

Title IX and Discrimination, Harassment, and Retaliation (DHR) Assessment

California State University, Chico

The Institutional Response Group

Gina Maisto Smith, Esq.

Leslie Gomez, Esq.

Adam Shapiro, Esq.



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I. Introduction

In March 2022, the Board of Trustees of the California State University (CSU), through the Office of the Chancellor, engaged Cozen O'Connor to conduct a systemwide assessment of the CSU's implementation of its programs to prevent and address discrimination, harassment, and retaliation (DHR) based on protected statuses, including sex and gender (under Title IX).¹ The goal of the engagement is to strengthen CSU's institutional culture by assessing current practices and providing insights, recommendations, and resources to advance CSU's Title IX and DHR training, awareness, prevention, intervention, compliance, and support systems.

Our work involved a comprehensive assessment of infrastructure and implementation of CSU policies and procedures at the system and each university. We evaluated the coordination of information and personnel, communications, record keeping and data management, and all other aspects relevant to ensuring effective and legally compliant responses to sexual and gender-based harassment and violence, protected status discrimination and harassment, and *other conduct of concern*.

We assessed the strengths, challenges, and resources at each of the 23 universities within the CSU and the Chancellor's Office headquarters, and identified opportunities for systemwide coordination, alignment, oversight, and efficiency to support effective implementation. Specifically, the review included the assessment of:

- Infrastructure and resources at each CSU university and the systemwide Title IX and DHR offices;
- Training, education, and prevention programming for students, staff, and faculty at each university, the Chancellor's Office, and members of the Board of Trustees;
- The availability of confidential or other resources dedicated to supporting complainants, respondents, and witnesses;
- The life span of a Title IX or DHR report, from intake to resolution, including intake; outreach and support protocols; case management systems and protocols; staffing and models for investigations, hearings, sanctioning/discipline, grievance, and appeal processes; investigative and hearing protocols; inter-departmental campus collaboration, information sharing, and coordination in individual cases and strategic initiatives; document and data management

¹ Definitions for discrimination, harassment, and retaliation, including the protected statuses under federal and state law are defined in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#) (Nondiscrimination Policy).

protocols; timeliness of case resolution, and factors impacting timely resolution; informal resolution processes; and, protocols for responding to reports of misconduct by students or employees that do not rise to the level of a policy violation;

- University culture and climate regarding Title IX and DHR issues; and
- Support and resources offered to university Title IX or DHR staff by the CSU's systemwide Title IX or DHR staff at the Chancellor's Office.

On May 24, 2023, we presented a high-level summary of the scope of the assessment, our observations, and accompanying recommendations at the public session of the Board of Trustees Committee on University and Faculty Personnel. The PowerPoint from the presentation is available [here](#). A recording of the presentation can be accessed [here](#).

This report outlines Cozen O'Connor's assessment of the Title IX and DHR programs at California State University, Chico (Chico State Report). The Chico State review was led by Leslie Gomez and Adam Shapiro. The Chico State Report supplements Cozen O'Connor's Systemwide Report. The Systemwide Report and a Summary of the Systemwide Report can be accessed here: [The CSU's Commitment to Change | CSU \(calstate.edu\)](#). The Chico State Report must be read in conjunction with the Systemwide Report, as the Systemwide Report provides a more detailed discussion about the assessment, the scope of the engagement, our approach to the issues, and common observations and recommendations across all 23 CSU universities. For ease of reading and efficiency, the content from the Systemwide Report is not replicated in each University Report.

Chico State is located in Chico, CA. It has a student population of approximately 14,200, 12% of whom live on campus, and a workforce of approximately 1,875 staff and faculty. An overview of the university's metrics and demographics is included in Appendix I.

II. Overview of Engagement

As outlined in the Systemwide Report, our assessment included a review of written documents, as well as interviews with university administrators, students, faculty, and staff, on each campus. Information gathered in our interviews is presented without personal attribution in order to ensure that administrators, students, faculty, and staff could participate openly in the assessment without fear of retaliation or other concerns that might inhibit candor. Relevant de-identified and aggregated information from the interviews is set forth in each of our reports, and Cozen O'Connor has maintained notes of each

interview as attorney work product within our confidential files; these files will not be shared with the CSU.

With respect to Chico State, Cozen O'Connor conducted a three day in-person campus visit from September 27 to 29, 2022. We also held additional follow-up meetings via Zoom. In total, Cozen O'Connor conducted 23 meetings with more than 35 administrators and other key campus partners, some of whom we spoke to on multiple occasions. These meetings included interviews with the following individuals and departments (identified by role):

- University President
- Provost
- Vice President for Business and Finance
- Equal Opportunity and Dispute Resolution (EODR)
 - Title IX Coordinator / DHR Administrator / Director of Labor Relations
 - Director of Equal Opportunity
 - Clery Director & Compliance Investigator
 - Title IX/DHR Investigator
 - Compliance Analyst
- WellCat and Safe Place Personnel
 - Confidential Advocate
 - Clinical Director of Counseling
 - Interim Director, WellCat Health Center
 - Director of Administrative Services, WellCat Health Center
- Housing
 - Interim Executive Director, Associate Director for Residential Life
 - Interim Executive Director, Associate Director for Administration
- Student Conduct
 - Student Conduct Administrator
 - Student Services Coordinator
- Student Affairs
 - Vice President of Student Affairs
 - Associate Vice President of Student Affairs and Interim Dean of Students
- Athletics
 - Athletic Director
 - Athletic Compliance Coordinator
- University Police Department
 - Lieutenants
 - Sergeant
- Office of Academic Personnel (OAPL)
 - Associate Vice President for Academic Personnel
 - Director of Labor Relations
- University Counsel

- Affinity Groups
 - Faculty Diversity Officer
 - Latinx Equity and Success Director
 - Asian and Pacific Islander Council Representative
 - Chicax Latinx Council Representative
 - Director, Office of Tribal Relations
 - First Generation Faculty and Staff Association Representative
- Director, Cross Cultural Leadership Center
- Supervising Attorney, Community Legal Information Center
- Chief Diversity Officer

In addition to these meetings with administrators and campus partners, Cozen O'Connor sought feedback from students, staff, and faculty through a variety of modalities, including in-person engagement, through a systemwide survey, through a dedicated email address (calstatareview@cozen.com), as well as individual meetings via Zoom.

During our September 2022 campus visit, Cozen O'Connor met with representatives from the Academic Senate Executive Committee (five attendees) and union leadership (two attendees: one faculty, one staff). Following our campus visit, we also met with the leadership of the Associated Students.

In December 2022, we asked each of the 23 universities to disseminate an invitation to participate in an online survey. University presidents and the Chancellor's Office communicated the availability of the survey to all faculty, staff, and students at the university. The survey was open from December 2022 through February 2023. In total, we received 550 responses to the survey from Chico students, faculty, staff, and administrators. A summary of the survey response rate and data is included in Appendix II.

III. Summary of Findings and Recommendations

Between our campus visit in September, and the date of this report in July, we recognize that there has been significant leadership change at Chico State, including within the Title IX/DHR program and those who supervise the program. President Gayle E. Hutchinson retired after 7 years with Chico State, and Chico State welcomed Steve Perez, an experienced leader within the CSU and Chico State's former interim provost, as President on July 1, 2023. Chico State's former Provost, Debra Larson, also stepped down, and Terence Lau has joined Chico as the interim provost and vice president for Academic Affairs. Similarly, the former Vice President for Business and Finance, to whom the Title IX/DHR program reported, left the university, and Jamie M. Clyde assumed the role of Interim Vice President for Business and Finance this

spring. Chico also welcomed Joseph Morales as its new Chief Diversity Officer. Most recently, Chico announced that the longtime head of the Title IX/DHR program was leaving Chico to pursue another opportunity.² We hope that the below observations, findings, and recommendations will assist Chico State through this multi-level transition, which will have direct impacts on the Title IX/DHR program moving forward.

As supported by the evidence base outlined below, our core findings and recommendations are as follows:

Strengthening Internal Title IX/DHR Processes and Coordination with Partners: The Equal Opportunity and Dispute Resolution (EODR) team has a high level of fluency, competence, and experience with respect to Title IX and DHR, and EODR has a strong working relationship with campus partner offices. Nonetheless, we have concerns about EODR's level of resourcing and ability to do proactive work as result, particularly with respect to prevention, education, and training, and have recommendations to strengthen internal Title IX/DHR processes. We recommend that EODR create a formal multidisciplinary team (MDT) for more consistent and structured coordination, formally separate its intake/outreach functions from its investigative functions, and conduct a mapping exercise of their internal processes to identify process gaps and efficiencies. We also recommend that EODR and partner offices work together to ensure EODR is engaged in oversight of cases through sanctioning (especially for faculty cases).

Prevention and Education: Given staffing and resource challenges, Chico State's development of prevention and education programming has been organic, rather than strategic. Although EODR provides routine training for the community, the primary responsibility for prevention and education lies with the WellCat Safe Place Confidential Advocate, which has been historically under resourced. Chico State has invested in prevention and education programming, and has more offerings than many universities in the system, but there is a need for additional programming, particularly for professional development and training for managers, deans, department chairs, and faculty and staff.

² We note that the Title IX Coordinator/DHR Administrator recently left Chico State at the conclusion of the 2022-23 academic year. The observations and findings in this report are based on EODR's functioning under the leadership of the former Title IX Coordinator/DHR Administrator.

We recommend that Chico State form a Prevention and Education Oversight Committee, identify a dedicated prevention and education coordinator, and engage in strategic planning to provide holistic programming to address issues related to discrimination and harassment, including sexual and gender-based harassment and violence.

Responding to *Other Conduct of Concern*:³ As with other CSU universities, community members at Chico State raised consistent concerns about the institutional response to forms of conduct that fall outside of the Nondiscrimination Policy. Chico State has no consistent and formalized mechanism for navigating these behaviors, which we refer to as *other conduct of concern*. We understand that there is no infrastructure or consistent process in place to respond meaningfully, particularly with respect to faculty conduct. Although the university used to have an Ombudsperson, we learned that the Ombuds role was not seen as effective, in part because it was insufficiently resourced/staffed. Additionally, EODR used to have a Director of Adaptive Resolutions who was responsible, among other things, for handling disputes (including certain bias-related incidents) using concepts of restorative justice. Due to employee turnover, this position is now vacant and there is an [open search](#) for the replacement. We recommend that Chico State fill the open position and work closely with the Chancellor's Office to develop a formal process to address reports of *other conduct of concern*. In developing this formal process, attention should be paid to strengthening and expanding competencies regarding conflict resolution, restorative justice, and other remedial responses; creating a centralized and

³ We use the term *other conduct of concern* to refer to conduct that may not rise to the level of protected status discrimination or harassment, but may nonetheless violate other university policies or be disruptive to the learning, living, or working environment. This includes, for example:

- Conduct on the basis of protected status that does not rise to the threshold of a potential policy violation because it is not severe, persistent, or pervasive
- Conduct not based on protected status, but that may implicate other policies (e.g., professionalism)
- Conduct that may not be subject to discipline because of free speech or academic freedom principles.

anonymous reporting mechanism at the university level; and establishing a formal triage and review process that ensures appropriate analysis, documentation, and tracking.

IV. Equal Opportunity and Dispute Resolution

A. Infrastructure

The Equal Opportunity and Dispute Resolution (EODR) office is responsible for the implementation of Title IX and DHR at Chico State. The Assistant Vice President for EODR reports to the University's Vice President for Business and Finance.⁴ As stated on [EODR's website landing page](#), "Equal Opportunity and Dispute Resolution (EODR) provides training and assistance to the campus to implement and adhere to all policies, laws, and regulations relating to [DHR]. EODR also investigates and responds to staff, faculty, and students claims of discrimination and harassment." And as stated on the separate [Title IX website landing page](#):

While compliance with the law is everyone's responsibility at Chico State, the Title IX Coordinator has primary responsibility for Title IX compliance. Duties and responsibilities are: monitoring and oversight of overall implementation of Title IX Compliance at the university; including coordination of training and education communications; and coordination with Student Affairs, Human Resources and Academic Personnel on the processing of complaints and grievances alleging discrimination, harassment and/or retaliation to the extent they fall under Title IX and other members of the university community.

In addition to overseeing the implementation of the university's Title IX and DHR functions, EODR is also responsible for Labor Relations and Clery Act compliance.

We received consistent feedback and observed that university administrators and key campus partners had a high level of confidence in the EODR team, and that there was frequent communication and mutual respect between EODR and other university offices. Although administrators, partners, and other members of the community expressed frustrations with respect to the process requirements for Title IX and DHR matters in general, they consistently praised EODR in terms of being available, professional,

⁴ Since our campus visit, the VP for Business and Finance has left the university and the role is now being filled on an interim basis.

supportive, and informative. Consistent with this feedback, we observed that the EODR team had a high level of fluency, competence, and experience with respect to Title IX and DHR related subject matters.

EODR consists of [six staff members](#): the Assistant Vice President for EODR (the Title IX Coordinator/DHR Administrator);⁵ the Director of Equal Opportunity & Compliance; an Equal Employment Opportunity (EEO)/DHR/Title IX Investigator; the Director of Clery & Compliance Training (also an EODR investigator); an EODR Resolution Analyst; and an EODR Resolution Coordinator. As noted above, there is also a vacancy in the role of Director for Adaptive Dispute Resolutions; the individual who occupied that role left the university last year, and there is an open job posting to rehire for that role. The former Title IX Coordinator/DHR Administrator, who has a legal background and also served as the Director of Labor Relations, served as the Title IX Coordinator/DHR Administrator for eight years (10 years in the Labor Relations role). The Director of Equal Opportunity & Compliance (who also has a Labor Relations role) has worked in EODR for eight years. The Director of Clery & Compliance Training worked in various campus roles (including Student Conduct) for 10 years, including with EODR on and off for four years. Finally, the EODR Resolution Analyst has been at the university for over 20 years, the Resolution Coordinator has worked at EODR for one year, and the EEO/DHR/Title IX Investigator is new to EODR as of this year.

With the former Title IX Coordinator/DHR Administrator having served the university in this role for almost a decade, he was among the longest serving Title IX Coordinators and DHR Administrators in the system. As a result – and also because the Director of Equal Opportunity & Compliance has herself worked in EODR for almost a decade – EODR has had a high level of institutional knowledge and memory, and has had the benefit of remarkable stability in the leadership ranks. Over the years, there has been routine turnover at other levels of the office (described to us as “constant change every two years”), including two individuals (an Investigator and the Director of Adaptive Resolutions) who left the university at around the time of our campus visit. While resources and staffing levels were a concern expressed to us during our visit – in part because of turnover/vacancies, and in part because some EODR employees wear multiple hats (e.g. Labor Relations, Clery) – the university has begun to address some of these staffing concerns through the addition of a full-time investigator and seeking to fill the Director of Adaptive Resolutions.

Despite the strength of the overall Title IX and DHR program at Chico State and the relative stability EODR has enjoyed, the program has been challenged in some respects and is cognizant that there is room to

⁵ As noted above, the Title IX Coordinator/DHR Administrator recently left Chico State.

improve in certain areas. For instance, although EODR has a healthy level of organic collaboration and communication with key university partners, this coordination would benefit from being formalized in terms of structure and routinized cross-departmental meetings. Additionally, as with all other CSU campuses, the Office (as well as other university offices critical to EODR's implementation efforts, such as the Confidential Advocate) has had resourcing and turnover challenges that have made it difficult at times to manage cases and be proactive in the prevention and education space.

EODR utilizes Maxient as its case management system.

Each of the 23 CSU universities maintains data about the nature of reports, resolutions, and other demographics, albeit in inconsistent and varied manners. Each of the 23 CSU universities also produces an annual report and shares data with the Chancellor's Office. An overview of the metrics from the Title IX annual reports is included in Appendix III.

B. Visibility and Community Awareness

University professionals with whom we spoke reported having a high level of awareness of EODR and were generally knowledgeable about where the Office is and what it does. As a testament to the visibility of EODR among administrators and other key campus partners, we heard consistently that the Title IX Coordinator/DHR Administrator had established such trust with colleagues all over campus that "everyone goes to him to report concerns and issues; some of these issues are not Title IX or DHR related, in which case they get referred elsewhere, but there's a real sense that [the Title IX Coordinator/DHR Administrator] is the person for all matters."

Administrators, as well as staff, faculty, and students with whom we spoke were aware of EODR's office location in Kendall Hall (Suite 220). We observed that having EODR located in the university's main administrative building had a positive impact in terms of the visibility/presence of the office and the fostering of inter-office collaboration and working relationships. On the other hand, we heard from community members – students, staff, and faculty – that the office location is "imposing," "intimidating," "not comfortable," and felt like "being sent to the Principal's office," which potentially served as a barrier to reporting.

In addition to EODR's website, detailed below, EODR has taken the initiative in other ways to communicate with and educate the campus community about its work. Chico State's annual "Statistical Review of Title

IX Reporting Activity” reports are one such example of these efforts. The Chancellor’s Office requires each CSU university to publish these “Title IX Annual Reports” every year. Where many universities limit their reports to the required statistical information, Chico State’s reports include substantive narrative responses explaining observable trends in the data, achievements of EODR, and recommendations for decreasing barriers to reporting. For instance, from the [2019-20 Annual Report](#):

Overall, during the 2019-20 fiscal year, there were 88 distinct reports made to the Title IX office regarding Sexual Misconduct, Dating or Domestic Violence, or Stalking. This number represents an increase over the 77 reports received in the year prior, and was on pace to represent an even larger increase prior to the transition to virtual instruction/telework due to the COVID-19 pandemic.

* * *

The above report does not capture the whole picture regarding how many incidents are taking place in our community, but rather represents what was reported to the Title IX office. This is the fourth straight year that we have seen an increase in reports made to our office concerning Sexual Misconduct, Dating and Domestic Violence, and Stalking. Because of the COVID-19 pandemic and the resulting switch to virtual instruction in March 2020, we have not seen as many reports or referrals as previously. With the upcoming Department of Education regulations effective at the start of the fall 2020 semester, combined with a reduced in-person presence on campus as the California State University continues to conduct most of its courses online, we expect to see a decline in reported incidents.

From the [2020-21 Annual Report](#):

Overall, during the 2020-21 fiscal year, there were 42 distinct reports made to the Title IX office regarding Sexual Misconduct, Dating or Domestic Violence, or Stalking. This number represents a drastic decrease from the 88 reports received in the year prior, and represents the first instance of declining reports since the office began tracking and reporting on the reports received.

* * *

There are several factors that are presumably contributing to the decline, with the most obvious being the pandemic, and the fact that Chico State operated with nearly all of its classes conducted virtually for the duration of the 20-21 academic year. On-campus housing was closed during this time as well. As mentioned in the introduction, the most common report is when a student confides in a trusted campus official, and while operating virtually, the opportunity for these sensitive conversations was greatly reduced, as was the connection that many students felt with the faculty and student support professionals in whom they would often confide.

A second factor that could potentially impact reporting was the implementation of new federal regulations that impact the Title IX investigation process. Effective August 14, 2020, these new rules increased the procedural protections for individuals reported to have violated Title IX rules, potentially increased the length of an investigation, and added a cross-examination feature that many victim advocates predicted would lead to decreased reporting or participation in the process. The true impact is difficult to measure, but presumably this played a role in people reporting to Title IX, and we have heard anecdotally from confidential resources (such as WellCat Safe Place) that the regulations have discouraged participation in the investigative/hearing model.

To combat the above, the Title IX committee adopted two priorities for the 2021-22 academic year. The first is to restore reporting to pre-pandemic levels through information sharing and outreach and to implement a restorative justice-based adaptive resolution model that would allow students who have been harmed the ability to address those who have caused harm, and those who have caused harm to acknowledge the harm done, in ways outside of the investigative model.

And from the [2021-22 Annual Report](#):

Overall, during the 2021-22 academic year, there were 112 distinct reports made to the EODR office regarding Sexual Misconduct, Dating or Domestic Violence, or Stalking. This number represents a sharp increase from the 42 reports received in the year prior, but the prior year numbers were artificially low due to limited campus activity resulting from the pandemic during the 2020-2021 academic year. Additionally, Sexual Harassment reports are included in this year's data so the numbers were expected to increase.

In response to the low numbers reported the prior year, the Title IX Oversight Committee adopted two priorities for the office. The first was to increase outreach and information to try and restore reporting to pre-pandemic levels, and the second was to implement a Restorative Justice-based adaptive resolution model which would allow students who have been harmed the ability to address those who have caused harm outside of the investigative model. The second priority was based on the chilling effect Title IX regulations may have had on the willingness of harmed parties to pursue a formal investigation.

* * *

We have begun to see success related to our Restorative Justice model. Our team is currently recruiting for someone who can lead these efforts, but we have spent the past year integrating the practices and understanding into all stages of the reporting and response process. Of particular note was a successful restorative intervention when, upon completion, the harmed party expressed emotional relief and thankfulness and shared how great working through the experience felt for them. It seems like a promising avenue.

Additionally, EODR coordinated a campus sexual violence climate survey in 2018 called [Chico Speaks](#), which brought visibility and awareness to issues of campus sexual violence and aspects of EODR's work. More than 4,000 students participated in the survey, and the resulting [Chico Speaks Survey Report](#) was published in October 2019. The report included statistics relating to students' experiences with sexual violence; training and perceptions of campus reporting options for sexual violence incident; experiences with potential sexual harassment-type behaviors; experiences with intimate partner violence dynamics; experiences with stalking and/or similar unwanted behaviors; and perceptions, bystander intervention, and community attitudes. As noted in EODR's 2019-20 Title IX Annual Report, the Chico Speaks Survey Report highlighted the importance of the efforts of EODR and campus partners (including Safe Place) "to bring awareness to the community on these matters, to build skills geared toward prevention, and to ensure that the resources available on campus are able to effectively serve those who seek our services."

C. Website

Chico State's EODR has a robust web presence, although we recommend that the EODR website be revised to more prominently reflect its role with respect to responding to reports of sexual and gender-based

harassment and violence, including an overview of supportive measures, care, and an online reporting option. The [EODR](#) and [Title IX](#) websites are replete with information and available resources for students, staff, and faculty, but needs additional content related to care, particularly on the EODR webpage. While the Rights and Options form contains much of the relevant information, this information should also be available on the webpage itself. The website is well maintained and contains up to date [contact information](#) for all staff members within the EODR team.

Among the information linked to the Title IX landing page are CSU resources such as the [CSU Nondiscrimination Policy](#), a [Notice of Non-Discrimination on the Basis of Gender or Sex](#); an information sheet regarding [Myths and Facts about Sexual Misconduct](#); and an information sheet regarding Rights and Options for Victims. Furthermore, the website includes:

- [Title IX resources](#), including campus contact information for relevant offices, community contacts, and sample syllabus language regarding confidentiality and responsible employee reporting
- Information and instructions regarding [Reporting an Incident](#) for students, employees, and third parties
- Information and resources for [respondents](#)
- Information and resources for [pregnant and parenting](#) employees and students
- Information and links to available and required Title IX [training](#) programs and related information
- Information regarding employees' [reporting obligations](#), including a [message from the President](#) on reporting obligations

D. Reporting Options

Reports of prohibited conduct based on protected statuses, including discrimination, harassment, and retaliation may be made to EODR in person or via email or telephone. Contact information for EODR is on the [landing page](#) of the Title IX website and other webpages of the Title IX website. Additionally, there is a specific [Reporting an Incident](#) webpage with information for students, employees, and third parties,⁶ as well as a [Title IX Contacts](#) page listing contact information for all EODR employees.

At the time of our campus visit, there was no online reporting option listed on the EODR website.⁷ The lack of an online reporting tool is a potential barrier to reporting for members of the university community. At the time of this report, we understand that the university has developed an online

⁶ We note that two hyperlinks on this webpage, listed as "Contact the Title IX Office" and "contact Office of the Title IX Coordinator," are currently broken and return an error message when clicked.

⁷ The CSU System publishes an online Complaint Form as Attachment F of the Nondiscrimination Policy.

reporting tool, which we were able to view on the website. The form, however, sits behind the university's firewall and cannot be accessed without a CSU login. We recommend that the form not be restricted in this manner. We further note that the University's [Office of Academic Personnel's website](#) has a "Report Concerning Behavior" hyperlink, which links to a Maxient [online reporting form](#), where users can select incident reporting forms for "CARE Team Referral," "Employee of Concern," "Report a Crime," "Student Conduct Referral," and "Title IX Incident Report." At this time, accessing the reporting tool requires a Chico State login and *ID*.

Reports can be made by a complainant directly or through third parties (e.g., responsible employees). The Title IX website contains a webpage with information relating to [employee reporting obligations](#).

E. Case Processing

EODR typically receives reports via email, phone call, or walk-in, and they also receive incident reports via Maxient from other partner offices such as Housing and the CARE Team. Upon receipt of a report, EODR creates its own incident report and conducts outreach to the complainant.⁸ This outreach, usually conducted via email, includes information about the CSU Nondiscrimination Policy, available Rights and Options, the availability of supportive measures and other resources, and the option to participate in an intake meeting. The EODR analyst reported that she tailors and personalizes the content of these outreach emails, depending on whether they relate to Title IX conduct as opposed to DHR issues, so that they are not generic. We reviewed a template outreach communication, and it provides extensive information, including all legally required information, in a neutral and caring tone.

If the complainant responds and indicates they wish to meet, EODR schedules an intake meeting to "triage" at a high level what happened, what path the complainant may wish to take, and, regardless of what resolution option (if any) the complainant wishes to pursue, the availability of supportive measures at any time. During the intake (both with complainants and, at the appropriate time, with respondents), EODR follows an "intake checklist," which includes, among other things, information about parties' right to an advisor, options for informal and formal resolutions, and an explanation of the potential case timeline. These checklists are documented and saved to the case file in Maxient.

⁸ To the extent EODR receives a report from a responsible employee or other third party, EODR makes clear that it is EODR's duty, not the duty of the responsible employee or third party, to conduct any ensuing investigation.

EODR reported that there is no dedicated intake and outreach person within the office, and that, due to staffing issues and “depending on who is available at a given moment,” an EODR investigator will often conduct intake meetings with parties. Following the intake meeting, EODR sends a follow-up email to the party reminding them of the CSU Policy and available resources, but the email is not a substantive recap of what was discussed during the meeting.

Our recommendations will include formally separating EODR’s outreach/intake functions from its investigative functions in order to avoid potential confusion by parties between EODR’s responsibility to help the parties through the provision of supportive measures and EODR’s responsibility, in cases that proceed to formal resolution, to conduct a neutral and impartial gathering of facts.

The steps following the initial meeting with the complainant may include the following: provision and oversight of supportive measures, investigation and hearing, informal resolution, or the dismissal of a formal complaint (based on the judgment of the EODR’s Title IX Coordinator/DHR Administrator). The provision of supportive measures is managed by the EODR staff. A complainant may receive supportive measures even if no formal complaint and investigation is sought. The majority of reports to EODR involves the provision and oversight of supportive measures only or no response from complainants; only a very small percentage move forward to a formal investigation.

In the event a complainant wishes to proceed to resolution and EODR determines it is within its jurisdiction to do so, EODR issues a notice of allegations letter and the respondent is provided the same process and access to the supportive measures and resources. In the event a complainant does not wish to proceed to formal resolution, EODR nonetheless reaches out to other university partners, including the University Police Department, to evaluate whether, based on the available information, there are risk factors to the broader campus community (such as pattern evidence, use of weapons, etc.) such that it must nonetheless proceed to an investigation. To the extent a matter does not fall within EODR’s jurisdiction, EODR conducts a warm handoff to another office, but does not always issue a formal case closure letter to the complainant. We recommend incorporating such a letter.

Informal resolutions, at the request of the complainant, may involve “shuttle diplomacy” by EODR between complainants and respondents, or face to face meetings guided by restorative justice principles. These resolutions had been handled by EODR’s Director of Adaptive Resolutions, but that position is now vacant and, as noted above, a search for a replacement is ongoing.

Title IX and DHR investigations are conducted by the EODR staff. EODR has one dedicated investigator, but has three other staff members (the Title IX Coordinator/DHR Administrator, the Director of Equal Opportunity & Compliance, and the Director of Clery & Compliance Training) who have experience as investigators and have conducted their own investigations as needed. Depending on available resources and the complexity of a case, EODR has, in the past, also partnered with another CSU university (Sacramento State) or retained an external investigator.

In the event a case proceeds to a hearing, a pool of hearing officers is provided by the Chancellor's Office.

F. Review of Case Files and Template Communications⁹

EODR provided sample templates of their communications with parties and witnesses with respect to, among other things, the Notice of Allegations, the notice of evidence review, and the notice of hearing. These templates are legally compliant, have useful explanations of information, are neutral in tone, and convey professionalism and competency. The outreach letters, notices of investigations, and other correspondence include all necessary information for parties to make informed decisions, including information about their rights and options, information about the CSU Nondiscrimination Policy, and information about the availability of supportive measures at any point.

We reviewed a sampling of recent case files, including three DHR and Title IX investigation reports. The investigation reports we reviewed reflected that the EODR investigators were thorough in collecting evidence, consistent and clear in their writing, and (in Track 3 cases where there was a single investigator model) cogent in their reasoning and analysis. EODR reported that they generally have been able to complete investigations within 60 business days depending on a variety of factors including the complexity of the matter, availability of witnesses, and investigator workload. Our review of investigation reports reflected a timely response by EODR. The cases we reviewed each reached a final report within 3 months, 4 months, and 4 months. We also learned about frustrations about delays during the appeals process that were attributed to untimely responses from the Chancellor's Office.

⁹ We requested to review a small sample of case files at each university to evaluate form, comprehensiveness of documentation, timeliness, and responsiveness. Given the scope of our assessment, we did not conduct an extensive audit of all Title IX and DHR records.

A significant concern arose as it relates to the university’s “follow through” after EODR has completed its investigative process. While EODR is involved substantively in terms of recommending potential sanctions on the student side, and it has direct access to the employee relations / Labor Relations function on the staff side, we received feedback that historically EODR had a challenging relationship with the Office of Academic Personnel (OAPL) and lacked visibility into the faculty sanctioning process. It was reported during our campus visit that communication and coordination with OAPL has improved significantly recently.

G. Community Feedback About EODR

We received some limited, anecdotal feedback from other community members about their personal interactions (and secondhand information about their friends’ and colleagues’ interactions) with EODR. The feedback reflected positively on EODR, with these individuals reporting that they were treated warmly and professionally by the team.

In terms of the employees who intersect with EODR during the normal course of their campus responsibilities, we consistently heard high praise regarding the office and team members. Some of this commentary has already been included in other sections of this report, but the feedback we received consisted overwhelmingly of individuals reporting that the EODR team is “top notch”; that “I can’t imagine what we would do without them”; that the team is “so accessible at any time for advice, education, and hypotheticals”; and that there is a “seamless” working relationship between offices.

V. Core Title IX and Related Requirements

In evaluating legal compliance and effectiveness based on the observations described above, we reviewed Title IX’s implementing regulations as the legal framework. Title IX’s implementing regulations, amended most recently in May 2020, require that educational institutions (i) appoint a Title IX Coordinator;¹⁰ (ii) adopt grievance procedures that are prompt and equitable;¹¹ and (iii) publish a non-discrimination statement.¹² In the sections below, we describe our observations of the university’s compliance with each

¹⁰ 34 C.F.R. § 106.8(a).

¹¹ 34 C.F.R. § 106.8(b).

¹² 34 C.F.R. § 106.8(c).

of these core Title IX obligations. Although the implementing regulations and regulatory frameworks are not as prescriptive under other federal and state laws that address all other protected status discrimination, harassment, and retaliation,¹³ we incorporate the Title IX framework as it relates to these core requirements, because they apply equally to DHR programs.

A. Title IX Coordinator

Under the current Title IX regulations, every educational institution that receives federal funding must designate at least one employee, known as the Title IX Coordinator, to coordinate the institution's Title IX compliance efforts.¹⁴ In this role, the Title IX Coordinator is designated as the university official responsible for receiving and coordinating reports of sex discrimination, including sexual harassment, made by any person.¹⁵ The Title IX Coordinator's role and responsibilities should be clearly defined, and the institution must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the institution, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.¹⁶ The Title IX regulations detail the responsibilities of the Title IX Coordinator, which include, among other things:

1. Receiving reports and written complaints;¹⁷

¹³ These include Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975. The implementing regulations for these statutes outline some requirements that are similar or identical to certain of the "core Title IX obligations." For instance, most of the regulatory frameworks require a notice of non-discrimination. See 34 C.F.R. § 100.6(d) (Title VI), 34 C.F.R. §104.8 (Section 504), and 34 C.F.R. § 110.25 (Age Discrimination Act), and 28 C.F.R. § 35.106 (ADA). Furthermore, the implementing regulations for the Age Discrimination Act closely mirror the core Title IX obligations in that they require educational institutions to: (i) designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities, including investigation of complaints; (ii) notify beneficiaries of information regarding the regulations and the contact information for the responsible employee; and (iii) adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. 34 C.F.R. § 110.25.

¹⁴ 34 C.F.R. § 106.8(a).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ 34 C.F.R. § 106.30(a) (defining "actual knowledge" as including notice to the Title IX Coordinator).

2. Coordinating the effective implementation of supportive measures;¹⁸
3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;¹⁹
4. Considering the wishes of the complainant with respect to supportive measures, including explaining the process for filing a formal complaint;²⁰
5. Attending appropriate training;²¹
6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;²²
7. Overseeing the prompt and equitable nature of any investigation or resolution;²³ and
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.²⁴

Under the Title IX regulations, guidance documents issued by the U.S. Department of Education, Office for Civil Rights (OCR), and effective practices, the Title IX Coordinator should be sufficiently positioned within the institutional organizational structure, sufficiently resourced to carry out care and compliance responsibilities, sufficiently trained and experienced, and free from conflicts of interest.²⁵ Generally,

¹⁸ *Id.*

¹⁹ 34 C.F.R. § 106.44(a).

²⁰ *Id.*

²¹ 34 C.F.R. §106.45(b)(1)(iii) (“A recipient must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment in 34 C.F.R. § 106.30, the scope of the recipient’s education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias.”)

²² 34 C.F.R. 106.45(b)(1)(iii).

²³ 34 C.F.R. § 106.8(a) (charging the Title IX Coordinator with “coordinating [institutional] efforts to comply” with Title IX).

²⁴ 34 C.F.R. § 106.8(a); 34 C.F.R. § 106.45(b)(7)(iv).

²⁵ These effective practices have been articulated, among other places, in a [Dear Colleague Letter](#) from the U.S. Department of Education’s Office for Civil Rights on April 24, 2015. Although this Dear Colleague Letter has since been rescinded, the underlying concepts described in the letter are still instructive. The 2015 Dear Colleague Letter stated, “The Title IX Coordinator’s role should be independent to avoid any potential conflicts of interest and the Title IX Coordinator should report directly to the recipient’s senior leadership” The Letter further instructed that “the Title IX Coordinator must have the authority necessary to [coordinate the recipient’s compliance with Title IX] and, in order to do so, “Title IX Coordinators must have the full support of their institutions . . . [including by] making

Title IX Coordinators and DHR Administrators should be positioned to operate with appropriate independence and autonomy, have sufficient supervision and oversight, and have direct or dotted reporting lines to senior leadership.

The Chancellor's Office has published guidance regarding the role of campus Title IX Coordinators. Attachment B to the Systemwide Nondiscrimination Policy mandates that campus Title IX Coordinators "shall have authority across *all* campus-based divisions and programs (e.g., Human Resources, Academic Affairs, Student Affairs, Athletics, Housing, University Police, etc.) to monitor, supervise, oversee, and ensure implementation of [the Nondiscrimination Policy] in all areas" (emphasis in original). Attachment B further requires that all campus Title IX Coordinators and Deputy Title IX Coordinators be MPPs and "have the qualifications, authority and time to address all complaints throughout the campus involving Title IX issues."²⁶ Finally, Attachment B recommends that all campus Title IX Coordinators "be someone without other institutional responsibilities that could create a conflict of interest (e.g., someone serving as University Counsel or as a disciplinary decision maker)" and that they report to a supervisor who is a Vice President or higher.

In addition to reviewing these written guidelines applicable to the system as a whole, Cozen O'Connor evaluated whether, in practice, each campus Title IX Coordinator and DHR Administrator was well positioned to effectively carry out their duties. As described above, this analysis consisted of assessing whether each Title IX Coordinator/DHR Administrator was appropriately positioned organizationally; sufficiently resourced; sufficiently trained; and free from conflicts of interest.

Until very recently, the university had the same Title IX Coordinator since 2014, and his contact information – as well as contact information for the Title IX Office more broadly – was displayed on a university [website](#). The Title IX Coordinator leads Chico State's Equal Opportunity and Dispute Resolution (EODR). We find that the Title IX Coordinator/DHR Administrator is appropriately positioned

the role of the Title IX Coordinator visible in the school community and ensuring that the Title IX Coordinator is sufficiently knowledgeable about Title IX and the recipient's policies and procedures."

²⁶ The [Nondiscrimination Policy](#) similarly defines campus DHR Administrators as "the [MPP] Employee at each campus who is designated to administer this Nondiscrimination Policy and coordinate compliance with the laws prohibiting Discrimination, Harassment and Retaliation." The Nondiscrimination Policy states that the DHR Administrator "may delegate tasks to one or more designees, provided that any designee shall be an MPP Employee or an external consultant, and the DHR Administrator retains overall responsibility and authority."

organizationally, as the position reports directly to the Vice President of Business and Finance, who is a part of the President's senior leadership team.

In terms of resources, the Title IX and DHR functions struggle in much the same way as other Title IX/DHR programs across the system. While EODR currently has more employees than most other campus Title IX/DHR offices – six in total (consisting of the Title IX Coordinator/DHR Administrator; a Director of Equal Opportunity & Compliance; an Investigator; a Director of Clery & Compliance Training; an Analyst; and a Coordinator), with an additional vacancy for a Director of Adaptive Dispute Resolutions²⁷ – the EODR team reported that staffing was nonetheless insufficient to meet the needs of the campus. These employees reported that, in some cases, they have duties outside of Title IX and DHR, that the office has perpetual turnover, and that they have struggled in terms of their capacity to proactively fulfill their responsibilities.

In terms of training, we observed that the Title IX Coordinator/DHR Administrator has a high level of substantive subject matter fluency with respect to Title IX and DHR issues.

Finally, Chico State's EODR houses both the Title IX and DHR functions and we observed no obvious conflicts of interest in terms of the Title IX Coordinator/DHR Administrator role.²⁸

B. Notice of Non-Discrimination

The Title IX regulations require that institutions publish a non-discrimination statement.²⁹ The statement must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and unions that:

1. The institution does not discriminate on the basis of sex in its education programs and activities, and that it is required by Title IX not to discriminate in such a manner;³⁰
2. The institution does not discriminate with respect to admissions or employment; and

²⁷ As noted above, there is currently an open search for this position.

²⁸ We note that the Title IX Coordinator/DHR Administrator also serves as the Director of Labor Relations, which, in some limited instances, could create the appearance of a conflict of interest.

²⁹ 34 C.F.R. § 106.8(b).

³⁰ *Id.*

3. Inquiries about the policy may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights in the U.S. Department of Education's Office for Civil Rights, or both.

Along with these notification requirements, institutions must display contact information for the Title IX Coordinator on their respective websites, and in each handbook or catalog that it makes available to all stakeholders listed above.³¹

Chico State has a [Notice of Non-Discrimination on the Basis of Gender or Sex](#), which, consistent with the Title IX regulations, states that the university does not discriminate on the basis of gender or sexual orientation in its education programs and activities, including employment and admissions. According to the Notice, this prohibition on discrimination extends to sexual harassment, sexual misconduct, sexual exploitation, dating and domestic violence, and stalking. The Notice provides the required contact information, for the campus Title IX Coordinator and OCR, to individuals seeking to report sex discrimination.

Chico State's Notice of Non-Discrimination on the Basis of Gender or Sex is accessible on the university websites for [Title IX](#) and [EODR/Human Resources](#), and has been disseminated to the campus community in various communications from the President. However, there is no direct link to the Notice on most other university webpages, including the webpages for Admissions, Athletics, and Student Life.

Separately, Chico State's [EODR website](#) states that the university "will not tolerate unlawful discrimination, harassment and/or retaliation on the basis of race, ancestry, color, sex, religion, age (40 or older), sexual orientation, gender identity, gender expression, genetic information, disability, medical condition, veteran status, marital status, pregnancy, and/or national or ethnic origin, under any program of the University." However, Chico State does not publish on any of its websites a broader Notice of Non-Discrimination on the basis of protected statuses other than sex and gender. Such a Notice, while not a requirement of Title IX, would be consistent with the purpose of Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and other relevant federal and state laws prohibiting protected status discrimination, harassment, and retaliation. We recommend that Chico State publish a broader Notice of Non-Discrimination that incorporates all protected statuses.

³¹ 34 C.F.R. § 106.8(b)(2).

C. Grievance Procedures

Finally, the Title IX regulations require educational institutions to “adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited [as sex discrimination under Title IX] and a grievance process that complies with [34 C.F.R. § 106.45] for formal complaints”³² The regulations further require educational institutions to provide notice of the grievance procedures and process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the institution will respond to such a report or complaint.³³

CSU’s Chancellor’s Office maintains the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#). Consistent with its obligations under Title IX and other federal and state laws prohibiting protected status discrimination, harassment, and retaliation, this document sets forth the grievance procedures and process for resolving reports of sex discrimination, as well as other protected status prohibited conduct. Pursuant to the Nondiscrimination Policy, there are three separate tracks for formal resolution of complaints. Specifically, “Track One” applies to reports of sexual harassment that fall within the federal mandated hearing process required under the 2020 Title IX regulations; “Track Two” applies to reports of sexual misconduct, dating violence, or domestic violence against a student where credibility is an issue, that fall within the mandated hearing process articulated in California case law; and “Track Three” applies to all other reports that allege a violation of the Nondiscrimination Policy.

This Nondiscrimination Policy, which applies to all 23 CSU universities, is an omnibus policy document that maps the complex and overlapping procedural requirements mandated by several federal and state frameworks, including the federal Title IX regulations, California state law relating to sex discrimination and sexual harassment in higher education, California case law relating to due process, and other federal and state laws relating to discrimination based on other protected statuses. Although the Nondiscrimination Policy is consistent with the legal requirements of Title IX and the related federal framework for discrimination and harassment on the basis of protected statuses, Title IX/DHR professionals and campus constituents from every university consistently expressed to Cozen O'Connor

³² 34 C.F.R. § 106.8(c).

³³ *Id.*

that the Nondiscrimination Policy was impenetrable in practice; that it was dense, lengthy, and difficult to navigate; and, that it bred confusion. We heard a strong desire for the Chancellor's Office to simplify its procedures, and were optimistic that the forthcoming amendments to the federal Title IX regulations, expected to be released by the U.S. Department of Education in the fall of 2023, would provide the impetus for the Chancellor's Office to do so.

The CSU's prohibition against certain consensual relationships is embedded within the Nondiscrimination Policy.³⁴ We learned that at many of the CSU universities, the prohibition is not adequately communicated to the campus community, limited or no training is offered on the prohibition, and the prohibition is not enforced. Given the significant overlap of the prohibited relationship policy with Title IX, and DHR and *other conduct of concern*, attention should be given to the training and enforcement of this prohibition. We recommend that training on this section of the policy be incorporated into required training and education. On many campuses, this was an issue of significant concern for faculty and staff.

VI. Campus Coordination

Through our campus visit and follow-up meetings, we consistently heard administrators and key university partners praise the healthy and frequent levels of communication within EODR and between EODR and other partner offices, including Student Conduct, the University Police Department, Athletics, Housing, Safe Place, and the Office of Academic Personnel. Common refrains about campus collaboration included that "the lines of communication with EODR are always open, and the connections and handoffs are seamless;" "the EODR team is so accessible at any time;" and "EODR has established close working relationships and trust with individuals all over campus."

In terms of how information about new and potential Title IX or DHR issues is shared between offices, we learned that EODR has a weekly internal meeting about current cases and they loop in other campus partners as needed as issues arise or where additional information is necessary. Additionally, there is a biweekly meeting with OAPL to discuss faculty cases,³⁵ as well as a "Title IX Working Group" (with

³⁴ Under Article II, Section F of the [Nondiscrimination Policy](#), a "Prohibited Consensual Relationship" is defined as "a consensual sexual or romantic relationship between an Employee and any Student or Employee over whom they exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority."

³⁵ In terms of staff cases, the Assistant Vice President for EODR also serves as the Director of Labor Relations, so he personally handled matters related to employee relations.

representation from various offices including EODR, Athletics, Counseling, Academic Senate, Housing, Greek Life, Safe Place, and UPD) focused on macro issues relating to Title IX. We also learned that collaboration frequently occurs informally by picking up the phone and calling a colleague in another department and/or meeting with colleagues in person within Kendall Hall, the main building where EODR and other administrative offices are located.

Despite these healthy and organic open lines of communication, there is no formal multidisciplinary team in place that meets on a regular basis to discuss student, staff, and/or faculty cases. We observed a strong openness and willingness among all university partners to institute such a routinized and structured meeting, with one individual commenting, “It’s great that EODR has been able to leverage relationships on a personal level, but at the same time we need more of an institutional mindset and structure.” We recommend that Chico State establish a multidisciplinary team.

Similarly, in terms of recordkeeping and data management across offices, we heard the refrain that “so much information is in people’s brains versus electronic files; there is a lot of institutional knowledge that people hold but that is not documented.” We learned that at the time of our campus visit, information about cases and/or personnel files was stored in various disparate locations – EODR was using Maxient for case management; Human Resources was using a shared Box folder; OAPL was in the process of transitioning from paper files to Box; and managers and department chairs had their own records and personnel files. Our recommendations speak to ensuring effective documentation practices and electronic records management systems, particularly within Human Resources and OAPL.

A. University Police Department

Chico State’s [University Police Department](#) (UPD) is a full-service law enforcement agency provides emergency response, conducts criminal investigations, offers crime prevention and educational programs, disaster preparedness, and a range of other services. As of May 2023, UPD had [27 employees](#) on staff: the Chief of Police, the Chief’s Assistant, two Lieutenants, 10 officers, four sergeants, five dispatchers, two community service specialists, a records/evidence coordinator, and a CSO work study. At the time of our visit, the Department had a vacancy in the only detective position. The Chief of Police reports to the Vice President for Business & Finance / Chief Financial Officer.

The Police Department supports the university’s Clery function, described below, and issues timely warnings as necessary. Police officers used to provide printed pamphlets with information regarding

available resources to individuals who make reports of sex crimes. However, in order to promote the privacy of complainants, this information is now contained in QR codes that are printed on every officer's business card, which are distributed to all complainants. UPD's [website](#) also contains information and resources about sexual assault awareness. At the time of our campus visit, the Department had three officers with formal training in conducting sexual assault investigations. UPD explained that they try to have a victim-centered approach to their work and expressed an interest in being more than a "second stage resource."

Administrators reported a close working relationship between UPD, EODR, Housing, and Safe Place. UPD shares reports of sex crimes with EODR and Clery, but consistent with California state law may do so in a de-identified fashion where a victim does not wish to share their identity. Under its interpretation of California Penal Code 293, UPD does not include a complainant's name in reports to EODR where the complainant has requested that their name not be part of public records.

B. Student Conduct

The [Office of Student Conduct, Rights, and Responsibilities](#), which sits within the Division of Student Affairs, administers the Student Conduct Code by educating students about their rights and responsibilities and providing feedback about behaviors that affect themselves and the campus community. Student Conduct also administers the Student Code of Conduct process in order support a safe and inclusive environment for all students. The Student Conduct Administrator is responsible for managing the university's judicial processes for students and recommending disciplinary sanctions when appropriate. The Office responds to a variety of incidents that may include behavioral misconduct, academic dishonesty, and concerning student behavior. Incidents of student misconduct may include issues with alcohol, drugs, theft, weapons, violence, harassment, sexual misconduct, hazing, or other violations that do not rise to the level of a Title IX or DHR violation. The Office refers matters that relate to Title IX/DHR to EODR, and EODR refers matters that do not rise to the level of a potential Title IX/DHR violation to the Office of Student Conduct. We observed a need for greater capacity in informal or alternative dispute resolution skillsets, both to be able to respond to particular incidents, as well as to attend to potential bias or other issues before they escalate.

At the time of our campus visit, the Office of Student Conduct comprised the Student Conduct Administrator and a Student Services Coordinator. The Office, which reports up through the Associate

Vice President for Student Support Programs, now [consists of](#) a Director of Student Conduct and the Student Conduct Administrator.

C. Office of Academic Personnel (OAPL)

Chico State's [Office of Academic Personnel](#) facilitates the career success and academic advancement of the Chico State faculty. OAPL oversees the university's [Academic Labor Relations](#) function, which administers and ensures compliance with faculty collective bargaining agreements and strives to foster a collaborative and respectful working environment. The Labor Relations function is led by the Director of Academic Personnel Labor Relations, who reports to the Associate Vice President for Academic Personnel. OAPL reports to the Interim Provost and Vice President for Academic Affairs. As described above, coordination with OAPL has been historically challenged, but has seen better collaboration and communication recently.

D. Human Resources

Chico State's [Human Resources Service Center](#) provides services relating to benefits, compensation, employment, training, and other related functions. The Department also oversees the university's [Labor Relations](#) function. The Labor Relations function administers and ensures compliance with all staff collective bargaining agreements, and provides advice and guidance to management on grievances, complaints, contractual matters, and disciplinary issues. The Director of Labor Relations (who was also the former Title IX Coordinator/DHR Administrator) represents and responds on behalf of Chico State in administrative hearings, and provides training for and supports management-labor relations.

The Human Resources Service Center is led by the Associate Vice President of Staff Human Resources, who reports to the Interim Vice President for Business and Finance (also the CFO).

E. Housing/Residence Life

[University Housing](#) sits within the Division of Student Affairs. Its [professional leadership](#) consists of an Executive Director, an Associate Director for Residence Life, six Residence Life Coordinators, a Hub Program Coordinator, a Senior Coordinator for Conduct and Compliance, three Residence Conduct Coordinators, and a Director of Off Campus Student Services. University Housing also employs a staff of 50-60 student [Resident Advisors](#) (RAs). Housing directly handles conduct issues that occur in the residence halls (up to a certain level).

Chico State has housing capacity for approximately 2,200 students. During the fall 2022 semester, approximately 1,950 students, roughly 12% of the overall student population, lived on campus. Of those who lived on campus, approximately 85% were first year students. Upon receipt of a report of conduct that may violate the Nondiscrimination Policy, University Housing staff members complete and submit an online Maxient report directly to EODR.

Housing described a close working relationship with EODR, who provides training for Housing staff and RAs every semester. Housing also partners with WellCat Prevention Services and SafePlace for training. Housing also noted that in the past they had tried to implement bystander intervention programs, but had not been successful in identifying a model that resonated with Chico State students.

F. Clery Act Responsibilities

Chico State's Clery Act responsibilities are fulfilled by the Clery Director & Compliance Investigator, who is part of EODR. The Clery Director was elevated to the role in December 2021, but had spent several years prior to that working in a Clery compliance coordinator role at the university.

The Clery Director is responsible for maintaining information necessary to prepare the university's [Annual Security Report](#) (ASR), and for identifying and training Campus Security Authorities (CSAs). In order to gather data necessary for the ASR, the Clery Compliance Manager reviews reports within Maxient and consults with other offices such as Housing and UPD to determine whether they are Clery reportable.

The Clery Director has received support from the UPD and the Systemwide Clery Director when she has had substantive questions. She routinely conducts CSA trainings alongside UPD personnel. Timely warning assessment are made by UPD in consultation with the Clery Director, but the ultimate decision regarding issuing a timely warning rests with UPD.

VII. Campus Resources for Students and Employees

The care side of campus resources is critically important to the effective functioning Title IX and DHR programs. Chico State provides the following resources dedicated to supporting student and employee well-being.

A. Confidential Advocate³⁶

Chico State offers confidential campus advocate services through [Safe Place](#), which sits within WellCat Services. At the time of our campus visit, Chico State had one Confidential Advocate. We received consistent feedback from multiple professionals during our campus visit that the Confidential Advocate was severely overburdened and that the level of work related to advocacy and prevention education was unsustainable. Since our visit, the university has hired another Confidential Advocate and the existing Confidential Advocate has been elevated to Director of Safe Place. We encourage Chico to continue to evaluate whether this level of resourcing is sufficient, particularly as our recommendations entail more attention to prevention and education.

The Confidential Advocates at Chico State serve students, staff, and faculty. As detailed on the WellCat Safe Place website, Safe Place, which was established in 2012, “offer[s] advocacy support, prevention education, and linkage to services on and off campus” and “strive[s] to create a culture of consent and healthy relationships that foster a campus environment free of interpersonal harm for all students, faculty, and staff at Chico State.” Safe Place [services](#) consist of confidential advocacy as well as peer education. Confidential advocacy may entail providing support and resources regarding safety planning, violence prevention, and healthy relationships; performing trainings and workshops regarding sexual assault, intimate partner violence, harassment, sexual exploitation, and stalking to raise awareness and increase safety on campus; and supporting individuals in their process of obtaining options and accommodations that impact both short- and long-term experience. Peer education may entail facilitating and maintaining violence prevention programs that educate the Chico State community on creating a safe, non-violent campus environment; and overseeing and facilitating outreach efforts including planning events, programs, and tabling collaborations.

Chico State’s Safe Place offers trainings and workshops on various topics to the university community, and we were provided with sample PowerPoint decks from some of these presentations. Examples of [training topics](#) offered by Safe Place are described in the section below on prevention and education. These trainings, as well as custom trainings targeting specific campus audiences, are available in person or over

³⁶ The Confidential Advocate role is defined in Attachment C of the Nondiscrimination Policy and discussed in the Systemwide Report.

Zoom, upon request. Safe Place primarily relies on student peer educators to do programming, tabling, and outreach events.

We note that the Safe Place website, which was recently revised, is robust and contains valuable substantive information when compared to confidential advocate webpages from most other CSU universities. We also note the university has worked to raise Safe Place's visibility to the campus community, including by printing QR codes on some university business cards (including UPD's business cards) that have a link to available resources, including Safe Place; by launching poster campaigns (with the QR codes) in university housing; by creating an Instagram account, @ChicoStateSafePlace; and by other outreach activities, including a coffee sleeve campaign. Information regarding Safe Place is also on several university websites, including the [Title IX website](#). The QR code is a particularly effective practice, as it does not require reprinting of written resources each time there is a policy or personnel change, but instead links to current resources and personnel on the web, which can ideally be updated much more efficiently.

As reflected in the Systemwide Report, SafePlace would benefit from a strong supervisory relationship, including confidential clinical case management. Advocacy work necessarily entails secondary or vicarious trauma, which must be addressed to prevent burnout, fatigue, and overload.

B. Respondent Support

Most CSU universities have no dedicated support uniquely for respondents. Chico State is an outlier in this regard, as they provide legal information through the [Community Legal Information Clinic](#) (CLIC). CLIC is an undergraduate legal information clinic that is part of the legal studies program of the Political Science and Criminal Justice Departments. As described on CLIC's website, its [Student Legal Services and Juvenile Rights](#) program works with students in helping them understand their rights and responsibilities regarding Title IX and other disciplinary processes. Through CLIC, student respondents may request a Student Legal Service & Juvenile Rights intern to accompany them to Title IX meetings as their support person.

Additionally, EODR's Title IX website has a [webpage](#) specifically devoted to respondents. The webpage states, "If you have been accused of discrimination, harassment, sexual misconduct, sexual assault, sexual harassment, dating or domestic violence, or stalking, it can be a confusing and stressful experience. You may need resources to help you through it." It then lists information and resources available to students and employees, including the rights of parties during an investigation (including the right to have a support

person), campus resources for students (including CLIC), employee resources, community resources (including CLIC), information about retaliation, and available interim remedies and accommodations.

As with other CSU universities, in the event a Title IX case proceeds to a hearing, the Chancellor's Office provides a hearing advisor to respondents, as required by the federal Title IX regulations, if they do not already have their own advisor.

C. WellCat Services

Students may also receive support through [WellCat Services \(WCS\)](#), which caters to students' needs through compassionate healthcare services and education aimed at enhancing the wellbeing of students and the campus community. WCS consists of three main services: prevention, counseling, and Safe Place (Confidential Advocate). [WellCat Prevention](#) is where students can go to learn about alcohol and drugs in a safe, non-judgmental environment; WellCat Prevention [programming](#) includes education about bystander intervention and the role of alcohol in acquaintance/date rape. The [WellCat Counseling Center](#) offers individual assessments in which counselors help students to make a decision about the type of counseling that best suits their needs; this includes short-term individual counseling, short-term couples counseling, referral to a workshop or presentation on a specific topic ([group counseling topics](#) offered this semester include Better Relationships and Gender ID), or referral to counseling services in the community. The Counseling Center also has a grant-funded program called U_Matter, which is a comprehensive initiative focusing on promoting positive mental health behaviors in students. The program is centered on student-to-student conversations about various healthy behaviors, including [Consent](#). And finally, [Safe Place](#) is the home of the Confidential Advocate, which is described above.

Additionally, students may receive medical treatment at the [WellCat Health Center](#), which is open during normal business hours Monday to Friday for students. The Health Center also oversees [Health Education & Promotion](#), which consists of peer education on health topics by student interns.

D. Additional Resources for Students

Chico State has a [Campus Assessment Response and Evaluation \(CARE\) Team](#) that sits within the Division of Student Affairs. The CARE Team promotes the safety and wellness of the university community by addressing situations where students are displaying behaviors that are disruptive, threatening, or

concerning which may potentially impact their ability to be successful and safe. As described on the CARE Team's website:

The purpose of the CARE Team is to function as an at-risk behavioral assessment and support team, focused on early intervention, as well as threat assessment.

The team tracks red flags over time, detecting patterns, trends, and disturbances in individual or group behavior. The team receives reports of disruptive, problematic or concerning behavior or misconduct (from co-workers, community members, friends, colleagues, etc), performs a risk or threat assessment, and determines the best mechanisms for support, intervention, warning/notification, and response. The team then deploys resources and coordinates follow-up.

The CARE Team meets regularly and comprises [the following employees](#) from various departments: CARE Team Chair / Student Support Case Manager (WellCat Services); Director/ADA Coordinator (Accessibility Resource Center); Clinical Director (WellCat Health Center); Clinical Case Manager (WellCat Counseling Center); Senior Coordinator for Conduct and Compliance (University Housing); Director of Off-Campus Student Services (University Housing); Academic Advisor (Academic Advising Programs); Lieutenant (University Police Department); Student Conduct Administrator (Student Conduct, Rights, and Responsibilities); CARE Recorder/Office Coordinator (Accessibility Resource Center); and other *ad hoc* members, who may be invited to consult with the CARE Team on individual cases.

Chico State also offers services to students experiencing food insecurity, hunger, disasters, unstable housing, homelessness, and poverty. Through the [Basic Needs](#) program, the university assists students with, among other things, access to food, rapid re-housing, and emergency grants.

E. Additional Resources for Employees

The university also offers an [Employee Assistance Program](#) (EAP) called LifeMatters that is administered through Empathia. The program is designed to provide resources for professional assistance to faculty, staff, and their families (dependents and permanent household members) in assessing and resolving personal problems that may be affecting well-being or job performance. Resources available to employees include counseling services, campus resources and referrals to community resources. The [counseling services](#) for employees include three free sessions with a contracted counselor, and consultations are

available to discuss [a range of topics](#) including relationship services, financial services, health services, workplace services, legal services, and emotional wellbeing services.

VIII. Prevention, Education, Professional Development, Training and Awareness³⁷

Under the Nondiscrimination Policy, the Title IX Coordinator is responsible for “coordinating training, education, and preventive measures,” which may be delegated to a Deputy Title IX Coordinator.³⁸ Even if responsibilities are shared with a Confidential Advocate, the Title IX Coordinator “remains primarily responsible for all campus-based prevention and awareness activities.”³⁹ The Nondiscrimination Policy further provides: Confidential Advocates may serve on campus-based task force committees/teams to provide general advice and consulting, participate in prevention and awareness activities and programs, and play an active role in assisting, coordinating, and collaborating with the Title IX Coordinator in developing and providing campus-wide awareness and outreach activities, possibly including prevention activities.⁴⁰

This level of coordination and oversight is not occurring at Chico State, nor at most universities across the system.

A. Employees

Consistent with California state law, CSU policy requires all CSU employees to complete the online CSU *Sexual Misconduct Prevention Program Training*, also known as *Gender Equity and Title IX*, on an annual basis (for at least 60 minutes). In addition to this annual requirement for all CSU employees, supervisors and non-supervisors are required to participate in CSU's *Discrimination Harassment Prevention Program* every two years (for at least 120 minutes).

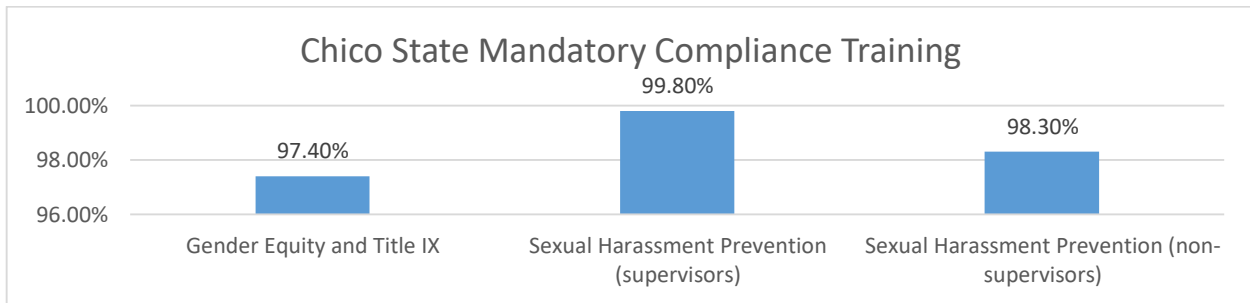
³⁷ The legal and regulatory framework, which sets forth requirements under federal and state law, is outlined in Section VII.B.2. of the Systemwide Report, Legal Framework re: Prevention and Education.

³⁸ See Attachment B: Campus Title IX Coordinators Role and Responsibilities.

³⁹ See Attachment C: Confidential Sexual Assault Victim's Advocates.

⁴⁰ *Id.* Under Attachment C, all awareness outreach activities must “comply and be consistent with University policies” and the Advocate is required to “partner and collaborate with the Title IX Coordinator to ensure the activities comply with CSU policy and are consistent with campus-based practices.”

The systemwide Learning and Development Office in the Chancellor’s Office hosts these online modules, which are provided by an external vendor, on its systemwide employee learning management system. The Learning and Development Office tracks employee completion of these required programs. The below chart, provided by the Chancellor’s Office, shows the completion percentage for Chico State for the 2022 calendar year, which we note, as the highest among all of the CSU campuses:⁴¹



As it relates to faculty and staff, we observed significant need for in-person, direct engagement with faculty and staff on many issues, including related to discrimination and harassment, the Nondiscrimination Policy, reporting responsibilities, responding to difficult disclosures, conflict resolution, and navigating difficult conversations. Currently, there is no in person training or professional development for employees. While EODR participates in new employee orientation, they do not currently participate in new faculty orientation. This is an important gap to address. We understand that the [Office of Faculty Development](#) is a resource available to faculty to help them be better teachers, scholars, leaders, and colleagues. Programs offered through the Office of Faculty Development include the Faculty Learning Communities, Summer Programs, New Faculty Mentoring Program, Lecturer Mentoring Program, Chico Affordable Learning Solutions, and Quality Learning and Teaching. The website provides additional information on workshops, tools, and resources. The Office of Faculty Development will be a critical partner in expanding available resources for faculty.

⁴¹ These percentages have been validated by each campus. Please note employees designated by their campus as “on leave” were removed from these final percentages.

B. Students

In addition to the online module, EODR offers Title IX overview trainings to Residence Life staff, Resident Advisors (RAs), new employees, and certain “high risk” segments of the student population, including athletes, on-campus housing residents, and fraternity and sorority life. We reviewed some of the PowerPoint slides from these trainings and note that they also have some content in them about prevention such as bystander intervention techniques. Safe Place also offers an alternative, trauma-informed and healing-centered alternative to the CSU Title IX training course, via Zoom, phone call, or in-person. This [alternative training](#) is intended for individuals who have been impacted by sexual assault and who may find the content and scenarios featured in the standard training to be triggering.

In terms of prevention and education, Chico State has more programming than some in the system, but we observed a need for more comprehensive programming, particularly for faculty and staff. Both EODR and Safe Place expressed a desire to have staffing levels sufficient to conduct more educational programming, and to coordinate the curriculum for this programming, but responsibility for this programming has fallen almost exclusively to WellCat Safe Place, with some additional programming through WellCat Prevention. Safe Place offers workshops and training for all faculty, staff, students, groups, and organizations on campus. Examples of [training topics](#) offered by Safe Place, which can be customized for particular campus audiences upon request, include: Responding to Domestic/Sexual Violence Disclosures; Consent; Healthy Relationships; Toxic Relationships; Sexual assault; Sexual Assault and Title IX; Breaking the Silence on Dating Violence through a Cross-Cultural Lens; Breaking the Silence on Dating Violence within LGBTQ+ Community; Bystander Intervention; Bro Talks: Engaging Male-Identified Students in Prevention; and Wildcats A.C.T. Alcohol and Consent Training.

Safe Place also facilitates [peer education](#) through community outreach efforts including planned events, programs, and tabling. Additionally, the Safe Place website has an online “Educational Toolkit” with information, tips, and videos about [bystander intervention](#), [disclosure support](#), [intimate partner violence](#), and [sexual assault](#).

Prevention and education programming is also offered through [WellCat Prevention](#), through which students can learn about alcohol and drugs in a safe, non-judgmental environment. WellCat Prevention [programming](#) includes education about bystander intervention and the role of alcohol in acquaintance/date rape. Finally, the WellCat Counseling Center also has a grant-funded program called

[UMatter](#), which is a comprehensive initiative focusing on promoting positive mental health behaviors in students. The program is centered on student-to-student conversations about various healthy behaviors, including [Consent](#).

Unlike most other CSU universities, Chico State's ASR, required under the Clery Act, lists numerous primary prevention and awareness programs that are specific to Chico State. As described in ASR, this programming includes but is not limited to the following:

- Wildcats ACT (Alcohol and Consent Training) – offered to incoming residential students by WellCat Prevention and Safe Place
- Bystander Intervention Training – prevention strategies for students, staff, and faculty offered by EODR
- Domestic Violence and Sexual Assault Awareness Month Programming – offered by Safe Place, including Red Zone Awareness, Purple Thursday, Bro Talks, These Hands Don't Hurt, Student Leadership Training on Trauma Informed Responses and Healing Centered Engagement, Clothesline Project, Denim Square Workshop, and Take Back the Night
- Annual Prevention and Awareness Training – offered by EODR to student athletes, resident advisors, members of club sports, and members of fraternities and sororities to promote awareness of affirmative consent, sexual misconduct, dating violence, domestic violence, and stalking

IX. Other Conduct of Concern

As with other universities across the CSU system and nationwide, Chico State has had to grapple with conduct issues related to *other conduct of concern*. We use the term *other conduct of concern* to refer to conduct that may not rise to the level of protected status discrimination or harassment, but may nonetheless violate other university policies or be disruptive to the learning, living, or working environment. This includes, for example:

- Conduct on the basis of protected status that does not rise to the threshold of a potential policy violation because it is not severe, persistent, or pervasive
- Conduct not based on protected status, but that may implicate other policies (e.g., professionalism)
- Conduct that may not be subject to discipline because of free speech or academic freedom principles.

The university, like universities nationwide, has struggled with a response mechanism for addressing issues relating to civility, bullying, and speech (often protected) that negatively impacts constituents, and actions and words that entail misconduct but that do not relate to protected status and/or do not rise to

the level of being sufficiently persistent, severe, and/or pervasive. The feedback we received at Chico State regarding this *other conduct of concern* was that it was not being triaged effectively and that the university's response mechanisms were *ad hoc* and inconsistent, which contributed to a perception that there was a lack of accountability with respect to unprofessional behaviors.

The university has a [bias incident reporting form](#), which is administered by the [CARE Team](#). Additionally, the university, through the [Office of Equity, Diversity and Inclusion](#) also publishes hate crime reporting information and resources. Individuals with whom we spoke expressed a desire for a Chico State-specific anonymous reporting tool.

Several constituents, including administrators and faculty members, reported that there used to be a University Ombuds, but that the position was largely ineffective in part because it was not sufficiently resourced – having been staffed most recently by a rotating cast of faculty members who received course releases for serving in the role. These individuals expressed a desire for a sufficiently resourced Ombuds office. One individual asked rhetorically, “How can we shame the administration into providing a real Ombuds office with real resources? Not having a functional Ombuds Office for years has contributed to a system where people can't talk to each other in departmental meetings.”⁴²

Additionally, as described above, EODR used to have a Director of Adaptive Resolutions who would address certain behaviors, including bias incidents, that might not have risen to the level of a policy violation but that were nonetheless concerning. That position is currently vacant, but a [search](#) is underway for a replacement.

Individuals with whom we spoke reported that faculty conduct in the classroom was a source of acute concern. They explained that the perception on campus was that “nobody wants to address the bad behavior,” and that people feel like they “need EODR's permission to engage with the [other] person,” but that “EODR can't be everywhere at once.” They reported that OAPL is not sufficiently equipped with the personnel to address “employee relations” type issues among the faculty.

Separately, at the time of our campus visit, the position of Chief Diversity Officer was vacant, leaving a hole in the university DEI efforts which, in turn, impacted the university's ability to prevent and respond

⁴² Although the Ombuds office no longer exists, the university still maintains a [webpage](#) for the office.

to *other conduct of concern*. We note that there is renewed optimism in this regard, as [this role has now been filled](#) by an experienced professional.

X. Recommendations

In the Systemwide Report, we provide detailed recommendations for enhanced Chancellor's Office oversight and coordination of university Title IX and DHR programs. The Systemwide Report also highlights the need for collaboration between Chancellor's Office personnel and university-level Title IX and DHR professionals to ensure accountability for the effective implementation of informed and consistent frameworks. These recommendations must be read together with the recommendations set forth in the Systemwide Report.

Unless otherwise specified, the below recommendations are directed toward the university as a whole. We recommend that the Title IX Coordinator/DHR Administrator and the Campus Implementation Team work with the Chancellor's Office to map and calendar an implementation plan.

A. Infrastructure and Resources

We offer the following recommendations to address infrastructure challenges at the campus level:

1. Work with the Chancellor's Office to develop a project plan for addressing gaps and implementing recommendations
2. Share existing budget line information with the Chancellor's Office, including historic and anticipated annual fees for external investigators, hearing officers, and other Title IX/DHR related resources, as well as budget line information related to the confidential campus advocates, prevention and education specialists, and respondent resources (recognizing that these resources are typically outside of the Title IX/DHR budget)
3. Map functions within the Title IX/DHR program to ensure sufficient personnel to cover all core functions, including: intake and outreach, case management, investigations and hearings, informal resolution, sanctions and remedies, prevention and education, training, data entry and analysis, administrative tasks, and additional resources to support legally-compliant, effective Title IX/DHR programs, as well as the essential care side of campus responses
4. Based on benchmarking and recommendations from the Chancellor's Office, identify recurring baseline (or line item) funding (both source and amount) for the Title IX/DHR program
5. Work with the Chancellor's Office to implement an enterprise-level case management system and develop protocols for consistent collection and retention of data
 - 5.1. Upgrade records management systems in Human Resources and OAPL

6. Ensure an adequate supervisory model that includes a routine cadence of supervisory meetings, guidance about how to ensure effective oversight and accountability measures, an appropriate level of detail for review, development, integration and tracking of decision-making frameworks, and balancing implementers' independence and autonomy with the need to identify and elevate critical issues and concerns about safety/risk
 - 6.1. Especially in light of the significant leadership changes in EODR, the VP for Business and Finance, the Provost, and the President, provide consistent training and guidance to all in the reporting chain or adjacent spaces to ensure subject matter expertise and common standards and expectations
7. Commit to the consistent investment in professional development and continuous learning for Title IX and DHR professionals and senior leaders who oversee the Title IX/DHR program (CLEs, conferences, system training, etc.)

B. Strengthening Internal Protocols

We offer the following recommendations to promote accountability and strengthen internal protocols within the Title IX/DHR program:

1. Coordinate with the Regional Director, Systemwide Title IX/Civil Rights Division, and subject matter experts to:
 - 1.1. Map the case resolution process from reporting and intake through to investigation and resolution process
 - 1.1.1. Compare the current process against standard practices and identify any concerns related to timeliness, conflicts, gaps in communication, or gaps in consistent process
 - 1.1.2. Identify, map, and reconcile intersections with faculty/staff grievance and disciplinary processes
 - 1.2. Develop robust intake, outreach, and case management protocols for supportive measures and resources
 - 1.2.1. Develop internal protocols and written tools (e.g., templates and checklists) for intake and outreach, oversight of supportive measures, and decision-making regarding emergency removal or administrative leave
 - 1.2.2. Seek to hold an intake meeting with all individuals who make a report of conduct that would potentially violate the Nondiscrimination Policy
 - 1.2.3. Develop protocols for notifying and coordinating with the confidential advocate at the intake meeting, if possible

- 1.2.4. Develop or update protocols for information sharing to ensure that the Title IX/DHR Office can fulfill its responsibility of documenting all supportive measures offered, requested, implemented, and if denied, the reasons for the denial
- 1.2.5. Create a feedback loop to acknowledge responsible employee reports and confirm receipt of the report and next steps
- 1.2.6. Establish standardized protocols for outreach to complainants that involve multiple modalities, systems to document outreach, and a protocol for how and when to make additional outreach in cases with non-responsive complainants, including the potential for outreach through a third-party or a responsible employee
- 1.3. Develop integrated, written processes for initial assessment designed to evaluate known facts and circumstances, assess and implement supportive measures, facilitate compliance with Title IX and Clery responsibilities, and identify the appropriate institutional response after triaging the available and relevant information; as part of the initial assessment, the Title IX Coordinator/DHR Administrator should:
 - 1.3.1. Take steps to respond to any immediate health or safety concerns raised by the report
 - 1.3.2. Assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation and the appropriate manner of resolution under the Nondiscrimination Policy
 - 1.3.3. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness and/or any other individual with knowledge of the reported incident
 - 1.3.4. Provide the complainant with both oral and written information about on- and off-campus resources (including confidential resources), supportive measures, the right to contact (or decline to contact) law enforcement or seek a civil protection order, the right to seek medical treatment, the importance of preservation of evidence, the right to be accompanied at any meeting by an advisor of choice, and an explanation of the procedural options available
 - 1.3.5. Refer the report to appropriate campus officials to assess the reported conduct and determine the need for a timely warning or other action under the Clery Act
 - 1.3.6. Assess the available information for any pattern of conduct by respondent
 - 1.3.7. Discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns)
 - 1.3.8. Explain the policy prohibiting retaliation and how to report acts of retaliation
 - 1.3.9. Determine the age of the complainant, and if the complainant is a minor, make the appropriate report of suspected abuse consistent with state law

- 1.3.10. Evaluate other external reporting requirements under federal or state law or memoranda of understanding
- 1.3.11. Develop, and follow, a comprehensive written checklist/form to ensure that all required actions are taken under state and federal law
- 1.3.12. Develop checklist of factors to consider in determining whether to move forward without a complainant or whether informal resolution is appropriate and ensure sufficient documentation of the determination
- 1.3.13. Provide a written statement of concern at the conclusion of the initial assessment to ensure that the complainant (and as appropriate, the respondent) have a clear understanding of the nature of the report and the proposed resolution path
- 1.4. Separate support/advocacy functions from investigation to avoid role confusion and ensure clear demarcation between the individuals who provide supportive measures to a complainant, respondent or other individual in need of assistance, and the investigator
- 1.5. Strengthen campus collaboration and information-sharing through a multidisciplinary team (MDT) model
 - 1.5.1. The Title IX Coordinator/DHR Administrator, in conjunction with the Chancellor's Office, should identify essential university partners to serve on the MDT and set standards for meeting goals and sharing real time information. MDT members may include representatives from Student Affairs/Student Conduct, Faculty/Academic Affairs, Human Resources, UPD, Title IX Coordinator, DHR Administrator, Clery Coordinator, and University Counsel
 - 1.5.2. The MDT should meet regularly and at a minimum, weekly, to review all new reports
 - 1.5.3. The MDT should ensure that all known and available information about the parties and the reported incident is shared with TIX/DHR to inform TIX/DHR's initial assessment and any steps it determines to take in response (including information maintained outside of Title IX/DHR's recordkeeping systems and information that may only be known to another unit or individual)
 - 1.5.4. The Title IX Coordinator/DHR Administrator should follow a protocol for securely sharing parties' university ID numbers or names and basic information about the reported incident in advance of MDT meetings to enable all participants to query their records systems and bring forward any relevant information
 - 1.5.5. The Title IX Coordinator/DHR Administrator should ensure that the multidisciplinary team is trained to treat information confidentially, with sensitivity, and consistent with state and federal privacy laws

- 1.5.6. The MDT should engage in consultation to inform decisions, including those about emergency removal, administrative leave, the reasonable availability of supportive measures, and questions about the scope of the university's education program or activity
 - 1.5.7. The MDT meetings should serve as natural opportunities for documenting the factors considered in reaching key decisions and documenting what information was known, when it was known, by whom it was known, and what impact it had on the Title IX Coordinator/DHR Administrator's analysis
 - 1.5.8. The MDT should facilitate the development of shared fluency and knowledge among key university partners related to the legal and regulatory requirements, policy frameworks, and considerations related to care and informed and equitable processes
- 1.6. Develop tools for consistent, informed, effective documentation and case management
- 1.6.1. For quality control, develop a case opening and closing checklist to ensure that all relevant documents, correspondence, and information are captured and preserved electronically
 - 1.6.2. To the extent feasible, seek to maintain data in a usable and searchable electronic format for efficient decision making, analysis and review
 - 1.6.3. Migrate all historical DHR reports and Title IX reports into the enterprise-level case management system, if not already included
 - 1.6.4. Develop periodic reviews for quality assurance
- 1.7. Oversee investigations for quality and consistency of prompt and equitable processes
- 1.7.1. Establish a protocol to ensure the timeliness of investigations, with routine quality control mechanisms throughout investigation process
 - 1.7.2. Develop quality control processes for monitoring active investigations for thoroughness and timeliness and ensure timely communications to parties throughout the investigative process (e.g., calendar internal 30-day, 60-day and 90-day alerts to prompt the investigator or case manager to make outreach to the parties)
 - 1.7.3. Ensure each report has sufficient review by the Title IX Coordinator/DHR Administrator and University Counsel (for legal review of sufficiency and adherence to policy)
2. Continue to evaluate barriers to reporting and engagement at the university level, with aggregation of data and advice and guidance by the Chancellor's Office
 3. Review and revise tone, content, and format of reporting forms and other template communications
 4. Review the current post-Title IX/DHR disciplinary processes for faculty and staff to ensure promptness, equity, and informed communication

- 4.1. Ensure the Title IX Coordinator/DHR Administrator remains engaged in any disciplinary processes, including sanctions and appeals, until final
- 4.2. Ensure that decisions about negotiated settlements are supported by a careful and coordinated review by all relevant campus and system level administrators
5. Develop and implement a process to routinely collect post-resolution feedback from the parties and all impacted individuals

C. Communications

We offer the following recommendations to improve awareness of the Title IX/DHR Office, strengthen campus communications, and address the trust gap:

1. Ensure distribution of a clear and consistent communication plan each semester that includes, at a minimum:
 - 1.1. Dissemination of the Notice of Non-Discrimination
 - 1.2. Dissemination of the Nondiscrimination Policy
 - 1.3. Information about reporting and resources
2. Develop an intentional marketing campaign to raise awareness about the role of the Title IX/DHR program, available resources, and resolution options
 - 2.1. Prioritize the messages of care, supportive measures, and resources
 - 2.2. Differentiate and educate about the difference between confidential resources and reporting options
 - 2.3. Partner with campus communications professionals to create and promote effective marketing materials, including through the use of professional branding that can be used across platforms (print, web, social media, imprinted on giveaway products)
3. Improve the Title IX/DHR website and other external-facing communications
 - 3.1. Review and revise web content, across all relevant webpages, for clarity, accuracy, and accessibility
 - 3.2. Ensure that web content includes: photographs and contact information for Title IX/DHR staff, notice of non-discrimination, a link to the Nondiscrimination Policy, an overview of procedural and resolution options (with accessible graphics), how to make a report (to Title IX/DHR or UPD), on and off campus confidential resources, the difference between confidentiality and privacy, supportive measures, employee reporting responsibilities, an FAQ, prevention and education programming

- 3.2.1. Consider including a link to an online reporting form that is not restricted to individuals with CSU or Chico State ID
- 3.2.2. Include on EODR's webpage a broader Notice of Non-Discrimination on the basis of all protected statuses (not limited to sex and gender)
- 3.2.3. Ensure that all hyperlinks are working; at this time, there are two broken hyperlinks on the Reporting an Incident webpage – one for "Contact the Title IX Office" and one for "Contact the Office of the Title IX Coordinator"
- 3.2.4. Expand the available information about supportive measures, care, and other non-investigative functions within EODR
- 3.2.5. Consider renaming the Title IX Preventing Discrimination tag line to reflect that Title IX also includes responding to reports of Title IX-related conduct
- 3.3. Gather, evaluate, and update all existing informational materials, web resources, posters/flyers, social media information, and other public-facing communications about the Title IX/DHR program to ensure that those materials:
 - 3.3.1. Reflect the current staffing and structure of the office, the current CSU Nondiscrimination Policy and resolution processes, and current information about on- and off-campus resources including confidential resources
 - 3.3.2. Are written in clear language, accessible (from both a disability perspective and a reading comprehension perspective), and consider strategic placement of newly developed print materials in areas frequented by students, staff, and faculty
- 3.4. Use standardized email addresses and/or materials that are able to be updated quickly (e.g., use of QR codes that point to dynamic webpages that can be updated; using, for example, "TitleIX@[name of university].edu," so that print materials do not become outdated if there is a personnel change, etc.)
4. Develop an expanded annual report with meaningful information/data
5. Develop standing committee of representative student, faculty and staff ambassadors to support and facilitate institutional efforts to more effectively communicate with campus constituents
6. Identify and prioritize opportunities for in-person engagement with Title IX/DHR staff (e.g., pop-up events, tabling at an information fair, open houses in various central locations, routine scheduled short presentations to key audiences, and/or sponsored or co-sponsored events);

D. Prevention, Education, Training and Awareness

We offer the following recommendations to promote legal compliance with the VAWA provisions of the Clery Act and consistent attention to prevention and education programming, training, professional development and awareness:

1. Allot sufficient budget lines to ensure consistent, baseline funding for personnel, legally-required programming, and technology/learning management systems
2. Proactively coordinate with system-level subject matter experts to assist with education, training, materials and communications related to complex and difficult issues facing all CSU institutions
3. Designate one individual with specific oversight of all university prevention and education planning and programming, preferably a full-time role without other job responsibilities
 - 3.1. This coordinator should be tasked with oversight of and responsibility for all legally-required programming under Title IX, the Clery Act, and California law
4. Convene a university-wide Prevention and Education Oversight Committee to coordinate and align programming across the university
 - 4.1. The Committee should include all departments who provide training, prevention and education, including, at a minimum, representatives from the Title IX/DHR program, the confidential advocate, student affairs, student health, counseling, UPD, athletics, fraternity and sorority life, residential life, human resources and employee labor relations, academic/faculty affairs, DEI professionals, identity-based affinity centers, university subject-matter experts, and staff, faculty, and student representatives
 - 4.2. The Committee should include subcommittees, as determined by the Committee. Committees may focus on the needs of various constituencies (undergraduate students, graduate students, staff, administrators, and faculty) or the types of programming (compliance, professional development, prevention and education, bystander intervention, etc.)
 - 4.3. The Committee should be charged with reviewing prevention program content, evaluating proposed programming or speakers, ensuring that prevention-related communications are reaching all constituents, and developing and implementing a mechanism for assessing effectiveness including by monitoring participation levels and measuring learning outcomes
5. With assistance from the Chancellor's Office, develop a strategic plan for university programming that identifies all training requirements under federal and state law and CSU policy, all constituencies and constituent groups in need of training, and all potential university partners that can collaborate to deliver content
 - 5.1. Constituent groups subject to required training should include students (undergraduate and graduate); targeted student populations (athletes, fraternity and sorority life, residential students, residence life student staff, international students, student leaders); senior leadership; faculty (deans, department chairs, leads, lecturers); staff (managers, supervisors); and campus partners who assist in the implementation of Title IX/DHR
 - 5.2. Identify all university partners who provide programming, including affinity and identity-based centers and student affairs personnel
 - 5.3. Identify opportunities for virtual and in-person engagement

- 5.4. Develop core principles and standards for content development
- 5.5. Build a university calendar that includes online modules, social norm campaigns, orientation for students and employees, recurring opportunities for programming, and awareness events
6. Facilitate a consistent communication plan each semester that includes dissemination of the policy, Notice of Nondiscrimination, reporting options and resources
7. Ensure that programming is coordinated, communicated and tracked
8. Develop a university website dedicated to prevention and campus programming that is kept current, facilitates distribution of prevention and education materials, and incorporates the opportunity for feedback and recommendations
9. Identify social media platforms and other vehicles for distributing programming information on a regular basis
10. In conjunction with the Chancellor's Office, expand professional development and training for faculty and staff, including senior leadership, deans, department chairs, managers and leads on Title IX and DHR; respectful and inclusive environments; conflict resolution; bystander intervention strategies; effective leadership and supervision; and, reporting responsibilities under Title IX, the Clery Act, and CANRA
 - 10.1. Ensure the training includes information about prohibited consensual relationships given the significant overlap of prohibited consensual relationships with Title IX, DHR and *other conduct of concern*
11. Create routine training, education, and professional development opportunities to cultivate competencies in navigating difficult conversations, bridging differences, and modeling respect and civility
12. Evaluate the potential opportunities for curricular or course-based programming credential-based options
13. Incorporate information about the Nondiscrimination Policy, reporting options, and confidential resources in syllabi statements
14. Commit to providing programming regarding bystander engagement
15. Participate in national conferences, listservs, networking events and other opportunities to coordinate with other professionals dedicated to prevention
16. Engage students in the development and delivery of programming through peer educator/peer advocate programs
17. Identify student leaders who can serve as ambassadors/promoters of this work
18. Develop consistent on-campus opportunities to be visible and present in the community

E. Responding to Other Conduct of Concern

We offer the following recommendations to develop policy, infrastructure, systems, and training to address *other conduct of concern*:

1. In conjunction with the Chancellor's Office and CSU's Office of General Counsel, develop a written policy, document, or statement by senior leadership to establish expectations, guidelines, and/or definitions of conduct
 - 1.1. The written framework should address unprofessional conduct, abusive conduct, microaggressions, acts of intolerance, and other disruptive behavior in the living, learning and working environment
 - 1.2. The written framework must also address intersections with free speech and academic freedom, including the explicit recognition that the CSU cannot discipline for protected speech
2. Reinforce CSU values and expectations about respect, tolerance, and professionalism through programming and opportunities for in-person engagement
3. Strengthen and expand available competencies regarding conflict resolution, navigating interpersonal conflict, restorative justice, and other forms of remedial responses
 - 3.1. Strengthen traditional employee relations functions within human resources to assist in responding to concerns involving faculty and staff
 - 3.2. Strengthen competencies of managers, supervisors, deans and department chairs by providing expanded training and professional development to meet the needs of assigned roles
 - 3.3. Consider the need for additional personnel, such as an Ombudsperson or a conflict resolution professional, including those with expertise in restorative justice and mediation
 - 3.4. Develop communications competencies to embrace the tension of difficult issues including the intersections of speech in the contexts of politically and socially-charged events and issues
 - 3.5. Communicate the new and available conflict resolution suite of resources through web content, annual training, and awareness campaigns
 - 3.6. Invest in education and training about conflict resolution
4. Create a centralized reporting mechanism that includes the option for online and anonymous reporting
 - 4.1. Ensure that the landing page for the anonymous reporting option includes appropriate caveats about the university's limited ability to respond to an anonymous report
5. Build a triage model/review process to ensure that all reports are assessed by Title IX and DHR professionals (and a subset of the Title IX/DHR MDT) and evaluate potential avenues for resolution that include the following:

- 5.1. Identify potential policy violation and investigative response, if any
- 5.2. Refer to the appropriate administrator/department to coordinate/lead the response
- 5.3. Identify reasonably available individual supportive measures, if any, and
- 5.4. Identify appropriate community remedies, if any
6. The reporting and resolution processes must ensure sufficient documentation system to track responsiveness, patterns and trends
7. This information should be tracked and analyzed on at least an annual basis to inform the need for remedial actions regarding culture and climate, targeted prevention and education programming, and ongoing issues of concern

Appendix I
Metrics: Campus Demographics and Population⁴³

The below chart reflects key metrics and demographic information for California State University, Chico.

California State University, Chico			
Location Information			
Location: Chico, CA (pop. 101,299) ⁴⁴	County: Butte County (pop. 207,303) ⁴⁵	Locale Classification: Midsize City ⁴⁶	
University Information			
President: Gayle E. Hutchinson Ph. D. (July 2016-June 2023) Steve Perez (July 2023 – present)			
Designations: Hispanic Serving Institution (HSI) ⁴⁷			
Students – Enrollment Data ⁴⁸			
Total Number of Students		14,223	
State-Supported		Self-Supported	
Undergraduates	12,885	Undergraduates	72
Grad & Post Bac Students	995	Grad & Post Bac Students	271
Student Ethnicity ⁴⁹			
Overall (includes State- and Self-Supported)			
White		43%	
Hispanic / Latino		37%	
Asian		6%	
Two or More Races		5%	
Race and Ethnicity Unknown		4%	
Black / African American		3%	
International Student		2%	
Native Hawaiian / Other Pacific Islander		<1%	
American Indian / Alaska Native		<1%	
State-Supported (13,880 students)		Self-Supported (343 students)	

⁴³ Unless otherwise noted, Cozen O’Connor obtained data concerning Chico State demographics, populations, Title IX and DHR staffing, operations and caseload from California State University and Chico State sources. This report will be updated to reflect material inaccuracies brought to our attention on or before September 15, 2023.

⁴⁴ United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/chicocitycalifornia/PST045221>, population estimate as of July 1, 2021.

⁴⁵ United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/buttecountycalifornia/PST045221>, population estimate as of July 1, 2021.

⁴⁶ Defined as a territory inside an urbanized area and inside a principal city with population less than 250,000 and greater than or equal to 100,000. See National Center for Education Statistics, <https://nces.ed.gov/programs/edge/Geographic/LocaleBoundaries> and <https://nces.ed.gov/surveys/annualreports/topical-studies/locale/definitions>.

⁴⁷ HSIs are defined under the Higher Education Act as colleges or universities where at least 25% of the undergraduate, full-time enrollment is Hispanic; and at least half of the university’s degree-seeking students must be low-income. See <https://www2.ed.gov/about/offices/list/ope/itudes/eligibility.html>

⁴⁸ California State University Enrollment Data, Fall 2022, Cal State Chico: https://tableau.calstate.edu/views/SelfEnrollmentDashboard/EnrollmentSummary?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no For purposes of this table, “state-supported” refers to students for whom the State of California underwrites some or all of their educational expenses and “self-supported” refers to students whose educational expenses are not underwritten by the state. Across the California State University system, with some exceptions, self-supported degree seeking students are generally those enrolled in programs administered by professional and continuing education programs.

⁴⁹ *Id.* This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

White	43%	White	43%
Hispanic / Latino	37%	Hispanic / Latino	30%
Asian	6%	Asian	10%
Two or More Races	5%	Two or More Races	13%
Race and Ethnicity Unknown	4%	Race and Ethnicity Unknown	8%
Black / African American	3%	Black / African American	6%
International Student	2%	International Student	<1%
Native Hawaiian / Other Pacific Islander	<1%	American Indian / Alaska Native	<1%
American Indian / Alaska Native	<1%	Native Hawaiian / Other Pacific Islander	<1%
Other Student Demographics⁵⁰			
Overall (includes State- and Self-Supported)			
First in Family to Attend College	23%		
% students who are traditionally underrepresented ⁵¹	39%		
% of undergrads who were Pell Grant recipients ⁵²	41%		
% of students who live on campus ⁵³	12%		
% undergrads who are in a fraternity or sorority ⁵⁴	7%		
4-year graduation rate for first-time FT freshmen ⁵⁵	35.9%		
State-Supported (13,880 students)		Self-Supported (343 students)	
Average Age	23	Average Age	32
Sex ⁵⁶	55% F; 45% M	Sex ⁵⁷	64%F; 36% M
First in Family to Attend College	23%	First in Family to Attend College	30%
% traditionally underrepresented ⁵⁸	40%	% traditionally underrepresented ⁵⁹	36%
Instructional Faculty⁶⁰			
Total # of faculty	923		
Tenure-track	49.2%		
Lecturer	50.8%		
% full-time ⁶¹	56.25%		
% part-time	43.75%		
Leadership body	Academic Senate ⁶²		

⁵⁰ *Id.*, except where noted otherwise. This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

⁵¹ For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

⁵² Pell Grants are federal grants that are usually awarded only to undergraduate students who display exceptional financial need. See U.S. Department of Education, Federal Student Aid, <https://studentaid.gov/understand-aid/types/grants/pell>. This data is for 2021 as 2022 data is not yet available.

⁵³ California State University, 2022 Systemwide Housing Plan, Figure 7, p. 20: <https://www.calstate.edu/impact-of-the-csu/government/Advocacy-and-State-Relations/legislative-reports1/Legislative-Report-CSU-Systemwide-Housing-Plan.pdf>

⁵⁴ See <https://www.csuchico.edu/fsa/> (last visited May 25, 2023).

⁵⁵ California State University, Graduation & Success Dashboards, with link to Graduation Dashboard, selecting the Summary Overview tab, and with Cal State Chico selected in drop-down menu. See <https://www.calstate.edu/data-center/institutional-research-analyses/Pages/graduation-and-success.aspx>. This data reflects the four-year graduation rate for first-time full-time freshmen entering CSUC during the Fall 2018 (most recent complete 4-year term available).

⁵⁶ Data does not capture number of students who do not identify on the sex/gender binary.

⁵⁷ *Id.*

⁵⁸ For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

⁵⁹ *Id.*

⁶⁰ California State University, CSU Faculty, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-faculty>, except where noted otherwise.

⁶¹ California State University, CSU Workforce, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-workforce/Pages/default.aspx> See “Headcount/FTE by Campus” tab.

⁶² Cal State Chico Academic Senate. See <https://www.csuchico.edu/sen/#:~:text=The%20Academic%20Senate%20is%20a,CSU%2C%20Chico%20campus%20since%201955>

Staff⁶³	
Total # of staff	952
% full-time	96.64%
% part-time	3.36%
Collective Bargaining Units	
Unit 1	Cal. Fed. of American Physicians and Dentists (UAPD)
Units 2, 5, 7, 9	California State University Employees' Union (CSUEU)
Unit 3	California Faculty Association (CFA)
Unit 4	Academic Professionals of California (APC)
Unit 6	Teamsters, Local 2010 – Skilled Trades
Unit 8	Statewide University Police Association (SUPA)
Unit 11	Academic Student Employees (UAW)
Athletics⁶⁴	
NCAA Division	II
NCAA Conference	CCAA ⁶⁵
Number of sponsored sports for '22-'23 academic year	13
Number of student athletes ⁶⁶	327

⁶³ California State University, CSU Workforce, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-workforce/Pages/default.aspx>. See “Headcount/FTE by Campus” tab.

⁶⁴ NCAA Directory, <https://web3.ncaa.org/directory/orgDetail?id=95>, except where noted otherwise.

⁶⁵ All sports are in the California Collegiate Athletic Association.

⁶⁶ See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for California State University, Chico. Number of student athletes equals the sum of the Unduplicated Count of Participants for Men’s Teams plus the Unduplicated Count of Participants for Women’s Teams.

Appendix II Feedback from Survey

In December 2022, we asked each campus President and the Chancellor's Office to disseminate an invitation to participate in an online survey meant to provide a platform for all community members to share their experiences, perspectives, and insights. Nearly 18,000 students, staff and faculty across the system participated in the survey. We used a third-party vendor to host the survey, which was designed by Cozen O'Connor.

As a foundational matter, the surveys were meant to be qualitative, not quantitative. We sought qualitative information to assess perceptions and provide insights into complex issues, not quantitative data for measurement of rates of incidence or prevalence. The purpose of the surveys was to ensure that all campus community members had the opportunity to participate in the review, and to do so in a manner that reduced barriers and allowed for candid participation without fear of retaliation. We do not view the extrapolated themes from the comments as representative of the entire campus community. Rather, the qualitative feedback requested through the survey was to gather community input and understand how stakeholders interact with, and perceive, their individual university and the system as a whole.

The systemwide survey, which was customized for each university, provided the opportunity to share anonymous responses to questions with respect to the following areas:

- Physical Safety and Security. Survey respondents were asked to rate their physical safety on campus, including locations in which they felt more or less safe.
- Culture of Inclusivity and Respect. Survey respondents provided feedback with respect to the culture of inclusivity and respect in their working, living, and classroom environments.
- Prevention, Education and Training Programs. Survey respondents were asked to rate the quality of the prevention, education, and training programs provided by the university.
- Interactions with Title IX/ DHR. Survey respondents were asked to describe their interactions with Title IX and DHR, share their perspective whether complaints were handled properly, and provide any insights and recommendations they had as community members to foster reporting and build trust in these resources.
- Barriers to Reporting. Survey respondents were asked about their perspectives of campus resources, including confidential resources and reporting options, and to share feedback about potential barriers to reporting.

At Chico State, we received 550 responses⁶⁷ from Chico State students, faculty, staff, and administrators as follows:

Constituency	Number of Responses
Undergraduate students	232
Graduate students	43
Staff	166
Faculty	99
Administrators/Managers	45
Other	23

An important part of this engagement was to provide the opportunity for community voices to be heard, as is, and we share that aggregate feedback here. We recognize that the information, perceptions, and insights shared by university constituents and stakeholders reflect individual perspectives and experiences that may not be universally held, or in some instances, supported by objective review of specific cases or incidents. We accept those perceptions as valid and do not seek to test the foundation of the perceptions. Our goal in seeking broad feedback was to identify aggregate themes by synthesizing information gathered, which we could then review and factor into the context of our own observations of policies, procedures and practices. The aggregate themes from the survey are as follows:

- Shooting threat by professor. In response to almost every question, survey respondents noted a recent incident that garnered media attention in which a faculty member was reported to have made a credible shooting threat against individuals who testified against him in a Title IX investigation, but was thereafter permitted to remain on campus.
- Conflicts of interest or loyalty in Title IX. Survey respondents wrote that they did not trust EODR, and instead viewed it as a tool to protect the university.
- Responsiveness of EODR. Some survey respondents wrote that EODR did not reply to their complaints in a timely manner, or at all.
- Lack of clarity as to resources. Some survey respondents stated they did not know who to call for various issues due to turnover in personnel.
- Training improvements. Many survey respondents stated that the online Title IX training was ineffective and irrelevant to them, and many called it a “waste of time.”

⁶⁷ Some survey respondents identified as belonging to multiple constituencies; hence, the number listed here is smaller than the sum total in the chart below.

- Power differentials as an obstacle to trust. Many survey respondents shared that they did not believe filing complaints against tenured faculty was worthwhile. Similarly, staff described feeling “less than” their faculty counterparts.
- Disability and neurodivergence. Survey respondents stated that disability accommodations were insufficient, and that neurodivergent individuals experienced discrimination.
- Lack of transparency regarding criminal conduct and emergencies. Survey respondents described instances when crimes had occurred, including stabbings and rapes, and no notice was provided to the community. Some respondents described a recent lockdown, and said that notice was not provided to all necessary stakeholders.

Appendix III Title IX Metrics (Title IX Annual Reports)

I. Approach to Metrics: Review of Annual Title IX Reports

As part of our review of the Title IX program at CSU Chico, we reviewed the university's annual Title IX reports for years 2018-2019 through 2021-2022. These annual reports are posted online on CSU Chico's [EODR website](#). The annual reports provide data regarding the reports of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, Stalking, and, as of 2021-2022, Sexual Exploitation and Sexual Harassment, made to EODR each year. The annual reports reflect the number of reports received, disaggregated by the type of conduct and whether the respondent was a student, employee, or third-party, unknown, or unidentified. Beginning in 2019-2020, the annual reports also reflect procedural outcomes, including:

- the number of reports that resulted in investigations with findings of a policy violation or no policy violation
- informal resolutions reached before or during an investigation
- requests from the complainant for resources supportive measures only
- no response from the complainant to the Title IX Office's outreach and insufficient information to move forward
- insufficient information to move forward with an investigation but sufficient information to take other remedial action
- an inability to send outreach to the complainant because the Title IX Office did not know their identity, and
- other types of outcomes as specified by the campus.

The annual reports provide information about sanctions imposed upon findings of responsibility and as a result of informal resolution. Finally, the annual reports also provide information about the number of open reported matters as of the beginning and end of the reporting period.

II. Caveats Regarding Interpretation of Data

In evaluating this data, we note that the CSU system currently lacks sufficient tools, processes, and practices to support consistent and reliable data-gathering across campuses. That being said, we have confidence that the data, while imperfect, provides sufficient reliability to extrapolate key themes and observations. As currently structured, the data-gathering system has significant challenges:

- across the system, the universities do not use consistent documentation and recordkeeping systems and practices to maintain their data;

- data gathered by the Chancellor’s Office is reliant on reporting by Title IX/DHR staff at each university based on the nature and manner in which they keep documentation;
- the structure and questions posed by the Chancellor’s Office to request data for the annual Title IX report have changed over time and not all universities use the same report structure;
- some data requests and questions may be unclear and therefore subject to interpretation; and,
- the annual Title IX reports do not capture foundational data that would enable an informed comparison between universities, such as number of students and employees and number of residential versus commuter students.

Importantly, the annual Title IX reports do not reflect the full breadth of work being performed by Title IX Offices, which is most often concentrated in campus outreach, prevention and education programming and training; responding to reports, conducting intake meetings, overseeing supportive measures, and conducting initial assessments; overseeing informal resolutions; coordinating with campus partners; responding to information requests in a variety of capacities; ensuring accurate and contemporaneous documentation; and strategic leadership on Title IX issues more broadly. The data currently requested also does not consistently capture key metrics such as the numbers and types of reports of Sex- or Gender-based Discrimination, Retaliation, and Discrimination or Harassment on the basis of other protected statuses covered by the Nondiscrimination Policy. In addition, as noted above, until the 2021-2022 academic year, the annual Title IX reports did not include data regarding reports of Sexual Exploitation or Sexual Harassment. For the above reasons, under the current process for systemwide data-gathering, it is difficult to draw precise conclusions about Title IX functions or make meaningful comparisons with other CSU universities from the data alone.

In presenting the below data, we note that some universities identified challenges with accuracy or completeness in their data. We have attempted to reconcile that data where possible, recognizing that some universities have provided data prepared by individuals who are no longer employed by the CSU. Before publishing this report, we sent outreach to all Title IX Coordinators to request that they verify the accuracy of their 2021-2022 annual Title IX report. On May 1, 2023, Chico State verified the accuracy of the report and provided additional context.⁶⁸

⁶⁸ CSU Chico clarified that, on page 4 of its 2021-2022 annual Title IX report, the table did not include three investigations because they were not completed as of June 30, 2022. Chico State also noted that the three reports on page 4 should have been two reports because the university inadvertently included one investigation that they conducted on behalf of CSU East Bay. With respect to the matters pending as of June 30, 2022, Chico State noted that two cases went to investigation. Chico State further responded that they had 19 DHR reports in 2021-2022, three of which resulted in a formal investigation.

Finally, we recognize the significant impact of the global pandemic on colleges and universities across the country, including CSU Chico. While we cannot know the precise impact that the pandemic had on incidence rates, awareness of campus resources, barriers to reporting and other relevant factors, we are careful not to draw firm conclusions about trends over the past three years due to the obvious but unquantifiable differences in pre- versus post-pandemic conditions.

III. Historical Data: Annual Title IX Reports (2018-2019 through 2021-2022)

The below charts reflect the number of reports of Sexual Misconduct/Sexual Assault, Dating/Domestic Violence, and Stalking that EODR received each per year; the procedural outcomes of those reports; and the number of reports involving student Respondents, employee Respondents, third-party Respondents, and unknown or unidentified Respondents.

A. Types of Reported Conduct⁶⁹

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	66	56	33	46
Reports of Dating/Domestic Violence	14	17	7	22
Reports of Stalking	4	15	3	13
Sexual Exploitation*	-	-	-	4
Sexual Harassment*	-	-	-	34
Total # of Reports in Above Categories	77	88	42	112
* This data was not requested by the Chancellor’s Office prior to the 2021-2022 academic year.				

B. Respondents’ Roles⁷⁰

The below data, prior to the 2021-2022 Academic Year, relate to the numbers of reports of Sexual Misconduct/Sexual Assault, Dating/Domestic Violence, and Stalking only. Sexual Exploitation and Sexual Harassment Claims are included in 2021-2022.

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Respondent is a student	25	28	10	53
Reports in which the Respondent is an employee	0	0	2	9
Reports in which the Respondent is a third-party			9	20
Reports in which the Respondent is unknown	52	60	21	30
Reports in which the Respondent is unidentified				
Total # of Reports in Above Categories	77	88	42	112

⁶⁹ This data does not include reports of incidents that fail to meet the threshold of Title IX misconduct.

⁷⁰ Respondent Role totals may differ from Reported Conduct totals due to multiple allegations for one Respondent.

C. Case Outcomes⁷¹

The below data reflect the collective outcomes of reports to EODR.⁷²

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Complainant did not respond to outreach and there was insufficient information to move forward	Data not available	Data not available	21	44
Reports in which the Complainant’s identity was unknown to the Title IX Office			-	-
Reports in which the Complainant requested supportive measures or resources only			4	42
Reports that resulted in other outcomes (except formal investigation)			16	14
Reports that resulted in a formal investigation*	5	2	1	5
* We learned through this review that this category is not an accurate indicator of the total number of investigations, in part because of how the question was narrowly framed by the Chancellor’s Office. This number does not capture investigations that were open at the end of the reporting period. It also does not capture investigations that were substantially completed, but discontinued at the request of the Complainant, because the case was otherwise resolved, or because the matter was dismissed based on mandatory/discretionary grounds under Title IX and university policy.				

⁷¹ Case Outcome totals may differ from Reported Conduct totals depending on exclusion of pending cases at the time of the annual report and inclusion of resolved open cases from previous years.

⁷² As a reminder, in 2021-2022, the data included Sexual Exploitation and Sexual Harassment, which were not included in earlier years. Because of the manner in which data was gathered by the Chancellor’s Office, it is unclear how the addition of these two categories of conduct impacted the number of outcomes.