CAL MARITIME

Cal Maritime
Sexual Misconduct, Dating and Domestic Violence, and Stalking
Annual Report
July 1st 2017 to June 30th 2018

Department of Human Resources
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To: CSU Systemwide Title IX Compliance Officer

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DHR/Title IX Office

This annual report presents information about complaints of Sexual Misconduct, Dating and Domestic Violence, and Stalking reports brought to the attention of the Title IX Officer within the reporting period of July 1, 2017 through June 30, 2018 and the actions taken by the University to address those complaints.

Working closely with our campus partners, the University has taken an integrated approach to effectively address Sexual Misconduct, Dating and Domestic Violence, and Stalking issues involving students, faculty, staff and others covered under CSU Executive Order 1095: Implementation of Title IX, VAWA/Campus SaVE Act, and Related Sex Discrimination, Sexual Harassment and Sexual Violence Legislation.

For purposes of this report and in accordance with CSU Executive Order 1097, "Student" refers to a Cal Maritime Student, an applicant for admission to the CSU, an admitted CSU Student, an enrolled CSU Student, a CSU extended Education Student, and a CSU Student between academic terms.

Because of privacy obligations, the report cannot fully convey the complexity and specifics of circumstances associations with cases that may appear similar in the brief narrative descriptions. The report assigns complaints in general categories such as "Sexual misconduct," "dating violence," "domestic violence" and "stalking" that encompass broad ranges of behavior.

The University's Title IX Committee continues to work collaboratively with other campus constituencies and has made concerted efforts to focus on training for students, administrators, faculty and staff and their responsibilities for reporting incidents of Sexual Misconduct, Dating and Domestic Violence, and Stalking. The current report presents information about two (2) complaints of sexual misconduct brought forward during the time period noted above.

Summary of Sexual Misconduct, Dating and Domestic Violence, and Stalking Complaints:

The statistical summary below includes all complaints of sexual misconduct brought forward within this reporting period (July 1, 2017 – June 30, 2018), regardless of when the alleged events occurred. The complaints of sexual misconduct are listed by the form/type of sexual misconduct per CSU Executive Order 1097. The number of incidents reported in this report does not necessarily correspond with Cal Maritime's Annual Clery report.

Table 1. Sexual Misconduct, Dating & Domestic Violence and Stalking Complaints by Complainant Affiliation

	Complainant Affiliation:				
Form/Type	Student	Staff	Faculty	Third Party	**Total**
Sexual Assault	1	0		0	**1**
Sexual Battery	0	0		0	**0**
Rape	0	0		0	**0**
Acquaintance Rape	1	0		0	**1**
Dating Violence	0	0		0	**0**
Domestic Violence	0	0		0	**0**
Stalking	0	0		0	**0**
Total	**2**	**0**		**0**	**2**

Table 2. Sexual Misconduct, Dating and Domestic Violence, and Stalking Complaints by Respondent Affiliation

			Respondent Affiliation:			
Form/Type	Student	Staff	Faculty	Non-CSU	Unknown	**Total**
Sexual Assault	1	0	0	1	0	**1**
Sexual Battery	0	0	0	0	0	**0**
Rape	0	0	0	0	0	**0**
Acquaintance Rape	0	0	0	0	0	**0**
Dating Violence	0	0	0	1	0	**0**
Domestic Violence	0	0	0	0	0	**0**
Stalking	0	0	0	0	0	**0**
Total	**1**	**0**	**0**	**1**	**0**	**2**

Descriptive Summaries of Complaints Reported to Title IX Coordinator:

The descriptive summaries of complaints are noted in the table below. The Title IX Coordinator, Deputy Title IX Coordinators, and Cal Maritime Police Services routinely collaborate and coordinate activities to ensure that complaints are resolved promptly and equitably. All reports of Sexual Misconduct, Dating and Domestic Violence, and Stalking brought to the Title IX Coordinator are reviewed. In every case, the complainant and respondent (if known and when appropriate) are provided with information about all procedures and timelines. In every case, the complainant is provided with support services.

Table 3. Description of Sexual Misconduct Complaints

Complainant	Respondent	Form/Type of Sexual Misconduct Reported	Description of Actions Taken
Cal Maritime Student	Cal Maritime Student	Acquaintance Rape	Complaint investigated; not substantiated.
Cal Maritime Student	Non-CSU Student	Sexual Assault	Complaint investigated; not substantiated.

For more information on CSU Systemwide sexual misconduct policies and definitions, please visit at EO 1095 Attachment C - Rights and Options.

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

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 sexual acts, such as unwelcome sexual touching, sexual assault, sexual battery, rape, and dating violence. When it is based on gender, domestic violence and stalking also constitute sexual misconduct. Sexual misconduct may include 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). 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.

a) 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.

b) 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.

c) 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 a person incapable of giving consent. The Respondent's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant. (See complete definition of affirmative consent below.)

d) 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. (See above for definition of Rape.)

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.

Domestic Violence is abuse committed against someone who is a current or former spouse; current or former cohabitant; someone with whom the abuser has a child; someone with whom the abuser 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. 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 husband and wife, (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.

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, Executive Order 1095 Revised June 23, 2015 Attachment C 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 statuses 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.

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 he or she has the affirmative consent of the other participant(s) to engage in the sexual activity. Lack of protest or resistance does not mean affirmative consent, nor does silence mean affirmative 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 one sexual act) does not constitute consent to other forms of sexual activity (or other sexual acts). 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. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time, including after penetration. Once affirmative consent is withdrawn or revoked, the sexual activity must stop immediately.

Affirmative consent cannot be given by a person who is incapacitated. 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 ability, awareness of consequences, and ability to make informed judgments. Intoxication or incapacitation from drugs or alcohol does not diminish a 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 never consensual, because a minor is considered incapable of giving consent due to age.

It shall not be a valid excuse that a person affirmatively consented to the sexual activity if the Respondent knew or 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 to alleged lack of affirmative consent 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.