time, full-time students who entered Humboldt State University in the Fall of 2013: 49%.

The persistence rate for first-time, full-time students who entered Humboldt State University in the Fall of 2018 is 75%. Previous years rates can be found at humboldt.edu/anstud/humis/scret.html.

Grievance Procedure, Student

The Student Grievance Procedures apply to such matters (not an exhaustive list) as appeal of a grade; appeal of an advising decision; appeal of a decision by an administrator or faculty advisor regarding permitting individual or group activities; complaint of unfair application of standards applied to work required for award of a degree.

A grievable action is an action that is in violation of a written campus policy or procedure, or an established practice. The basis of the grievance is that an action constitutes arbitrary, capricious, or unequal application of a written campus policy or procedure or an established practice.

The HSU community recognizes that a student may dispute a decision or action by a member of the faculty, staff, or administration. In most cases, these disputes are handled informally through normal academic or administrative channels where the student discusses a concern directly with the university ombudsperson: humboldt.edu/ombuds or the Student Grievance Coordinator: humboldt.edu/acac/stafffaculty/grievance-procedure-students. These persons can provide advice on possible means for resolving the problem without the need for pursuing steps indicated in the Student Grievance Procedures. For those few instances when informal resolution is not possible, the student may utilize the Student Grievance Procedures, which permits timely review and an impartial evaluation of the student's complaint.

Copies of the Student Grievance Procedures can be obtained from the Student Rights & Responsibilities website: studentrights.humboldt.edu/complaint-staff. **NOTE: There are established timelines for initiating a grievance.**

Programs Leading to Licensure & Credentialing

Admission into programs leading to licensure and credentialing does not guarantee that students will obtain a license or credential. Licensure and credentialing requirements are set by agencies that are not controlled by or affiliated with the CSU and requirements can change at any time. For example, licensure or credentialing requirements can include evidence of the right to work in the United States (e.g., social security number or taxpayer identification number) or suc-

cessfully passing a criminal background check. Students are responsible for determining whether they can meet licensure or credentialing requirements. The CSU will not refund tuition, fees or any associated costs to students who determine subsequent to admission that they cannot meet licensure or credentialing requirements. Information concerning licensure and credentialing requirements are available from the Office of Academic Affairs, Siemens Hall 216, 707-826-3722.

Availability of Institutional & Financial Assistance Information

The following information concerning student financial assistance may be obtained from Financial Aid Office, SBS 241, 707-826-4321:

A description of the federal, state, institutional, local, and private student financial assistance programs available to students who enroll at Humboldt State University;

- For each aid program, a description of procedures and forms by which students apply for assistance, student eligibility requirements, criteria for selecting recipients from the group of eligible applicants, and criteria for determining the amount of a student's award;
- A description of the rights and responsibilities of students receiving financial assistance, including federal Title IV student assistance programs, and criteria for continued student eligibility under each program;
- The satisfactory academic progress standards that students must maintain for the purpose of receiving financial assistance and criteria by which a student who has failed to maintain satisfactory progress may reestablish eligibility for financial assistance;
- The method by which financial assistance disbursements will be made to students and the frequency of those disbursements;
- The way the school provides for Pell-eligible students to obtain or purchase required books and supplies by the seventh day of a payment period and how the student may opt out;
- The terms of any loan received as part of the student's financial aid package, a sample loan repayment schedule, and the necessity for repaying loans;
- The general conditions and terms applicable to any employment provided as part of the student's financial aid package;
- The terms and conditions of the loans students receive under the Direct Loan and Perkins Loan Programs;
- The exit counseling information the school provides and collects for student borrowers; and
- Contact information for campus offices available for disputes concerning federal, institutional and private loans.

Information concerning the cost of attending Humboldt State University is available from Student Financial Services, SBS 285, 707-826-6789, and includes tuition and fees; the estimated costs of books and supplies; estimates of typical student room, board, and transportation costs; and, if requested, additional costs for specific programs.

Information concerning the refund policies of Humboldt State University for the return of unearned tuition and fees or other refundable portions of institutional charges is available from Student Financial Services, SBS 285, 707-826-6789.

Information concerning policies regarding the return of federal Title IV student assistance funds as required by regulation is available from Student Financial Services, SBS 285, 707-826-6789.

Information regarding special facilities and services available to students with disabilities may be obtained from the Student Disability Resource Center, Lower Library 56, 707-826-4678.

Information concerning Humboldt State University policies, procedures, and facilities for students and others to report criminal actions or other emergencies occurring on campus may be obtained from the University Police Department, SBS 101, 707-826-5555.

Information concerning Humboldt State University annual campus security report and annual fire safety report may be obtained from the University Police Department, SBS 101, 707-826-5555.

Information concerning the prevention of drug and alcohol abuse and rehabilitation programs may be obtained from the Health Education and Promotion Program in Student Health & Wellbeing Services, 707-826-5228 or 707-826-3236.

Information regarding student retention and graduation rates at Humboldt State University and, if available, the number and percentage of students completing the program in which the student is enrolled or has expressed interest may be obtained from the Office of the Registrar, SBS 133, 707-826-4101.

Information concerning athletic opportunities available to male and female students and the financial resources and personnel that Humboldt State University dedicates to its men's and women's teams may be obtained from the Athletics Office, Kinesiology & Athletics Building, 707-826-3666.

Information concerning teacher preparation programs at Humboldt State University, including the pass rate on teacher certification examinations, may be obtained from the Education and Credential Office, Harry Griffith Hall 202, 707-826-5867.

Information concerning grievance procedures for students who feel aggrieved in their relationships with the university, its policies, practices and procedures, or its faculty and staff may be obtained from Human Resources, Siemens Hall 211,

707-826-3626; the Vice President for Academic Affairs, Siemens Hall 216, 707-826-3722; or the Office of Student Rights & Responsibilities, Siemens Hall 211, 707-826-3504.

Information concerning student activities that Humboldt State University provides, may be found on the Humboldt State events, webpage humboldt.edu/events/.

Information concerning student body diversity at Humboldt State University, including the percentage of enrolled, full-time students who are (1) male, (2) female, (3) Pell Grant recipients, and (4) self-identified members of a specific racial or ethnic group, may be obtained from the Office of Institutional Effectiveness, Siemens Hall 001 & 006, 707-826-5338 or online at ie.humboldt.edu.

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>.

Nondiscrimination Policy & 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 and ancestry), religion (or religious creed), and veteran or military status – as these terms are defined in CSU Executive Order 1097 – 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. Human Resources has been designated to coordinate the efforts of Humboldt State University to comply with all applicable federal and state laws prohibit-

ing discrimination on these bases. Inquiries concerning compliance may be presented to this department at Human Resources, Siemens Hall 211, Humboldt State University, Arcata, CA 95521-8299, 707-826-4501. CSU Executive Order 1097 Revised October 5, 2016 (www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf) [or any successor policy] is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made by students** against the CSU, a CSU employee, other CSU students 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 CSU Executive Order 1097 – 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. Human Resources has been designated to coordinate the efforts of Humboldt State University to comply with all applicable federal and state laws prohibiting discrimination on the basis of disability. Inquiries concerning compliance may be presented to this department at Human Resources, Siemens Hall 211, Humboldt State University, Arcata, CA 95521-8299, 707-826-4501. CSU Executive Order 1097 Revised October 5, 2016 (www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf) [or any successor policy] is the systemwide procedure for all complaints of discrimination, harassment or retaliation made by students against the CSU, a CSU employee, other CSU students or a third party.

Protected Status: Gender (or sex) Gender Identity (including transgender), Gender Expression, and Sexual Orientation. The California State University does not discriminate on the basis of gender (or sex), gender identity (including 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. David Hickcox, Interim Campus Title IX Coordinator has been designated to coordinate the efforts of Humboldt State University to comply with all applicable federal and state laws prohibiting discrimination on these bases. Inquiries concerning compliance may be presented to this department at Human Resources, Siemens Hall 211, Humboldt State University, Arcata, CA 95521-8299, 707-826-4501. The California State University is committed to providing equal opportunities to male and female CSU students in all campus programs, including intercollegiate athletics. CSU Executive Order 1097 Revised October 5, 2016 (www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf) [or any successor executive order] is the systemwide procedure for all complaints of discrimination, harassment or retaliation **made by students** against the CSU, a CSU employee, other CSU students 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 means an adverse action taken against a student by the CSU, a CSU employee, or another student because of gender or sex (including sexual harassment, sexual misconduct, domestic violence, dating violence and stalking).

Sexual Harassment, a form of sex discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to sexual advances, requests for sexual favors, 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 status or progress, or access to benefits and services, honors, programs, or activities available at or through the university; or
- (2) 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 his or her ability to participate in or benefit from the services, activities or opportunities offered by the university; 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 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; 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 classroom that are unrelated to the coursework.

Sexual harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Executive Order 1097 covers unwelcome conduct of a sexual nature. While romantic, sexual, intimate, personal or social relationships between members of the university community may begin as consensual, they may evolve into situations that lead to sexual harassment or sexual misconduct, including dating or domestic violence, or stalking, subject to this policy.

Claiming that the conduct was not motivated by sexual desire is not a defense to a complaint of harassment based on gender.

Sexual Misconduct. All sexual activity between members of the university 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. Sexual activity includes, but is not limited to, kissing, touching intimate body parts, fondling, intercourse, penetration of any body part, and oral sex. It also includes any unwelcome physical acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, and dating violence. When based on gender, domestic violence or stalking also constitute sexual misconduct. Sexual misconduct may include using physical force, violence, threat or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication) to engage in sexual activity. Men as well as women can be victims of these forms of sexual misconduct. Sexual activity with a minor is never consensual when the complainant is under 18 years old, because the minor is considered incapable of giving legal consent due to age.

Sexual Assault is a form of sexual misconduct and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.

Sexual Battery is a form of sexual misconduct and is any willful and unlawful use of force or violence upon the person of another because of that person's gender or sex as well as touching an intimate part of another person against that person's will and for the purpose of sexual arousal, gratification or abuse.

Rape is a form of sexual misconduct and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute rape. Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical disability renders the person incapable of giving consent. The respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant.

Acquaintance Rape is a form of sexual misconduct committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website.

Affirmative consent means an informed, affirmative, conscious, voluntary, and mutual agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that s/he has the affirmative consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean consent nor does silence mean consent.

Affirmative consent must be voluntary, and given without coercion, force, threats or intimidation.

- 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, constitute affirmative consent.

- Affirmative consent can be withdrawn or revoked. Consent to one form of sexual activity (or 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. There must always be mutual and affirmative consent to engage in sexual activity. Consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once consent is withdrawn or revoked, the sexual activity must stop immediately.

- A person who is incapacitated cannot give affirmative consent. A person is unable to consent when s/he is asleep, unconscious or is incapacitated due to the influence of drugs, alcohol, or medication so that s/he could not understand the fact, nature or extent of the sexual activity. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational decisions.

- 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 capacity, awareness of consequences, and ability to make fully informed judgments. 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.

- A person with a medical or mental disability may also lack the capacity to give consent.

- Sexual activity with a minor (a person under 18 years old) is not consensual, because a minor is considered incapable of giving legal 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 reasonably 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 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's 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.

Consensual relationships. Consensual relationship means a sexual or romantic relationship between two persons who voluntarily enter into such a relationship. While sexual and/or romantic relationships between members of the university community may begin as consensual, they may evolve into situations that lead to discrimination, harassment, retaliation, sexual misconduct, dating or domestic violence or stalking.

- A university employee shall not enter into a consensual relationship with a student or employee over whom s/he exercises direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority. In the event such a relationship already exists, each campus shall develop a procedure to reassign such authority to avoid violations of this policy.

- This prohibition does not limit the right of an employee to make a recommendation on the personnel matters concerning a family or household member where the right to make recommendations on such personnel matters is explicitly provided for in the applicable collective bargaining agreement or MPP/confidential personnel plan.

- **Domestic Violence** is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the respondent has a child, someone with whom the respondent has or had a dating or engagement relationship, or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. It does not include roommates who do not have a romantic, intimate, or sexual relationship. Factors that may determine whether persons are cohabiting include, but are not limited to (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as spouses, (5) the continuity of the relationship, and (6) the length of the relationship. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include non-physical, emotional distress or injury.

- **Dating Violence** is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature with the victim. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website. For purposes of this definition, "abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. Abuse does not include

non-physical, emotional distress or injury.

- **Stalking** means engaging in a repeated course of conduct directed at a specific person that would cause a reasonable person to fear for his/her 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 the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property;

- Reasonable person means a reasonable person under similar circumstances and with the same protected status(es) as the complainant;

- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- See further information in Humboldt State University 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 humboldt.edu/titleix/, and under Sexual Assault Policy.

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 misconduct); 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.**

Complaints of sexual assault or sexual harassment may be made to:

Campus Title IX Coordinator

David Hickcox, Interim Title IX Coordinator
Student Affairs, Siemens Hall 215C
david.hickcox@humboldt.edu;
707-826-3385
8:00am to 5:00pm, Monday through Friday

University Police

Student & Business Services Building, 101
hsupd@humboldt.edu
707-826-5555

U.S. Department of Education,

Office for Civil Rights (OCR)

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

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

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 preventive measures related to sex discrimination. CSU Executive Order 1097 (www.calstate.edu/EO/EO-1097-rev-10-5-16.pdf) (or any successor policy) is the systemwide procedure for all complaints of discrimination, harassment or retaliation made by students against the CSU, a CSU employee, other CSU students 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.

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 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, employees and students may face discipline at the university, up to and including suspension or expulsion. Employees may face sanctions up to and including dismissal from employment, pursuant to established CSU policies and provisions of applicable collective bargaining unit agreements.

Students who are charged by the university with gender discrimination, harassment or

misconduct will be subject to discipline, pursuant to the California State University Student Conduct Procedures (see Executive Order 1098 at www.calstate.edu/EO/EO-1098-rev-6-23-15.pdf 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 & 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. Health care practitioners should explain these limited exceptions to victims, if applicable.

Sexual Assault and Domestic Violence Counselors and Advocates

– 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, psycho-

therapists, 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 violence 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

Humboldt State University's sexual misconduct prevention and education statement, which includes facts and myths about sexual misconduct at humboldt.edu/titleix, stoprape.humboldt.edu, and under Sexual Assault Policy.

U.S. Department of Education, regional office

Office for Civil Rights
50 United Nations Plaza
San Francisco, CA 94102
415-486-5555
TDD (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
916-446-2520
<http://calcasa.org/>

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: <https://ovc.ncjrs.gov/topic.aspx?topicid=27>

National Institute of Justice: Intimate Partner Violence, Office of Justice Programs, United States Department of Justice:

<http://www.nij.gov/topics/crime/intimate-partner-violence/Pages/welcome.aspx>

National Domestic Violence Hotline: 1-800-799-SAFE (7233): <http://www.thehotline.org/>

Office of Violence against Women, United States Department of Justice: <http://www.justice.gov/ovw>

Centers for Disease Control & Prevention:

Intimate Partner Violence: <http://www.cdc.gov/ViolencePrevention/intimatepartnerviolence/index.html>

Defending Childhood, United States Department of Justice:

<http://www.justice.gov/archives/defendingchildhood>

North Coast Rape Crisis Team

707-445-2881
Available 24 hours a day, 7 days a week

HSU Counseling & Psychological Services

Student Health & Wellbeing Services
Monday through Friday 9:00am - 4:30pm
707-826-3236 (available 24/7)
counseling.humboldt.edu

Rights & Responsibilities (Student) for a Campus Community

In 1990, the Carnegie Foundation for the Advancement of Teaching issued a special report entitled *Campus Life: In Search of Community*. The report challenged the nation's universities to build campus communities based upon six principles:

First, a university is an educationally purposeful community, where faculty and students share academic goals and work together to strengthen teaching and learning.

Second, a university is an open community, where freedom of expression is uncompromisingly protected and where civility is powerfully affirmed.

Third, a university is a just community, where the sacredness of the person is honored and where diversity is aggressively pursued.

Fourth, a university is a disciplined community, where individuals accept their obligations to the group and where well-defined governance procedures guide behavior for the common good.

Fifth, a university is a caring community, where the well-being of each member is sensitively supported and where service to others is encouraged.

Sixth, a university is a celebrative community, one in which the heritage of the institution is remembered and where rituals affirming both tradition and change are widely shared.

Humboldt State University accepts this challenge and to this end presents specific implications of these principles in the areas of student life and activity.

Safety & Security (Campus)

As a recognized California law enforcement agency, Humboldt State's University Police Department is required to report crimes to the Department of Justice on a monthly basis. Statistics for crimes, arrests, property loss, and recovery are reported simultaneously to the CSU Chancellor's Office.

The Humboldt State University Annual Security Report is published in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The report includes crime awareness and campus security statistics (including hate crime statistics). The full text of this report is available upon request from the University Police, Student and Business Services Building, Room 101, 707-826-5555. It is also online at police.humboldt.edu/clery-act-report.

The Housing Fire Safety Report contains information related to fire safety and fire statistics in campus housing and is also available online at police.humboldt.edu/clery-act-report.

When an emergency strikes, there are multiple ways the campus community will be alerted and informed. These include free text messaging to those who register their cell phone number; RSS feeds to computers and smart phones, social networking, audible alert tones, and public announcements. The best sources of current information are posted to HSU's homepage, recorded on the campus conditions phone line (707-826-INFO), and/or broadcast live on KHSU 90.5 FM radio. These systems are tested each semester.

The University Police Department offers on-campus 24-hour safety escort service. Call 707-826-5555 for information.

The University Police Department actively participates in the following public safety education programs: residence hall presentations, building security programs, crime prevention and alert notices, drug awareness training, acquaintance rape/

rape awareness, women's self-defense, bicycle registration, property identification programs, and active shooter awareness and defense.

Selective Service Requirements

The federal Military Selective Service Act requires most males residing in the U.S. to present themselves for registration with the Selective Service System within 30 days of their 18th 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 post-secondary institution.

Selective Service registration forms are available at any U.S. Post Office. 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 online. The registration process may be initiated at sss.gov.

Sexual Assault, Intimate Partner/Domestic Violence, Dating Violence and Stalking Policy

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

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

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

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

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

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

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

Sexual assault – any attempted or completed sexual act without consent, including

unwelcome sexual touching, oral, anal, or vaginal contact and/or penetration. Rape is defined as sexual intercourse without consent, and is a form of sexual assault.

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

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

Individuals are encouraged to contact the North Coast Rape Crisis Team at 707-445-2881 or HSU Counseling and Psychological Services at 707-826-3236 for support.

Humboldt State encourages all victims of sexual assault to file an immediate report with the University Police (707-826-5555).

A victim of sexual assault may take one or more of the following actions:

- a) File a written complaint to initiate the appropriate process: that of the University Police or if the complaint is against a student, the Office of Student Rights & Responsibilities. Disciplinary sanctions may include dismissal from the university.
- b) File criminal charges through the Humboldt County district attorney. University Police can assist the victim in filing this criminal complaint. Under this option, the state accuses the alleged perpetrator, and the victim may serve as a witness for the state.
- c) Sue the accused for monetary damages in civil court.
- d) File a complaint through the U.S. Department of Education, Office for Civil Rights. Sexual harassment prevention consultants can assist the victim in filing this complaint. For further information about Humboldt's sexual assault policy and services for victims, contact the Office of the Vice President for Student Affairs (707-826-3361).

Substance Abuse Policy & Sanctions

The faculty, staff, and administration of Humboldt State University are dedicated to creating an environment that allows students to achieve their educational goals. Humboldt State believes that an awareness through education is necessary to promote a healthy lifestyle for our campus, and that every member of the campus community should

be encouraged to assume responsibility for a person's behavior.

Humboldt State University subscribes to a drug-free campus and workplace (Drug-Free Workplace Act, 1988; Drug-Free Schools and Communities Act Amendment, 1989, PL101-226). Manufacture, sale, distribution, dispensation, possession, or use of alcohol and controlled substances by university students and employees on university property, at official university functions, or on university business is prohibited except as permitted by law, university policy, and campus regulations.

Students, faculty, and staff violating these policies are subject to disciplinary action, which may include expulsion or termination of employment, and may be referred for criminal prosecution and/or required to participate in appropriate treatment programs.

Federal, State & Local Sanctions Regarding Controlled Substances

Federal Laws Governing Distribution, Use & Possession of Controlled Substances.

Under federal law, the manufacture, sale, or distribution of all Schedule I and II illicit drugs or "counterfeit" substances (for example, cocaine, methamphetamines, heroin, PCP, LSD, fentanyl, and all mixtures containing such substances, as well as "counterfeit" substances purported to be Schedule I or II illicit drugs) is a felony with penalties for first offenses ranging from five years to life (20 years to life if death or serious injury is involved) and fines of up to \$4 million for offenses by individuals (\$10 million for other than individuals). Federal law also prohibits trafficking in marijuana, hashish, and mixtures containing such substances. For first offenses, maximum penalties range from five years to life (20 years to life if death or serious injury are involved) and fines of up to \$4 million for offenses by individuals (\$10 million for other than individuals). Penalties vary, depending upon the quantity of drugs involved. For second offenses, penalties range from 10 years to life (not less than life if death or serious injury involved), and fines of up to \$8 million for individuals (\$20 million for other than individuals). For illegal trafficking in medically useful drugs (for example, prescription and over-the-counter drugs) maximum prison sentences for first offenses range up to five years, and ten years for second offenses. Anabolic steroids are controlled substances, and distribution or possession with intent to distribute carries a sentence of up to six years and a \$250,000 fine.

Federal law also prohibits illegal possession of controlled substances, with prison sentences up to one year and fines up to \$100,000 for first offenses, and imprisonment up to two years and fines up to \$250,000 for second offenses. Special sentencing provisions apply for possession of crack cocaine, including imprisonment of five to twenty years and fines up to \$250,000

for first offenses, depending upon the amount possessed.

Persons convicted of possession or distribution of controlled substances can be barred from receiving benefits from any and all federal programs (except long-term drug treatment programs), including contracts, professional and commercial licenses, and student grants and loans. Health care providers are barred from receiving federal insurance payments upon conviction of a criminal offense involving distributing or dispensing controlled substances. Property, including vehicles, vessels, aircraft, money, securities, or other things of value used in, intended for use in, or traceable to transactions that involve controlled substances in violation of federal law are subject to forfeiture to the government. Finally, noncitizens convicted of violating any state, federal, or foreign law or regulation are subject to deportation and exclusion from entry to the U.S.

California Laws Governing Distribution, Use & Possession of Drugs and Alcohol. No person may sell, furnish, give, or cause to be sold, furnished, or given away, any alcoholic beverage to a person under age 21 or to any obviously intoxicated person. No person under age 21 may purchase alcoholic beverages or possess alcoholic beverages on any street or highway or in any place open to public view. It is illegal to sell alcohol without a valid liquor license or permit. It is unlawful for any person to drink while driving, to have an open container of alcohol in a moving vehicle, or to drive under the influence of alcohol (intoxication is presumed at blood alcohol levels of .08% or higher; but may be found with levels under .08%). It is also illegal to operate a bicycle while intoxicated. Penalties for a first drunk driving offense include attending an alcohol/drug program, fines up to \$1,000, up to six months in jail, and driver's license suspension up to six months. Second offenses are punishable by fines up to \$1,000, imprisonment up to one year, driver's license suspension up to 18 months, and/or a required drug/alcohol program of up to 30 months. Third and fourth offenses carry similar sanctions, plus three- and four-year revocations of driver's license, respectively. Driving privileges are suspended for one year for refusing to submit to a blood alcohol test, for two years if there is a prior offense within seven years, and for three years with three or more offenses within seven years.

Under California law, first offenses involving the sale or possession for sale of amphetamines, barbiturates, codeine, cocaine, Demerol, heroin, LSD, mescaline, methadone, methamphetamine, morphine, PCP, peyote, Quaalude, psilocybin, and marijuana are felonies carrying prison terms of seven years or more. Manufacture of illegal drugs may result in prison terms of 20 years or more. Penalties are more severe for offenses involving manufacture or distribution of illegal drugs by convicted felons and for

distribution within 1,000 feet of a school or university, within 100 feet of a recreational facility, to anyone in prison or jail, to anyone under 18 by anyone over 18, or to a pregnant woman. Personal property may be seized if it contains drugs or was used in a drug transaction. The illegal possession of most of these drugs is also a felony (marijuana may be a felony or misdemeanor depending upon the amount involved), carrying maximum prison sentences of up to seven years.

Sources: Printed with permission from University of California, Davis — materials prepared for members of Bay Area Consortium of College and University Prevention Programs (Baccupp) by Linda Cherry, © 1990; Federal Register, Vol 55, Number 159, p 33588 and 33590; materials prepared by California Department of Justice Training Center (classifications of drug offenses); and California and Federal legislation, regulations, and case law.

Alcohol & Other Drugs: Education & Prevention Services & Programs

A key element of alcohol and drug abuse prevention is students working with other students to create healthy norms of behavior on campus. Through the Health Education and Promotion Program of Student Health & Wellbeing Services, students can get involved in bringing vital health outreach and leadership on a variety of health topics (including substance use) to the campus community. Contact the university health educator at 707-826-5228 for more information.

Many self-help groups meet both on campus and in the community. Check the bulletin board outside the health educator's office and counseling center on the second floor of the Student Health & Wellbeing Services for exact names, places, and times. There are many community resources (public, private nonprofit, and private for profit) available. See wellbeing.humboldt.edu.

On Campus Resources

Counseling & Psychological Services
707-826-3236
Student Health & Wellbeing Services
707-826-3146

For off campus and internet resources visit counseling.humboldt.edu/substance-use.

Health Risks Associated with Substance Abuse

Substance abuse can cause extremely serious health and behavioral problems, including short- and long-term effects upon the body and mind. The physiological and psychological responses differ according to the chemical ingested. Although chronic health problems are associated with long-term substance abuse, acute and traumatic reactions can occur from one-time and moderate use.

The health risks associated with each of five

major classifications of controlled/illegal substances are summarized below. In general, alcohol and drugs are toxic to the body's systems. In addition, contaminant poisonings often occur with illegal drug use, and mixing drugs, or using "counterfeit" substances, can also be lethal. Human Immunodeficiency Virus (HIV or AIDS), other sexually transmitted infections, rape, unwanted pregnancies, injuries, accidents, and violence can result from alcohol abuse or drug use. In addition, substance abuse impairs learning ability and performance.

Acute health problems may include heart attack, stroke, and sudden death, which, in the case of drugs such as cocaine, can be triggered by first-time use. Long lasting health effects of drugs and alcohol may include disruption of normal heart rhythm, high blood pressure, blood vessel leaks in the brain, destruction of brain cells and permanent memory loss, infertility, impotency, immune system impairment, kidney failure, cirrhosis of the liver, and pulmonary (lung) damage. Drug use during pregnancy may result in miscarriage, fetal damage and birth defects causing hyperactivity, neurological abnormalities, developmental difficulties, and infant death.

Alcohol. As many as 360,000 of the nation's 12 million undergraduates will ultimately die from alcohol-related causes while in school. This is more than the number who will get MAs and PhDs combined. Nearly half of all college students binge drink (binge drinking is defined as five or more drinks at a time for men, four or more drinks for women). On campuses where binge drinking is rampant (where more than 70 percent of the student body binge drinks), the vast majority of college students have experienced one or more problems as a result of their peers' binge drinking. These problems include physical assault, sexual harassment, and impaired sleep and study time. Alcohol on college campuses is a factor in 40 percent of all academic problems and 28 percent of all dropouts.

Sources: Wechsler, Henry, et al. 'Health and Behavioral Consequences of Binge Drinking in College.' *Journal of American Medical Association*, Vol 272, Number 21 1994), p 1672-1677; Egan, Lewis, 'Alcohol Practices, Policies and Potentials of American Colleges and Universities,' An OSAP White Paper, office for Substance Abuse Prevention, Rockville, MD, February 1991; Anderson, David, 'Breaking the Tradition on College Campuses: Reducing Drug and Alcohol Misuse,' George Mason University, Fairfax, VA 1994.

Long-term abuse of alcohol results in ulcers, gastritis, pancreatitis, liver disease, hepatitis, and cirrhosis and is associated with cancers of the digestive tract. Chronic heavy consumption can lead to stroke, heart disease, hypertension, anemia, susceptibility to tuberculosis, gastrointestinal bleeding, impotence and fertility loss. Episodic binge drinking can cause toxic reactions leading to death when

large amounts are consumed or when alcohol is combined with other drugs. The most common negative health consequences from occasional drinking are trauma-related (accidents and violence), and involve both the drinker and nondrinking victims.

Other Depressants. These drugs include narcotics (for example, opium, heroin, morphine, codeine, and synthetic opiates) and sedative-hypnotics and anti-anxiety medications (for example, Nembutal, Seconal, Quaalude, Miltown, Equanil). All are central nervous depressants that slow down physical and psychological responses. The most serious risk is toxic reaction, or overdose, which causes death when respiratory, cardiac, and circulatory systems slow down and cease to function. Sedatives and anti-anxiety drugs can cause temporary psychosis, hallucinations, paranoid delusions, interference with short-term memory, impaired judgment and motor performance.

Stimulants. These drugs include amphetamines, methamphetamines, and cocaine (crack). Stimulant drugs are exceedingly dangerous to both physical and mental health. Physical complications include heart attack, stroke, permanent brain damage, fatal heart rhythm abnormalities, convulsions, and physical exhaustion. Psychological complications include psychosis, paranoia anxiety, violent behavior, and depression that may lead to suicide. Injection of these drugs may lead to serious infections, including AIDS.

Hallucinogens. These drugs include mescaline, psilocybin, LSD, MDMA (ecstasy), and various mushrooms. They involve health risks such as panic reactions, flashbacks, toxic reactions (overdose), hallucinations, and death. Psychological states induced can include paranoia and psychosis. Misidentification of mushrooms can lead to serious or fatal illness.

PCP. PCP users often become violent and oblivious to pain, leading to serious injuries to self and others.

Marijuana. This drug simultaneously creates physical symptoms akin to both depressants (relaxation, sleepiness) and stimulants (increased respiratory/heart rates). Chronic marijuana smoking results in respiratory difficulties, bronchitis, and probably both emphysema and lung cancer. Episodic use can cause panic reactions, flashbacks, and depression. Psychosis may occur in susceptible individuals, and severe toxic reactions may result from ingestion of large quantities. Some of the most serious consequences of marijuana use result when decreased judgment, impaired perceptions and motor functions, and inability to carry out multistep tasks lead to motor vehicle crashes and other trauma.

Policy on Systemwide Smoke and Tobacco Free Environment

I. Authority and Purpose

This executive order is issued pursuant to Title 5, California Code of Regulations, Sections 42356, Government Code 7597.1, and the Standing Orders of the Board of Trustees. A cornerstone of the California State University and higher education is the principle of one's individual freedom to learn, teach, work, think, and take part in their intellectual and career endeavors in a fulfilling, rewarding, safe, and healthy environment. For decades, the health hazards of tobacco and second-hand smoke to individuals have been well studied and chronicled. Further, studies have clearly demonstrated the acute health benefits, medical costs savings, and organizational costs savings when individuals quit smoking. Thus, in order to provide the California State University's faculty, staff, students, guests and the public with campuses that support the principle of one's individual freedom to learn, teach, work, think and take part in their intellectual endeavors in a fulfilling, rewarding, safe and healthy environment, the creation and implementation of a "smoke and tobacco free" policy systemwide is necessary and welcome. Campus Presidents or their designees shall have the responsibility for implementing the policy on their campuses with an implementation date of September 1, 2017.

II. Definitions

Members of the CSU Community: This includes all students, faculty, staff, alumni, university volunteers, contractors or vendors and visitors to any California State University campus or properties.

University Properties: These include the interior and exterior campus areas of any California State University campus. This definition includes buildings (including residence halls), structures (including parking structures), parking lots, and outdoor areas owned, leased or rented by the university or one of its auxiliaries. Also included are vehicles owned, leased or rented by the university or one of the university's auxiliaries. Private vehicles on university-owned, leased, or rented land or in university-owned, leased, or rented parking structures will also be subject to compliance with Executive Order 1108.

Smoke Free: "Smoke Free" means the use of cigarettes, pipes, cigars, and other "smoke" emanating products including e-cigarettes, vapor devices and other like products are prohibited on all university properties.

Smoke or Smoking: "Smoke" or "Smoking" means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, cigarillo, pipe, hookah, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. "Smoke" or "Smoking" also includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any

form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

Tobacco Product:

(i) A product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, and snuff.

(ii) An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.

(iii) Any component, part, accessory of a tobacco product, whether or not sold separately.

(iv) "Tobacco product" does not include a product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where the product is market and sold solely for such an approved purpose.

Tobacco Free: "Tobacco Free" means the use of cigarettes, pipes, cigars, smokeless tobacco, snuffs, and other tobacco products are prohibited on all university properties.

III. Policy

Campus Presidents or their designees shall have the responsibility of implementing this Executive Order on their campuses with an anticipated implementation date no later than September 1, 2017.

Scope of this Executive Order:

Effective September 1, 2017, all California State University campuses shall be 100% Smoke Free and Tobacco Free. Smoking, the use or sale of tobacco products, and the use of designated smoking areas are prohibited on all California State University properties. Members of the CSU community are expected to fully comply with the policy.

Any sponsorship and/or advertising in respect to any university activity or event by a tobacco product manufacturer is prohibited unless explicitly authorized by the University President or designee.

Exceptions:

(i) Smoking in university-sponsored theater and dance productions, student-authored or sponsored scenes, showcases or workshops produced as part of the department of theatre as well as ceremonial campus events may be authorized by the President or designee only when a required part of a specific performance. This includes smoking and/or tobacco use for traditional ceremonial activities of recognized cultural and/or religious groups.

(ii) The use of nicotine cessation products regulated by the United States Food and Drug Administration for treating nicotine or tobacco dependencies is permitted under the terms of this executive order.

(iii) Institutional Review Board approved

research on tobacco or tobacco-related products.

Collective Bargaining:

Nothing in this executive order shall extend the existing grounds for employee discipline and, to the extent that any of these provisions are in conflict with a Collective Bargaining Agreement, the terms of the Collective Bargaining Agreement shall be controlling.

IV. Compliance, Responsibilities and Enforcement

Compliance is grounded in an informed and educated campus community. The success of this policy depends on the thoughtfulness, civility and cooperation of all members of the campus community, including visitors.

Members of the CSU community are individually responsible to comply with the creation of a systemwide smoke and tobacco free environment. While compliance with this executive order is an individual responsibility, members of the CSU community should be aware that enforcement of this policy may occur in the following instances:

(i) University Police shall reserve all enforcement authority with regards to any violation of existing state and federal law.

(ii) Individual agreements that prohibit smoking and proscribe penalties for breaches that are not impacted by this executive order (e.g. University Housing license agreements, other residential licenses, or existing leases).

Educational campaigns, outreach, communication and the promotion of tobacco cessation treatment options will be the primary means to promote compliance. A comprehensive education and outreach campaign, including resources and referrals for cessation will be made available as part of campus implementation programs.

The progress this policy represents in promoting the ability of students, faculty, staff and visitors to have a healthier and pleasant campus experience aligns well with the CSU's mission. Individual campus support and diligence in moving forward with the implementation and amendment of current policies is sincerely appreciated.

Hostile and/or violent interpersonal conduct directed against members of the CSU community requesting that an individual(s) comply regarding compliance with the terms of this executive order will not be tolerated, and will be enforced under systemwide or campus policies, including but not limited to workplace violence policies