

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

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California State University, Maritime Academy

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**Table of Contents**

	<b>Page</b>
I. Introduction.....	1
II. Overview of Engagement.....	2
III. Summary of Findings and Recommendations.....	4
IV. Historical Context at Cal Maritime .....	6
V. The Title IX and DHR Offices.....	9
A. Infrastructure.....	9
B. Visibility and Community Awareness of Title IX and DHR Offices .....	10
C. Website.....	11
D. Reporting Options.....	12
E. Case Processing.....	12
F. Review of Case Files.....	15
G. Culture and Climate .....	16
VI. Core Title IX and Related Requirements .....	21
A. Title IX Coordinator.....	22
B. Notice of Nondiscrimination.....	25
C. Grievance Procedures.....	27
VII. Campus Coordination.....	28
A. University Police Department.....	29
B. Student Conduct.....	29
C. Residence Life .....	30
D. Provost/Academic Affairs.....	30
E. The Department of Human Resources, Diversity and Inclusion .....	30
F. Clery Act Responsibilities.....	31
VIII. Campus Resources for Students and Employees .....	31
A. Confidential Advocate.....	31
B. Respondent Support.....	31
C. Counseling and Psychological Services .....	32
D. Student Health Center .....	32
E. Ombuds.....	33
F. Additional Resources for Students.....	33
G. Additional Resources for Faculty and Staff .....	33
IX. Prevention, Education, Professional Development, Training and Awareness.....	33
A. Students.....	35

- B. Employees..... 35
- C. Prevention and Awareness Programming ..... 36
- X. Other Conduct of Concern ..... 37
- XI. Recommendations..... 38
  - A. Infrastructure and Resources..... 39
  - B. Strengthening Internal Protocols..... 40
  - C. Communications ..... 44
  - D. Prevention, Education, Training and Awareness..... 45
  - E. Responding to Other Conduct of Concern..... 47
- Appendix I ..... 49
- Appendix II ..... 52
- Appendix III ..... 55

## 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).<sup>1</sup> 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

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<sup>1</sup> 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, Maritime Academy (Cal Maritime Report). The Cal Maritime review was led by Devon Riley and Adam Shapiro. The Cal Maritime 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 Cal Maritime 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.

Cal Maritime is located in Vallejo, CA. It has a student population of approximately 850 students, 87% of whom live on campus, and a workforce of approximately 250 staff and faculty. An overview of Cal Maritime's metrics 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 Title IX and DHR professionals, administrators, cadets, faculty, and staff. 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 Cal Maritime, Cozen O'Connor conducted a three day onsite campus visit from September 20-22, 2022, as well as multiple additional virtual follow-up meetings conducted over Zoom. In total, Cozen O'Connor conducted 25 meetings with over 30 Title IX and DHR professionals, administrators, and other key campus partners, some of whom we spoke to on multiple occasions. These meetings included interviews with the following offices and individuals (identified by role):

- University President
- Office of Cadet Leadership and Development
  - Vice President for Cadet Leadership and Development
  - Director of Community Standards and Interim Dean of Students
- Interim Title IX Coordinator
- DHR Administrator and Associate Vice President of Human Resources, Safety & Risk Management, and Diversity & Inclusion
- Office of the Provost
  - Provost and Vice President of Academic Affairs
  - Associate Provost
- Office of the Commandant
  - Deputy Commandant
- Athletics Department
  - Director of Athletics
- Student Health Services
  - Director of Health Services, Chief Medical Officer
  - Nurse Practitioner, Medical Officer
  - Director of Counseling
  - Confidential Advocate
  - Peer Health Educator
- Office of Residence Life
  - Director
- Clery Director
- Chief of University Police
- University Counsel
- Affinity Groups
  - Faculty Advisor to Gay Straight Alliance
- Members of DEI Council

In addition to these meetings with Title IX and DHR professionals, administrators, and campus partners, Cozen O'Connor sought feedback from cadets, staff, and faculty through a variety of modalities, including in-person engagement, through a systemwide survey, through a dedicated email address

([calstatereview@cozen.com](mailto:calstatereview@cozen.com)), as well as individual meetings via Zoom. During our September visit, we also held an open session for faculty, one for staff, and one for cadets, in order for each constituency to share their experiences and feedback. Due to high demand and interest from the cadets, we held a second open session for cadets via Zoom.

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, 123 responses<sup>2</sup> from Cal Maritime cadets, faculty, staff, and administrators. A summary of the survey response rate and data is included in Appendix II.

### III. Summary of Findings and Recommendations

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

**Insufficient Infrastructure, Visibility, and Trust Gap:** During the period of our review, and until June 5, 2023, Cal Maritime did not have an on-campus Title IX Office and the interim Title IX Coordinator worked remotely. The DHR Office was separately housed in Human Resources and the DHR Administrator was also the Assistant Vice President of Human Resources. During our listening sessions with the community, we learned of the community's perception that Cal Maritime is not invested in its Title IX and DHR programs. Underlying reasons for this opinion included negative perceptions of prior Title IX personnel (prior to December 2021) and concerns about pervasive discrimination and harassment on campus that were deeply impacting the community. On June 5, 2023, a new Title IX Coordinator began working in person and on campus at Cal Maritime. The process to transition the DHR office out of HR to be combined with and under the leadership of the Title IX Office is being reviewed by Cal Maritime. Our recommendations address combining the Title IX and DHR functions, building upon the infrastructure

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<sup>2</sup> Some survey respondents identified as belonging to multiple constituencies; hence, the number listed here is smaller than the sum total in the chart below.

developed by the interim Title IX Coordinator, improving visibility, and resolving the trust gap with the Cal Maritime community.

**Prevention and Education:** Cal Maritime has invested in the development of prevention and education programming through such offerings as [CommUNITY Day](#) where classes are canceled and the community comes together for workshops and listening sessions on issues related to inclusivity, cadet development, and community. Additionally, the Vice President for Cadet Leadership and Development publishes Inclusion Initiative Updates every semester detailing efforts related to Title IX programming, inclusivity, training opportunities, and prevention efforts. As with all of the CSU universities, we recommend Cal Maritime engage in more strategic planning and dedication of resources, including a dedicated prevention and education coordinator and a campus Prevention and Education Oversight Committee, to provide a holistic approach to sexual and interpersonal violence prevention and address issues related to discrimination and harassment. Given the gaps in awareness reported to us, as well as the issues of distrust, in-person engagement with campus constituents is critical to shifting perception and building trust.

**Responding to *Other Conduct of Concern*:**<sup>3</sup> As with other CSU universities, Cal Maritime struggles in its response to conduct issues that may not fall under the Nondiscrimination Policy, but are nonetheless disruptive to the living, learning, and working environment. We learned about concerns related to the fine line between harassing conduct and free speech protections. In January 2023, Cal Maritime hired a [Director of Inclusion Initiatives](#) tasked with addressing and improving climate related to discrimination and harassment, inclusion, and safety. While individual administrators seek to address reports related to *other conduct of concern*, Cal Maritime has no consistent and formalized mechanism for responding to and navigating these behaviors. We recommend that Cal Maritime work

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<sup>3</sup> We use the term *other conduct of concern* to refer to conduct that may not rise to the level of protected class 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.



closely with the Chancellor's Office to develop a formal process to address reports of *other conduct of concern*.

#### IV. Historical Context at Cal Maritime

The Title IX program at Cal Maritime has undergone significant development in both process and programming in the last two years and in the months since our on-campus visit. For context, this development occurred in tandem with changes in the Maritime industry as a whole and additional federal requirements of maritime academies. First, beginning in September 2021, the male-dominated maritime industry underwent a “reckoning” following a public account from [Midshipman-X](#) of pervasive sexual misconduct that had gone unchecked for years. The public reaction to historically ignored practices in the industry influenced conversation at Cal Maritime and sparked student responses (e.g., [csumstudentvoices.org](#)) and media articles. The newfound attention on historically unreported misconduct, while behind in timing from the national conversation, created in the community an increased awareness of such conduct and a closer examination and skepticism of the institution's response. Second, as a maritime academy, Cal Maritime is subject to additional regulatory requirements related to reports of sexual assault and sexual harassment (e.g., [EMBARC](#), US Maritime MOA).<sup>4</sup>

Additionally, for context it is important to note that Cal Maritime is the smallest of the 23 CSU universities with around 800 students and has an 80-20 gender split (predominantly male).<sup>5</sup> The current climate of the maritime industry, the additional regulatory requirements, and the unique makeup of Cal Maritime necessarily create different challenges for Cal Maritime as compared to other CSU universities.

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<sup>4</sup> “Every Mariner Builds a Respectful Culture” (EMBARC) is a set of rules that commercial vessels are asked to agree to in order to have cadets sail on their vessel. In cooperation with the United States Maritime Administration, the State Maritime Academies, including Cal Maritime, implemented a process where vessel operators are asked to agree to follow EMBARC principles in order to have State Maritime Academy cadets receive billets (placements) on their ships. President Cropper was one of five maritime academy presidents to [pledge support](#) for the new Sexual Assault and Sexual Harassment Prevention Mandatory Minimum Standards outlined in EMBARC.

The Memorandum of Agreement between the Maritime Administration and CSU Maritime indicates that the Academy must “promptly report to the Operations Director and designees in the event of... non-compliance or alleged violation of Federal, State, or international law, statute, or regulation. Such reports shall be followed by complete written details of the occurrence, including...accident or incident reports filed with the USCG, witness statements, emails, correspondence from the injured parties, and/or foreign counterparts if the incident occurs while in foreign waters.”

<sup>5</sup> We do not have data about students who identify as non-binary or gender-non conforming.

Over the last two years, the Title IX program, and to a lesser extent, the DHR program at Cal Maritime have undergone significant improvements to process, responsiveness, training, and prevention programming. Despite these improvements, the Cal Maritime community has not fully felt their impact. Potential explanations include: 1) there has not been a physical Title IX Office on campus since 2021, nor a permanent Title IX Coordinator because the Title IX Coordinator role has been filled by an external interim who was not physically located on campus; 2) like the maritime industry more broadly, the campus has had a reported history of pervasive male toxicity where complainants are just now starting to feel comfortable speaking up publicly about their experiences of discrimination and harassment; and 3) there is a profound distrust of former university leadership — in part because of the perceived ineffectiveness of the prior Title IX program — that has permeated and divided the community.

In our review of the university's Title IX program, it is clear that the lack of an on-campus Title IX Coordinator has overshadowed the significant recent efforts, detailed below, undertaken by the former interim Title IX Coordinator and the former Vice President for Cadet Leadership and Development to establish a responsive and consistent approach to reports. While there was some overlap in inclusion efforts that impact the DHR program, the administrative response to reports of discrimination and harassment that were not on the basis of sex or gender, were less developed (e.g., out of date forms and templates, delayed responsiveness, and minimal web presence).

Recognizing that there is much work to be done to rebuild trust and heal, the following significant efforts should serve as a foundation for the successful implementation of the Title IX and DHR programs:

Cal Maritime hired additional personnel:

- In December 2021, in response to ongoing and persistent feedback that the community had little faith in the former Title IX program, Cal Maritime engaged an external professional from [Grand Rivers Solutions](#) to serve as the interim Title IX coordinator, and initiated a national search for a new Title IX and Civil Rights Officer.
- After a lengthy search process,<sup>6</sup> Cal Maritime hired a permanent on-campus Director of Title IX and Civil Rights Officer with an office located in the Student Services Building. This employee's start date was June 5, 2023.
- In January 2023, Cal Maritime hired a [Director of Inclusion Initiatives](#) tasked with addressing and improving climate related to discrimination and harassment, inclusion, and safety.

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<sup>6</sup> Cal Maritime has had two failed searches for a Title IX Coordinator since the announcement of a search in December 2021.

- Since 2022, Cal Maritime has developed programming to raise awareness and foster inclusivity that includes:
- [CommUNITY Day](#) where classes are canceled and the community comes together for workshops and listening sessions on issues related to inclusivity, cadet development, and community.
- The Vice President for Cadet Leadership and Development publishes Inclusion Initiative Updates every semester detailing efforts related to Title IX programming, inclusivity, training opportunities, and prevention efforts.
- Cal Maritime hosted its 12<sup>th</sup> annual Women in Maritime Leadership Conference that included 35 speakers covering topics such as, Understanding Equity & Privilege; Work-Life Balance and Creating Safe Spaces in Educational & Work Environments.
- In Spring 2023, Cal Maritime held its Inaugural Lavender Commencement.
- In October 2023, Cal Maritime will host an LGBTQ+ in Maritime Leadership Conference to provide a platform for members of the LGBTQ+ community working in the maritime industry to come together, share their experiences, and learn from one another in order to promote inclusivity and diversity within the field and to support the professional development of LGBTQ+ leaders in the maritime industry.

In 2022, Cal Maritime adopted and integrated a records management system (Maxient) for Title IX reports.

In 2022, Cal Maritime implemented a Presidential Task Force and adopted recommendations to improve the culture and climate aboard the [Training Ship Golden Bear](#) (TSGB).<sup>7</sup>

The Title IX webpage was revamped and provides readily accessible information on reporting options on campus and on cruise,<sup>8</sup> an overview of the resolution process, and information about resources.

During the 2022-23 academic year, the interim Title IX Coordinator provided supplemental training to cadets and employees, including responding to incidents while on cruise.

During this implementation period, Cal Maritime will also undergo leadership changes. On November 28, 2022, [President Cropper announced his retirement](#), effective August 1, 2023. The interim President, Vice Admiral Michael Dumont, started July 7, 2023. The Vice President of Cadet Development and Leadership also resigned, effective June 16, 2023. We hope that the below observations, findings, and recommendations will assist Cal Maritime through this multi-level transition, which will have direct

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<sup>7</sup> The Training Ship *Golden Bear* (TSGB) serves as the primary training platform on which cadets apply technological skills introduced in the classroom and leadership skills acquired from their work assignments and responsibilities with the Corps of Cadets.

<sup>8</sup> Each summer, cadets in their first and third years depart with licensed faculty officers for two months during the Annual Training Cruise. During these periods at sea, cadets apply what they have learned in the classroom, in the lab, in the Corps, and on the waterfront.

impacts on the Title IX/DHR program moving forward. As Cal Maritime continues to challenge and develop its culture, it will be imperative to smoothly integrate these leadership changes and continue the momentum of change undertaken to date.

## **V. The Title IX and DHR Offices**

### **A. Infrastructure**

The Title IX Office sits in the Student Affairs reporting line. During the course of our review until June 5, 2023, the Title IX Office consisted of an interim Title IX Coordinator and an Acting Director of Title IX Processes, both of whom worked remotely from another state. On June 5, 2023, the Director of Title IX and Civil Rights Officer was onboarded.<sup>9</sup> Until June 5, 2023, there was no physical Title IX Office on campus. The Title IX Coordinator reports to the Vice President for Cadet Leadership and Development, who functions as the equivalent of a Vice President of Student Affairs.

To expand Title IX's footprint and accessibility on campus, Cal Maritime recently appointed 12 Title IX liaisons to serve as informed campus constituents and additional resources for cadets. The Title IX liaisons are trained to receive, document, and provide an initial response to reports or concerns of Title IX-related conduct. Their primary responsibilities include:

- To promptly convey any reported or otherwise identified concerns to the Title IX Coordinator;
- To connect individuals who report with appropriate resources and support options;
- To work with the Title IX Coordinator to facilitate any interim/supportive measures for individuals while on cruise;
- To create a detailed record of all incidents reported on cruise; and
- To gather preliminary information to allow for assessment of a concern (after first consulting with the Title IX Coordinator).

The current Title IX liaisons are:

- Captain of the TSGB
- Human Resources Benefits & HR Coordinator
- Assistant Dean/Director of Community Standards
- Director of Athletics and Physical Education
- Associate Athletics Director
- Chief of Staff/AVP of University Affairs
- Deputy Chief of Staff
- Commandant

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<sup>9</sup> Given the timing of this review and written report, the Director of Title IX and Civil Rights Officer was not interviewed for this assessment.

- Deputy Commandant
- Director of Residence Life
- Associate Professor, Sciences and Mathematics
- Associate Professor, Marine Transportation

During the course of our review, and until June 5, 2023, the Title IX and DHR functions were maintained in two separate offices (and divisions). Until June 5, 2023, the Assistant Vice President of Human Resources served as the DHR Administrator and reported to the Vice President of Administration and Finance. The AVP of Human Resources is also responsible for compliance with the Whistleblower Protection Act, the Public Records Act, and responses to inquiries from the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Education's Office for Civil Rights (OCR).

The interim Title IX Coordinator documented all reports within the Maxient records management system. The DHR Administrator maintains hard copy files as well as digital files on Sharepoint. As Cal Maritime reviews the structure of the Title IX and DHR offices under new leadership, it should also consider maintaining DHR records in Maxient and migrating all historical Title IX and DHR files into Maxient.

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 of Title IX and DHR Offices**

We repeatedly heard that because there is not a Title IX Office on campus, there is not a "Title IX presence" on campus. In comparison to other CSU universities, the Cal Maritime community is more aware of the Title IX Office, even if because of its historical negative associations with the Office or because of the void of physical presence on campus. Individuals with whom we spoke had a heightened sense of the need for a physical Title IX Office with a physically present Title IX Coordinator, but also reflected a gap in understanding of the Office's purpose and its function, which includes the provision of supportive measures, prevention and education programming, and the required resolution process. When the new office is created, education about the purpose and function of the office will be integral to its successful development.

The DHR program has a lesser presence on campus and online. Reports of discrimination and harassment on the basis of protected statuses other than sex or gender are generally still made to the Title IX office, given its visibility, and then routed to the DHR Administrator for response.

### C. Website

Cal Maritime's Title IX program has a robust web presence compared to other universities across the CSU. The website includes:

- The Notice of Nondiscrimination, a link to the grievance procedures, and contact information for the Title IX Coordinator
- A link to the [online reporting form](#)
- A link to [available supportive measures](#)
- A link to available on and off-campus [resources](#)
- Information on [how to make a report](#), a list of the [Title IX liaisons](#), and the available on-campus confidential resources
- [Process flow charts](#) for reports made on campus, aboard TSGB, while on sea training, the international experience, or during an internship
- The [training](#) provided to the campus community and the training received by the Title IX Coordinator, and,
- [Myths and facts](#) about sexual misconduct/sexual assault and [myths and facts](#) about relationship violence.

Opportunities for improvement are detailed in the recommendations.

The [Human Resources](#) website includes information related to how to file a [DHR complaint](#) accessible from a tab titled "HR Forms and Resources" and then a link with "complaint forms." The website does not provide easily accessible information about the DHR process or the identity of the DHR Administrator. Providing a link on the Human Resources website may limit cadet access as cadets do not normally have reason to use the Human Resources website, especially as there is no conspicuous indicator that information related to DHR complaints is available on the Human Resources website. When the DHR function is consolidated with the Title IX function, the Title IX website should be updated to incorporate DHR reports and related information.

## **D. Reporting Options**

### **1. Title IX**

Reports can be made to the Title IX Coordinator in person or via email, telephone, or an [online reporting form](#) accessible through the [Office's website](#).<sup>10</sup> Reports can be made by a complainant directly or through third parties (e.g., responsible employees). The online reporting form may be submitted anonymously and the form clearly informs the reporter that anonymous submissions of the reporting form “may impact the University’s ability to fully respond to the complaint.”

### **2. DHR**

Reports can be made to the DHR Administrator in person, or via email, telephone, or an online complaint form accessible through the [Human Resources Office's website](#). Reports can be made by a complainant directly or through third parties (e.g., responsible employees). The online reporting form reads, “This complaint form is for use by individuals who are eligible to file a complaint of Discrimination, Harassment, Retaliation, Sexual Misconduct, Dating or Domestic Violence or Stalking under Executive Order 1097.” This form is out of date and our recommendations include updating this form to avoid confusion with the online reporting form available from the Title IX Office.

## **E. Case Processing**

### **1. Title IX**

Upon receipt of a report, the Title IX Coordinator sends outreach to the complainant. Cal Maritime developed its own template outreach letter to ensure consistency in communication. The outreach letter provides all legally required information to the complainant in a neutral and informative tone. A second, more abbreviated outreach letter is sent to a complainant, if there was no response to the first outreach letter.

As the interim Title IX Coordinator worked remotely, initial meetings with complainants were via Zoom. In the initial meeting, the Title IX Coordinator seeks to understand the reported facts, provides an overview of the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual](#)

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<sup>10</sup> The CSU System publishes an online Complaint Form as Attachment F of the Nondiscrimination Policy.

[Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#),

discusses supportive measures, and reviews the resolution options. The interim Title IX Coordinator reported having a close working relationship with the survivor advocate and routinely provided complainants with the advocate's information.

The steps following the initial meeting with the complainant include the following range: provision and oversight of supportive measures, investigation and hearing, informal resolution, or dismissal of formal complaint.

The provision of supportive measures is managed by the Title IX Coordinator. The Title IX Coordinator is able to implement supportive measures promptly. The Title IX website provides [a representative list of supportive measures](#) as a resource for the community. A complainant may receive supportive measures even if no formal complaint and investigation is sought. The majority of the Title IX Coordinator's open case load involves the provision and oversight of supportive measures.

Investigations are outsourced to external professionals. We heard there is often some delay in securing an external investigator due to the limited availability of investigators. Cal Maritime developed a template Notice of Allegations that contains all legally required information, including available resources, and is neutral and informative in tone. The notices sent to respondents includes a request to meet with the Title IX Coordinator to review the investigation process and the allegations. The investigator takes the lead on fact gathering and evidence review. Cal Maritime also developed template communications for witness interview requests and the notice of evidence review, which are legally compliant and neutral and informative in tone.

Cal Maritime faces unique challenges in the timeliness of investigations as certain class years of cadets are away on cruise for 90 day stretches with no regular phone and WiFi access, and are effectively unavailable to participate in an investigation. We heard from cadets who were negatively impacted by the delay that cruise caused to the resolution of their investigation and include in our recommendations steps to avoid those delays.

Cruise also presents unique challenge in terms of responding to reports of prohibited conduct that occur while on cruise. To address these challenges, Cal Maritime appointed two faculty who are on training cruise aboard the TSGB as Title IX liaisons who are trained to receive complaints and coordinate with the Title IX Coordinator while on cruise. Counselors and medical providers are also available on the training



ship to provide support. To improve opportunities for communication while cadets are on cruise, Cal Maritime now provides satellite phones for more efficient communication in case of incidents. Other safety measures have also been implemented; for example, a faculty member has received an extra summer contract to act as a designated person ashore to receive any calls from concerned cadets at sea and to check in with each cadet periodically.

In the event a case proceeds to a hearing, a pool of hearing officers is provided by the Chancellor's Office. Cal Maritime completed two live hearings this academic year.

We observed a competent, organized, and prepared approach to the resolution of reports by the interim Title IX Coordinator that included collaboration with support resources and support from leadership. We note that this observation is inconsistent with the perception conveyed by many members of the Cal Maritime community that the Title IX Office is unresponsive and does not meaningfully respond to reports of sex discrimination, including sexual harassment. Based on the feedback we received from community members, this perception likely developed based on individuals' personal experiences with the previous Title IX Office. Individuals with whom we spoke shared direct experiences of feeling minimized by the prior Title IX Coordinator. As reported by one cadet, "the lack of process opened a crater of distrust and now people don't report because of that." The current, and still relatively nascent, Title IX Office has not yet had the opportunity to rebuild the trust deficit of the current community. We received feedback that the lack of an on-campus Title IX Coordinator, despite the substantive process improvements, has not bridged the gap of distrust because the process is still delayed and the absence on campus is pronounced. One cadet reported, "[the new Title IX Coordinator] is Zoom only [and] in another state. I want to say the wait to talk to her is pretty significant. You can't go to her office and find her. It's very frustrating."

In addition to Cal Maritime's unique institutional features, the Title IX program experiences the same challenges of perception as Title IX programs across the CSU and the country. One cadet reported, for instance, "A lot of us are told 'don't go to Title IX because it makes things worse.' That was passed off to me as a freshman and people pass it along to freshman every year." The word-of-mouth perceptions and stories handed down from previous class years are particularly challenging at a small institution like Cal Maritime. The Cal Maritime community is also in lockstep with the broader maritime industry's "reckoning" of sexual and gender-based harassment and discrimination, which has resulted in increased reporting and public accounts of pervasive harassment and discrimination that occur within the industry. The public reaction to historically ignored practices in the industry is necessarily intertwined with the

conversation happening among Cal Maritime's community. The challenge of prior negative experience and ensuing perception can only be surmounted with consistent responses that reflect a balance of compliance with the law and care for the community.

## **2. DHR**

Upon receipt of a report, the DHR Administrator or designee will review the report to determine the applicability of the Nondiscrimination Policy. Until September 2022, a Diversity Officer conducted intake meetings with complainants and led most investigations. Complex investigations were outsourced to external investigators. In September 2022, the Diversity Officer left the University and the role has not been re-filled. Pursuant to Track 3 of the Nondiscrimination Policy, the investigator is tasked with making a finding of responsibility. Currently, the DHR Administrator conducts the intake meeting and the investigation (if not outsourced), provides the necessary supportive measures, makes a determination of responsibility, and makes a recommendation on sanction to either the provost (in faculty cases) or to the President (for suspension or termination of an employee).

Template and sample DHR communications were not provided, so we were unable to review outreach letters, notices of investigation, and requests for interviews; however, the DHR response can be folded into the developed Title IX response by the new Director of Title IX and DHR.

### **F. Review of Case Files<sup>11</sup>**

The interim Title IX Coordinator provided us with access to all files within Maxient to review, the contents of which spanned the life of a case, from case creation through a live hearing. We found the files to be organized and to contain appropriate documentation of information received, outreach, and correspondence. We also reviewed investigation reports submitted by the DHR Administrator. All of the investigation reports and the Hearing Decision were prepared by an external investigator or hearing officer.

Of note, one of the investigation reports we reviewed reflected a thorough fact gathering (relevant witnesses interviewed, text communications and medical records gathered), but would have benefited

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<sup>11</sup> 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.

from clarity and follow-up on the complainant's incapacitation. We also reviewed a written hearing decision, issued following a live hearing, and found the procedural history and recitation of facts to be robust, but that there were opportunities to improve some of the language in the analysis section. Aside from slight revisions to tone, the investigation reports and hearing decision reflected competent and thorough investigations.

The quantitative data provided to us reflects that as of February 2023, completed Title IX investigations reportedly took 61 days, 72 days, 101 days, 158 days, 161 days, and 450 days to complete. Of the four investigations that were open, each was open for 15 days, 50 days, 227 days, and 239 days. The Nondiscrimination Policy provides that investigations should be completed within 100 working days from the date of the Notice of Investigation.

Timeliness of investigations is a problem institutions face across the CSU and nation-wide. Cal Maritime is no exception and we heard from both implementers and the community that investigations take a long time to complete. Cadets reported experiencing delays in scheduling a time to talk with the Title IX Coordinator. The Title IX Coordinator identified the most frequent causes of delay as the time it takes to appoint an investigator and the cadets' cruise schedule. Our recommendations include the development of protocols to minimize delays in process. Delays caused by cruise are an unavoidable obstacle, but protocols and training of investigators should enable the community to be more aware of these timing constraints and enable the Title IX Office to minimize the delay as much as possible.

We heard concerns from multiple individuals about the responsiveness and accessibility of the DHR Administrator, to cadets in particular, and that as a result, responsible employees route DHR reports to other more responsive offices like the Title IX Office.

## **G. Culture and Climate**

### **1. Structural Factors**

Cal Maritime is predominantly male (80%). We heard about a culture of "toxic masculinity" that exists in pockets, especially among the cadet leadership corps and the sense that "the Commandant's Office is male dominated and like an old boys group." The lack of female representation in the cadet body is noteworthy. However, we also learned that female cadets are increasingly being included in leadership positions, including a female corps commander, a female cadet housing director, and multiple female

officers. Additionally, five out of the eight individuals on the President's cabinet are women (Provost, Vice President for Cadet Leadership and Development, Athletics Director, Captain of TSGB, and the Chief of Staff).

The power dynamics created by the hierarchy and authority structure of the Corps of Cadets — which is unique among the CSU universities to Cal Maritime — further adds to the feelings of vulnerability experienced by certain segments of the cadet population. We heard cadets describe being threatened with “demerits” by cadet leaders who they then have to sit next to in class as peers. Our assessment did not include a review of sanctions issued by Corps leadership; however, we share this perception with Cal Maritime as it informs potential review to ensure equity in the application of discipline in the Corps of Cadets.

The small size of Cal Maritime's cadet population and physical campus, as well as the insular nature of its community, was reported to us as having a negative impact on reporting. With only 808 cadets, 95% of whom are residential cadets, an in-person curriculum (formation, watch, cruise), and only one campus dining hall, privacy is a challenge. Cadets echoed this concern, sharing with us that, “the rumor mill around here is intense [and] the chance of being socially ostracized is huge.”

Faculty described having close connections to students, given the smaller student population, and feeling the impact of helping students navigate the culture of “toxic masculinity” and fear of retaliation. Faculty echoed students' fears of retaliation, describing concerns about the response by administrative leadership for faculty speaking out in ways to address and respond to the challenges experienced in recent years. Faculty noted improvement in process with Grand River Solutions stepping in as interim Title IX Coordinator, but kept their focus broader and on issues related to repairing trust and creating a safer environment for female and minority cadets.

Staff also shared feeling a fear of retaliation by administrative leadership for raising concerns of discrimination and harassment. They viewed the leadership in Human Resources as adversarial and lacked trust that reports would be responded to without retribution.

## **2. Community Distrust**

The individuals with whom we spoke conveyed a distrust of campus leadership as it relates to its response to Title IX conduct. That distrust was formed in large part by the community's perception that leadership

is not invested in a successful and effective Title IX program. This perception was driven by experiences with the former Title IX Office, as well as the use of an external interim Title IX Coordinator who, although experienced and fluent in Title IX issues, works remotely from another state. The lack of a physical and staffed office on campus helped fuel the perception that leadership is not invested in the program.

The distrust has also been motivated by the community's perception that the university's leadership remained silent in the wake of public accounts of discrimination and harassment at Cal Maritime and in the maritime industry more broadly. Many of the individuals with whom we spoke described feeling hurt, frustrated, and outraged, even in the face of evidence of communications by university leadership. We reviewed communications from leadership reflecting that Cal Maritime did respond to public accounts and published their responses on the [Inclusion Initiative's webpage](#). This notable disconnect between the community's perception and the actions taken by leadership to address issues related to discrimination and harassment informs our recommendations related to forming a student advisory committee to work with the institution to address issues on culture and climate and to bridge the gap in communications.

Cadets also shared direct experiences that left them questioning the safety and inclusivity of the Cal Maritime community. We heard their feedback about the administration's delay in revising the campus's "grooming" standards, the perceived counterintuitive and/or retaliatory application of the Corps of Cadets' disciplinary system (e.g., a cadet reported receiving more demerits for missing formation than a cadet who wrote a swastika in his room and threatened to kill people), and the administration's actions related to the transgender community (e.g., repeatedly deadnaming cadets and publicly outing transgender cadets). Cadets were grateful for the newly opened Inclusion Center, but questioned its location on the less-frequented lower campus. These experiences have shaped cadets' perceptions of inclusivity, respect, and safety on campus.

We also observed that a higher percentage of the student (cadet) populations at Cal Maritime participated in this review than any other campus. While experiences of the past cannot be undone, this high rate of participation demonstrated that there is a real opportunity to connect and improve with an engaged student body.

### **3. Pervasive Misconduct**

We learned of instances – some public – of transphobia, homophobia, and racist conduct that have negatively impacted the climate on campus. Recent media accounts include the following: sexual and

gender-based discrimination and harassment aboard TSGB, including “two rapes reported in 2019, a sexual assault in 2022 and accusations that a captain sexually harassed women and made disparaging remarks about the LGBTQ community and women during a 2021 training cruise;”<sup>12</sup> concerns about gender-based policies, the outing of transgender cadets, and peer harassment or mocking of LGBTQ classmates, as well as concerns about the campus response;<sup>13</sup> women’s basketball team members being targeted with anonymous racist and homophobic social media posts;<sup>14</sup> acts of gender-based discrimination and homophobia;<sup>15</sup> and, overt racist comments to a Black cadet in November 2021.<sup>16</sup> These reports mirror the cadet accounts provided to us of pervasive misconduct that compounds feelings of marginalization for female, LGBTQ+, and non-white cadets. These accounts shed an important light on the experiences of cadets that may have gone underreported in years’ past, and should serve to inform education and awareness programming and steps to shift behavior specifically and culture more broadly.

#### **4. Institutional Efforts to Improve Climate and Culture**

Cal Maritime has engaged in multiple reviews and investigations into campus climate and culture to identify and respond to the contributing factors.

In response to the 2021 vandalism incident aboard the TSGB, Cal Maritime engaged a civil rights investigator from another CSU campus to seek feedback from participants in the two summer 2021 cruises aboard TSGB. The report, entitled, “Feedback and Perspectives on 2021 Training Cruises,” was made public to the community, and included the following findings: 1) concerns related to several instances of “inappropriate, discriminatory, vulgar or offensive writings or other imagery, especially toward female cadets” that were “drawn on the ship bow, on doors in the lower berthing area, and on a whiteboard in the control room” and, 2) concerns related to anti-LGBTQIA+ behavior and language used frequently

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<sup>12</sup> Colleen Shalby and Robert Lopez, [On a ship where future mariners train, CSU women say they faced sexual abuse and harassment](#), L.A. Times, April 13, 2023.

<sup>13</sup> Robert Lopez and Colleen Shalby, [‘Always have a knife with you’: Women and trans students fear harassment, hate at CSU campus](#), L.A. Times, December 13, 2022.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

aboard cruises and on campus by many cadets.<sup>17</sup> In response, former President Tom Cropper convened a Task Force to review the report, and develop “immediate and long-term recommendations on ways to make cruise a positive, safe, and equitable experience for every cadet.” On April 13, 2022, the Task Force, co-chaired by the interim Title IX Coordinator and the former Human Capital Manager and Diversity Officer, submitted short term and long term recommendations, all of which have been adopted.

Concurrent with the December 2021 engagement of Grand River Solutions to serve as the interim Title IX Coordinator, in response to what President Cropper described as “ongoing and persistent feedback that our community did not trust our current Title IX program,” Grand River Solutions was also engaged to “review the Cal Maritime Title IX processes then in place, gain an understanding of the campus-wide perception of the Title IX office, and to offer suggestions to improve the overall functioning of the Title IX office and the Title IX response processes.” That assessment identified a gap in community understanding of the role of the Title IX Coordinator, the resolution process, and how to respond to reports of discrimination and harassment; the need for improved information sharing among campus partners; community distrust of the Title IX program; and pervasive social media posts targeting women and the LGBTQ+ community feeding a perception that such conduct is acceptable. Recommendations included re-training efforts, robust prevention and education programming, a campus-wide communications plan, consolidation of Title IX and DHR, and improved responsiveness. Where able, these recommendations were adopted and instituted prior to our review.

In February 2022, TNG submitted a report to Cal Maritime following an engagement to conduct an external review of the campus climate with a focus on gender equity. The engagement request originated from the Gender Equity Committee. The feedback and experiences shared by the community in the review by TNG largely mirrors what we heard in the current assessment about distrust. The recommendations, which largely overlapped with Grand River Solutions’ recommendations, included hiring a permanent Title IX Coordinator, increasing education and awareness programming, developing target policies for cruise, and developing intentional messaging and support “from the top down.” These recommendations were adopted and instituted in large part prior to our review.

Cal Maritime has taken numerous intentional steps to address the trust deficit on campus. Most notably, a targeted campaign was launched to improve inclusion initiatives that includes the hiring of a [Director of](#)

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<sup>17</sup> Feedback and Perspectives on 2021 Training Cruises, p. 3.

[Inclusion Initiatives](#) tasked with improving campus climate. Initiatives are tracked and shared with the community via the Inclusion Initiatives' [website](#). The [Inclusion Center](#) also serves as a physical gathering space for cadets to learn more about diversity, equity, and inclusion through direct engagement.

Cal Maritime's appointment of 12 Title IX liaisons serves as an additional avenue for cadets to intersect with the Title IX program. Increased training, CommUNITY Day programming, and campus speakers have increased the level of conversation and awareness of discrimination and harassment. Additionally, the Vice President for Cadet Leadership and Development issues semester updates to the community about inclusion initiatives. The spring 2023 update addressed recent inclusion initiatives, the announcement of the Director of Title IX and Civil Rights Officer starting June 5, updates on events held by the confidential advocate and Counseling and Psychological Services (CAPS), and recent Title IX trainings and prevention efforts.

These steps to engage the community in conversation and share information are intentionally aimed at chipping away the "crater of distrust" and the skepticism we observed from cadets. However, to the frustration of many, these efforts have not done enough to move the needle on improving campus culture, in part because of: the impact of the publicly described pervasive incidents of discrimination and harassment (as well as similar incidents that individuals have chosen to keep private) remains raw and is compounded by ongoing public accounts as the maritime industry works to shift its culture more broadly; the cadet body lacks the gender and racial diversity that exists on other CSU university campuses; the President's commitment in December 2021 to hire a full time Title IX Coordinator has only been fulfilled after almost a year-and-a-half (despite documented investments and efforts to do so earlier); and, like most other schools, investigations take months to complete, leaving parties in limbo and feeling like nothing happens. Changing culture and repairing trust takes time. We also note that the impending changes in leadership in the Title IX Office, the Vice President's Office, and in the President's Office, will present both fresh challenges and opportunities to heal campus culture. In our assessment, the steps taken to date will prove to be meaningful, provided they are consistently implemented and widely messaged.

## **VI. 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;<sup>18</sup> (ii) adopt grievance procedures that are prompt and equitable;<sup>19</sup> and (iii) publish a nondiscrimination statement.<sup>20</sup> In the sections below, we describe our observations of the University's compliance with each 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,<sup>21</sup> 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.<sup>22</sup> 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.<sup>23</sup> The Title IX Coordinator's role and responsibilities should be clearly defined, and the institution must notify applicants for admission and employment, cadets, parents or legal guardians of elementary and secondary school cadets, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the institution, of the name or title, office address, electronic

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<sup>18</sup>34 C.F.R. § 106.8(a).

<sup>19</sup>34 C.F.R. § 106.8(b).

<sup>20</sup>34 C.F.R. § 106.8(c).

<sup>21</sup> 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 nondiscrimination. 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.

<sup>22</sup> 34 C.F.R. § 106.8(a).

<sup>23</sup> *Id.*

mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.<sup>24</sup> The Title IX regulations detail the responsibilities of the Title IX Coordinator, which include, among other things:

1. Receiving reports and written complaints;<sup>25</sup>
2. Coordinating the effective implementation of supportive measures;<sup>26</sup>
3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;<sup>27</sup>
4. Considering the wishes of the complainant with respect to supportive measures, explaining the process for filing a formal complaint;<sup>28</sup>
5. Attending appropriate training;<sup>29</sup>
6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;<sup>30</sup>
7. Overseeing the prompt and equitable nature of any investigation or resolution, and;<sup>31</sup>
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.<sup>32</sup>

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<sup>24</sup> *Id.*

<sup>25</sup> 34 C.F.R. § 106.30(a)(defining “actual knowledge” as including notice to the Title IX Coordinator).

<sup>26</sup> *Id.*

<sup>27</sup> 34 C.F.R. § 106.44(a).

<sup>28</sup> *Id.*

<sup>29</sup> 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 prejudgment of the facts at issue, conflicts of interest, and bias.”)

<sup>30</sup> 34 C.F.R. 106.45(b)(1)(iii).

<sup>31</sup> 34 C.F.R. § 106.8(a)(charging the Title IX Coordinator with “coordinating [institutional] efforts to comply” with Title IX).

<sup>32</sup> 34 C.F.R. § 106.8(a); 34 C.F.R. § 106.45(b)(7)(iv).

Under the Title IX regulations, guidance documents issued by the U.S. Department of Education’s 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.<sup>33</sup> Generally, 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, Cadet 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.”<sup>34</sup> 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

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<sup>33</sup> 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 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.”

<sup>34</sup> 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.”

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.

The Director of Title IX and Civil Rights Officer, and her contact information — as well as contact information for the Title IX Office more broadly — is displayed on a university [website](#). We find that the Title IX Coordinator is appropriately positioned organizationally, as she reports directly to the Vice President of Cadet Affairs and Cadet Leadership, who is a part of the President’s senior leadership team.

In terms of training, we observed that the former interim Title IX Coordinator had a high level of substantive subject matter fluency with respect to Title IX. She is an external professional with Grand River Solutions, and receives ongoing training through the CSU, the Cadet Conduct Institute, and ATIXA. Since 2013, the incoming Director of Title IX and Civil Rights Officer has served in the role of Title IX Coordinator at other institutions during which time she received regular training through ATIXA.

Given Cal Maritime’s size, the Title IX Coordinator is sufficiently resourced to carry out care and compliance responsibilities. She is supported by leadership and campus partners who are on campus.

Finally, we observed no obvious conflicts of interest in terms of the Title IX Coordinator role reporting to the Vice President for Cadet Leadership and Development.

## **B. Notice of Nondiscrimination**

The Title IX regulations require that institutions publish a nondiscrimination statement.<sup>35</sup> The statement must notify applicants for admission and employment, cadets, parents or legal guardians of elementary and secondary school cadets, 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;<sup>36</sup>
2. The institution does not discriminate with respect to admissions or employment, and;

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<sup>35</sup>34 C.F.R. § 106.8(b).

<sup>36</sup> *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.<sup>37</sup>

Cal Maritime has a [Notice of Nondiscrimination on the Basis of Gender or Sex](#) published on its Title IX website, which consistent with the Title IX regulations, states that the University does not discriminate on the basis of gender, which includes sex and gender identity or expression, or sexual orientation in its education programs or activities. The Notice does not include that the University does not discriminate with respect to employment or admissions. The website includes contact information for the campus Title IX Coordinator, but omits the required contact information for OCR to assist individuals seeking to report sex discrimination.

A link to the Title IX webpage that includes the Notice of Nondiscrimination is included on most Cal Maritime webpages (e.g., the [landing page](#) for the Academy, [Admissions](#), [Campus Life](#), [Human Resources](#)). A link to the Notice was not found on the Athletics website.

The [employee onboarding website](#) includes a link to a [Notice of Nondiscrimination on the Basis of Gender or Sex](#), which likewise states that the University does not discriminate on the basis of gender or sexual orientation in its education programs and activities, and includes employment. According to the Notice, this prohibition on discrimination includes sexual harassment, sexual misconduct, and gender based dating and domestic violence and stalking. The Notice provides out of date contact information for the campus Title IX Coordinator and Title IX liaisons, but does include contact information for OCR.

The [Admissions website](#) also includes a broader nondiscrimination statement that reads "Cal Maritime does not discriminate on the basis of race, color, religious creed, national origin, ancestry, disability, medical condition, sex, gender identity/gender expression, sexual orientation, marital status, pregnancy, age, genetic information, and military or veteran status in its educational programs, activities and employment." While broader in scope, this Notice omits admissions among the identified programs, the

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<sup>37</sup> 34 C.F.R. § 106.8(b)(2).

name and contact information for the Title IX Coordinator is out of date, and the identity of the DHR Administrator is not included.

### 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 . . . .”<sup>38</sup> 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.<sup>39</sup>

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

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<sup>38</sup> 34 C.F.R. § 106.8(c).

<sup>39</sup> *Id.*

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 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.<sup>40</sup> 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.

## **VII. Campus Coordination**

Prior to our campus visit, Cal Maritime had implemented a Title IX Support Team that consists of the Title IX Coordinator, the Vice President of Cadet Affairs and Cadet Leadership, the Director of Community Standards, the Director of Residence Life, and the Deputy Commandant. The function of the Title IX Support Team is to bring together key campus partners in order to centrally share information in a way that will enable Cal Maritime to provide holistic supportive measures for cadets. Members of the Title IX Support Team also sit on the Behavioral Intervention Team and the Care Team. Our recommendations include expanding the Title IX Support Team to apply more broadly to DHR and employee matters.

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<sup>40</sup> 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."

There are plans to empanel a Title IX advisory group that includes a broader set of campus partners, including campus police and Title IX liaisons to monitor climate and trends, and identify targeted training needs.

#### **A. University Police Department**

The Cal Maritime [Police Department](#) provides 24 hour a day, year round, protection for the campus community. UPD handles all patrol, investigation, crime prevention education, [emergency preparedness](#), and related law enforcement duties for the campus community. UPD currently employs a force of 11 sworn police officers with full arrest powers; four non-sworn staff, and two support staff. UPD is responsible for updating and maintaining the daily crime log and the Chief is involved in the decision making for issuing a timely warning.

Responding officers are trained to provide complainants with written support resource information, and offer to connect complainants with the Confidential Advocate on campus. Police are responsible employees and share reports with the Title IX Coordinator; however, consistent with the current interpretation of California Penal Code 293, UPD will honor a complainant's wish to maintain their identity as confidential and not include the complainant's name in the information shared with the Title IX Coordinator.

#### **B. Student Conduct**

The [Office of Community Standards](#) administers the cadet conduct system. The Office administers both the CSU Standards for Student Conduct and the Corps of Cadets Code of Conduct. The office address student behavior through the Conduct Review Boards, Discipline Review Hearings, and Captain's Masts. Records are maintained in the Maxient database.

The Assistant Dean of Students and Community Standards Director reports to the Vice President for Cadet Leadership and Development. The Community Standards Director is consulted on sanctioning decisions for student respondents and, along with the Title IX Coordinator, recommends a sanction to the Vice President for Cadet Leadership and Development, who imposes the final sanction. During our visit, a Title IX/DHR case had not yet been presented to the Director for consideration of sanction. The Director reported having a collaborative working relationship with the Title IX Coordinator, including being on the Title IX Support Team. The Director also co-chairs the CARE team with the Director of CAPS.



### **C. Residence Life**

The Office of Residence Life consists of the Director, two on-campus and one on cruise Residential Life Coordinator, and 23 student Resident Housing Officers. Conduct violations that occur in the residence halls that carry demerits are adjudicated by student conduct and conduct violations that do not carry demerits are addressed by the Director of Residence Life. The Director of Residence Life works closely with the Title IX Coordinator and is a member of the Title IX Support Team and is a trained DHR hearing officer. The Office of Residence Life, in conjunction with the Title IX Coordinator, addresses interpersonal conflict of residents that does not constitute a potential policy violation. Residence Life staff are trained annually and use Maxient to document and submit reports to the Title IX Coordinator.

### **D. Provost/Academic Affairs**

The [Provost and Vice President of Academic Affairs](#) is the senior administrator in the President's Cabinet and is responsible for all aspects of academics, including faculty, enrollment and student support services, curriculum development, and accreditation. The [Faculty Senate of Cal Maritime](#) is the official body of faculty which participates in the governance of the university. The Senate makes recommendations regarding curriculum, academic standards, criteria and standards for the selection, retention and tenure of faculty members, and all other matters that affect faculty and students.

### **E. The Department of Human Resources, Diversity and Inclusion**

The [Department of Human Resources, Diversity, and Inclusion](#) is responsible for payroll, personnel and labor relations services for faculty, staff, administrators, librarians, counselors, and coaches, instructional student assistant employees as well as student and work-study assistants. The office also oversees whistleblower and whistleblower retaliation complaints, as well as responses pursuant to Public Records Act requests and inquiries from the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Education's Office for Civil Rights (OCR). The Associate Vice President of Human Resources serves as the DHR Administrator and is responsible for addressing all reports of discrimination, harassment, and retaliation the basis of protected statuses other than sex, gender, sexual orientation, gender identity, and sex stereotype for all complainants and respondents including students, faculty, and staff. The office also receives all employee-related complaints and grievances including reports of unprofessional conduct and non-protected-class misconduct.

## **F. Clery Act Responsibilities**

The Clery Director also serves as the Manager of Environmental Health and Safety and reports to the AVP of Human Resources. He has served as the Clery Director for two years and is responsible for maintaining information necessary to prepare the Annual Security Report, and identifying and training campus security authorities. In preparation and support for his role, he received training from the Clery Center and described receiving support from the Chancellor's Office. Assessments of timely warnings are made by the University Police Department, in conjunction with the Clery Director.

## **VIII. Campus Resources for Students and Employees**

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

### **A. Confidential Advocate<sup>41</sup>**

Cal Maritime has a [Confidential Advocate](#) who is on campus and available to the community Monday through Thursday from 10 a.m. to 6:30 p.m., and remotely on Fridays. The Confidential Advocate is contracted externally through [Victim Empowerment & Support Team](#), a Solano County non-profit organization offering support services to survivors of sexual assault and domestic violence. During our campus visit, Cal Maritime contracted externally with a Confidential Advocate from [WEAVE](#), who was on campus two days a week and available virtually three days per week. The Confidential Advocate role reports to the Director of Counseling and Psychological Services (CAPS).

### **B. Respondent Support**

Like most other universities in the CSU system, Cal Maritime does not have any dedicated resources for respondents, such as a dedicated support person for respondents or a respondent advisor program. In the event a Title IX case proceeds to a hearing, the Chancellor's Office provides a hearing advisor to respondents if they do not already have their own advisor, as required by the federal Title IX regulations. While there is no requirement to have a respondent support person or advisor, we recommend that Cal

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<sup>41</sup> The Confidential Advocate role is defined in Attachment C of the Nondiscrimination Policy and discussed in the Systemwide Report.

Maritime identify a dedicated resource to address the unique needs of respondents in the grievance process.

### **C. Counseling and Psychological Services**

[Counseling and Psychological Services](#) (CAPS) is integrated with Student Health Services, and provides in person and [virtual](#) services. CAPS serves students and offers [counseling](#), crisis support, [mental health assessments](#), education, prevention, outreach, community [referrals](#), as well as [consultations](#) for faculty and staff. CAPS is [confidential](#) and its services are free of charge.

CAPS staff includes a director, who reports to the Director of Student Health Services, and one counselor. There is no limit on counseling sessions available to students. CAPS reportedly has a good working relationship with campus partners and is intentional in awareness programming to increase its visibility on campus. CAPS counselors intersect with the Title IX and DHR Program in helping cadets through the decision to proceed to an investigation and coaching cadets through the resolution process, as well as making referrals for additional support and services. The addition of a confidential advocate for survivors has been a benefit, but equivalent respondent support services are still lacking.

### **D. Student Health Center**

The [Student Health Center](#) provides confidential, clinic-based primary care services to all Cal Maritime matriculated students. Staff includes a Director of Student Health Center/Chief Medical Officer, a nurse practitioner, a Director of Counseling, a licensed professional clinical counselor, a consultant pharmacist, two medical assistants, a confidential advocate, and a health educator. The Director of Student Health Center reports to the Vice President for Cadet Leadership and Development.

The center is located on campus, and during the annual training cruise, the center relocates to the medical treatment facility onboard the TSGB. This facility is staffed with a Chief Medical Officer (physician) and a Medical Officer (nurse practitioner) 24 hours a day for emergency care.

The Student Health Center does not offer sexual assault medical exams, and patients requiring sexual assault medical exams need to be transported to the hospital. In such cases, the confidential advocate or a representative from the Student Health Center will accompany the student patient to the hospital.

Staff of the Student Health Center with whom we met shared that the students who went through the Title IX resolution process seemed to be “cared for in a more holistic response” than before by the Title IX Coordinator. Staff also shared that there needs to be more community conversation around behavior, professionalism, and consent.

#### **E. Ombuds**

Cal Maritime’s ombuds services are currently inactive.

#### **F. Additional Resources for Students**

Students have access to a number of on- and off-campus [resources](#) that are identified on the Title IX website. In addition to [CAPS](#), a [confidential advocate](#), and the [Student Health Center](#), Cal Maritime opened [the Inclusion Center](#), which is a community space open to all cadets from different backgrounds and life experiences. The Center aims to build community and provide equitable resources for student support. In alignment with campus efforts to enhance equity and inclusion, the Inclusion Center provides opportunities for campus community members to learn more about diversity, equity, and inclusion through direct engagement. The Inclusion Center includes resources for [Accessibility and Disability Services](#), [Counseling and Psychological Services](#), the [Educational Opportunity Program](#), [Title IX Resources](#), [Diversity Clubs and Organizations](#), and more.

#### **G. Additional Resources for Faculty and Staff**

Cal Maritime offers an [Employee Assistance Program](#) (EAP) for all employees of the University. The EAP provides free and confidential services to employees, including: short-term counseling, assessments, and referrals.

### **IX. Prevention, Education, Professional Development, Training and Awareness<sup>42</sup>**

Prevention and education programming is part of the mission of the Title IX program at Cal Maritime. The [website](#) provides:

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<sup>42</sup> 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.

**Our mission** is to collaborate with University departments and organizations, through policy and procedure, to:

- educate all University members on how to prevent, identify and report discrimination, harassment, and gender-based violence
- monitor complaints of discrimination, harassment, and gender-based violence, conduct a fair and equitable investigation of each complaint, and use information from monitoring and investigations to inform prevention education
- connect those affected by discrimination, harassment, and gender-based violence with campus and community resources that will allow them to move forward

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.<sup>43</sup> Even if responsibilities are shared with a Confidential Advocate, the Title IX Coordinator “remains primarily responsible for all campus-based prevention and awareness activities.”<sup>44</sup> 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.<sup>45</sup>

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

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<sup>43</sup> See Attachment B: Campus Title IX Coordinators Role and Responsibilities.

<sup>44</sup> See Attachment C: Confidential Sexual Assault Victim's Advocates.

<sup>45</sup> *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.”

## **A. Students**

All incoming and returning cadets are required to take Title IX online training every academic year through an external vendor that includes general definitions of prohibited conduct and consent and hypothetical scenarios. 91% of the student body completed the online training this academic year.

Cadets generally reported the online training was unhelpful and ineffective. In October 2022, the Title IX Coordinator held two voluntary in-person training sessions for cadets to review the Nondiscrimination Policy, which was attended by one cadet. In April 2023, cadets were required to attend one of the following three Title IX trainings applicable to their cruise schedule: 1) cadets going on TSGB cruise, 2) cadets going on ST II (commercial cruise), 3) and three open sessions for everyone else. In addition, cadet leaders and first year cadets also received bystander intervention training. Residence Hall Officers, who received responsible employee training, received additional training on how to support survivors in a trauma-informed way.

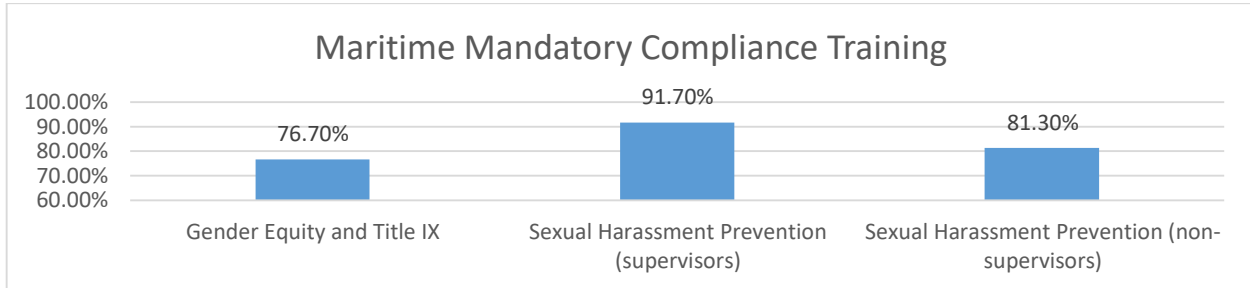
## **B. Employees**

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).

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 each university for the 2022 calendar year:<sup>46</sup>

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<sup>46</sup> These percentages have been validated by each individual university. Please note employees designated by their university as "on leave" were removed from these final percentages.



In addition to the CSU mandated training, in October 2022, Cal Maritime provided mandatory training for responsible employees that covered how to respond to a report, how to forward a report to the Title IX Coordinator, an overview of the resolution process, and available resources.

In addition, in January 2023, the newly appointed Title IX liaisons received specialized training for their role from the Title IX Coordinator. In August 2022, management staff received [Safe Zone training](#) on how to provide a welcoming environment for LGBTQIA+ individuals.

When we were on campus in September 2022, we received feedback that cadets and employees who do not intersect with the Title IX resolution process routinely are unfamiliar with the requirements of that process, which was why additional training sessions were offered for cadets and employees. As at other CSU universities, we also noted the need for expanded professional development and training opportunities for faculty and staff.

### C. Prevention and Awareness Programming

In addition to these training efforts, Cal Maritime has prioritized awareness programming. This programming has included: several four week educational series on mass media and gender-based gender socialization and its impacts, sexual harassment vs flirting, healthy boundaries, and self-care; First Year Seminar sessions on engaging men and boys; and several events for domestic violence awareness month. Additionally, Peer Health Educators educate other cadets on sexual health, drugs and alcohol, mental health, and nutrition.

In February 2023, Cal Maritime held a [CommUnity Day](#) in which classes were cancelled, and the community gathered for events focused on cadet development and engagement. Workshops included “Shame and Guilt in the Reporting Process,” “Breaking Silence: Biases and Accountability,” “Pride and Pronoun,” and “Administrator Ask Me Anything.”

Cal Maritime also held the 12<sup>th</sup> annual Women in Maritime Leadership Conference that featured 35 speakers covering topics such as, Understanding Equity & Privilege; Work-Life Balance and Creating Safe Spaces in Educational & Work Environments. In October 2023, Cal Maritime will host an LGBTQ+ in Maritime Leadership Conference to provide a platform for members of the LGBTQ+ community working in the maritime industry to come together, share their experiences, and learn from one another in order to promote inclusivity and diversity within the field and to support the professional development of LGBTQ+ leaders in the maritime industry.

These notable efforts to raise awareness and improve prevention should continue and further develop once the combined Title IX / DHR Office is up to speed. Our recommendations speak to expanding training to targeted student groups, as well as employees, in conjunction with professional development opportunities; maintaining a campus training calendar; and expanding the existing training website to track all trainings.

#### **X. Other Conduct of Concern**

As with other universities across the CSU system and nationwide, Cal Maritime has had challenges navigating 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.

As noted throughout this report, issues related to *other conduct of concern* have been deeply impactful at Cal Maritime. Like many CSU universities, there is no formal process to resolve those concerns, which are likely underreported given the trust deficit and the gaps in structure. Cal Maritime currently tracks and documents in Maxient all reports that are made to the Title IX Coordinator, even those that are determined to not meet the criteria of a policy violation. In November 2021, Cal Maritime experienced a public incident in the form of a text chain between cadets containing transphobic language. While the



language was [condemned by University leadership](#), it was deemed protected speech and therefore not a policy violation. The incident and conversation around protected speech was very much on the forefront of students' minds when we met with them nearly a year later in September 2022.

The complex intersection of protected speech and harassing conduct is part of a larger national conversation on college campuses and beyond. Cal Maritime is not alone in feeling challenged to meaningfully address *other conduct of concern*. Cal Maritime is notably engaging in conversation to address *other conduct of concern* in its awareness and prevention programming. The addition of the Director of Inclusion Initiatives, tasked with improving campus climate on issues related to inclusivity, will serve as a necessary partner for addressing incidents related to bias and microaggressions that are not prohibited by Policy. Additionally, we learned that the Associate Provost, in consultation with the Title IX Coordinator, engages faculty in educational conversations about conduct that does not rise to the level of a policy violation. Last, we learned that Cal Maritime intends to replicate a [bias incident reporting process](#) similar to what was implemented by California State University, Sacramento. These steps to address *other conduct of concern* are meaningful, and our recommendations speak to additional steps all CSU universities can take in its response.

## **XI. 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
  - 3.1. Identify personnel for administrative support, to include front-desk/reception personnel, documentation and recordkeeping assistance, and management of communications channels including emails, phone calls, and all records management system reports
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
6. Consolidate the Title IX and DHR program into one centralized office
7. 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
  - 7.1. Especially in light of the significant leaderships changes, in Title IX, DHR, the Vice President for Cadet Leadership and Development, 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
8. 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.)
9. Identify a sustainable model to provide respondent support services

## **B. Strengthening Internal Protocols**

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

1. Invest in the onboarding process for the Director of Title IX and Civil Rights Officer
  - 1.1. Develop a written plan and schedule for onboarding, including introduction to the maritime industry, the unique aspects of Cal Maritime, introduction to the CSU system, and an update/debriefing on recent and historical Title IX/DHR concerns and issues
  - 1.2. Develop a written plan for introducing the Director of Title IX and Civil Rights Officer to the community
  - 1.3. Commit to the consistent investment in professional development and continuous learning for Title IX and DHR implementers and senior leaders who oversee the Title IX/DHR program (CLEs, conferences, system training, etc.)
2. Develop a transition plan for the current external consultant to ensure the seamless turnover of all existing reports and open matters to the Director of Title IX and Civil Rights Officer
  - 2.1. Communicate with all parties involved in current reports or investigations to introduce the Director of Title IX and Civil Rights Officer and explain their role
  - 2.2. Communicate with campus constituents who are involved in ongoing programming, initiatives, and projects to incorporate the Director of Title IX and Civil Rights Officer into those efforts
  - 2.3. Follow the proposed plan of a two week overlap between the interim Title IX Coordinator and the Director of Title IX and Civil Rights Officer to provide a sufficient onboarding period for the interim Title IX Coordinator to transfer information and advice about the status of each matter
3. Coordinate with the Regional Director, Systemwide Title IX/Civil Rights Division, and subject matter experts to:
  - 3.1. Map the case resolution process from reporting and intake through to investigation and resolution process
    - 3.1.1. Compare the current process against standard practices and identify any concerns related to timeliness, conflicts, gaps in communication, or gaps in consistent process
    - 3.1.2. Identify, map, and reconcile intersections with faculty/staff grievance and disciplinary processes
  - 3.2. Develop robust intake, outreach, and case management protocols for supportive measures and resources
    - 3.2.1. 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

- 3.2.2. Seek to hold an intake meeting with all individuals who make a report of conduct that would potentially violate the Nondiscrimination Policy
- 3.2.3. Develop protocols for notifying and coordinating with the confidential advocate at the intake meeting, if possible
- 3.2.4. 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
- 3.2.5. Create a feedback loop to acknowledge responsible employee reports and confirm receipt of the report and next steps
- 3.2.6. 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
- 3.3. 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:
  - 3.3.1. Take steps to respond to any immediate health or safety concerns raised by the report
  - 3.3.2. 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
  - 3.3.3. 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
  - 3.3.4. 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
  - 3.3.5. 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
  - 3.3.6. Assess the available information for any pattern of conduct by respondent
  - 3.3.7. Discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns)
  - 3.3.8. Explain the policy prohibiting retaliation and how to report acts of retaliation

- 3.3.9. Determine the age of the complainant, and if the complainant is a minor, make the appropriate report of suspected abuse consistent with state law
- 3.3.10. Evaluate other external reporting requirements under federal or state law or memoranda of understanding
- 3.3.11. Develop, and follow, a comprehensive written checklist/form to ensure that all required actions are taken under state and federal law
- 3.3.12. 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
- 3.3.13. 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
- 3.4. 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
- 3.5. Strengthen campus collaboration and information-sharing through a multidisciplinary team (MDT) model
  - 3.5.1. Update membership and protocols for the current "Title IX Support Team" by working with the Chancellor's Office to 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
  - 3.5.2. The MDT should meet regularly and at a minimum, weekly, to review all new reports
  - 3.5.3. 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)
  - 3.5.4. 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
  - 3.5.5. 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
  - 3.5.6. 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

- 3.5.7. 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
- 3.5.8. 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
- 3.6. Develop tools for consistent, informed, effective documentation and case management
  - 3.6.1. For quality control, develop a case opening and closing checklist to ensure that all relevant documents, correspondence, and information are captured and preserved electronically
  - 3.6.2. To the extent feasible, seek to maintain data in a usable and searchable electronic format for efficient decision making, analysis and review
  - 3.6.3. Migrate all historical DHR reports and Title IX reports into the enterprise-level case management system, if not already included
  - 3.6.4. Develop periodic reviews for quality assurance
- 3.7. Oversee investigations for quality and consistency of prompt and equitable processes
  - 3.7.1. Establish a protocol to ensure the timeliness of investigations, with routine quality control mechanisms throughout investigation process
  - 3.7.2. 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)
  - 3.7.3. 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)
4. 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
5. Review and revise tone, content, and format of reporting forms and other template communications
6. Apply the already developed template communications used in Title IX related reports to DHR related reports
7. Review the current post-Title IX/DHR disciplinary processes for faculty and staff to ensure promptness, equity, and informed communication
  - 7.1. Ensure the Title IX Coordinator/DHR Administrator remains engaged in any disciplinary processes, including sanctions and appeals, until final
  - 7.2. Ensure that decisions about negotiated settlements are supported by a careful and coordinated review by all relevant campus and system level administrators
8. 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 Nondiscrimination
  - 1.2. Dissemination of the Nondiscrimination Policy
  - 1.3. Information about reporting and resources
2. Continue development of 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 nondiscrimination, 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
  - 3.3. Update all web information with name and contact information for the Director of Title IX and Civil Rights Officer
  - 3.4. Update the title of the Department of Human Resources, Diversity and Inclusion as the DHR oversight transitioned to the Director of Title IX and Civil Rights Officer
  - 3.5. Update the online reporting form for DHR reports
  - 3.6. Scrub the university website for out of date forms and personnel
  - 3.7. Update the Notice of Nondiscrimination as discussed in Section VI
  - 3.8. Resolve broken links for Domestic Violence Guide & Safety Planning and Faculty Guide For Reporting Title IX Concerns

- 3.9. Revise the flow-charts to include that the Title IX Coordinator is not a confidential resource and there is an option to appeal if the respondent is found responsible
- 3.10. 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:
  - 3.10.1. 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
  - 3.10.2. 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
- 3.11. 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 a standing committee of representative student, faculty and staff ambassadors to support and facilitate institutional efforts to more effectively communicate with campus constituents
  - 5.1. The committee should meet periodically throughout the semester to identify and address key issues of concerns, to inform communications, propose programming and awareness events, and to ensure partnership between student body and university leadership.
  - 5.2. The student advisory committee could include students, the President, the Vice President for Cadet Leadership and Development, the Provost, and the Athletics Director.
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 Population<sup>47</sup>**

The below chart reflects key metrics and demographic information for Cal Maritime.

<b>California State University Maritime Academy</b>			
<b>Location Information</b>			
<b>Location:</b> Vallejo, CA (pop. 123,564) <sup>48</sup>	<b>County:</b> Solano County (pop. 448,747) <sup>49</sup>	<b>Locale Classification:</b> Midsize City <sup>50</sup>	
<b>University Information</b>			
<b>President:</b> Thomas A. Cropper (May 2012-present) <sup>51</sup>			
<b>Designations:</b> N/A			
<b>Students – Enrollment Data<sup>52</sup></b>			
Total Number of Students		<b>849</b>	
<b>State-Supported</b>		<b>Self-Supported</b>	
Undergraduates	798	Undergraduates	N/A
Grad & Post Bac Students	10	Grad & Post Bac Students	41
<b>Student Ethnicity<sup>53</sup></b>			
<b>Overall (includes State- and Self-Supported)</b>			
White	46%		
Hispanic / Latino	21%		
Asian	10%		
Two or More Races	10%		
Race and Ethnicity Unknown	6%		
Black / African American	3%		
International Student	<1%		
Native Hawaiian / Other Pacific Islander	<1%		
American Indian / Alaska Native	<1%		
<b>State-Supported (808 students)</b>		<b>Self-Supported (41 students)</b>	
White	48%	Race and Ethnicity Unknown	46%
Hispanic / Latino	22%	White	<1%
Asian	11%	Hispanic / Latino	<1%

<sup>47</sup> Unless otherwise noted, Cozen O’Connor obtained data concerning Cal Maritime demographics, populations, Title IX and DHR staffing, operations and caseload from California State University and Cal Maritime sources. This report will be updated to reflect material inaccuracies brought to our attention on or before September 15, 2023.

<sup>48</sup> United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/vallejocitycalifornia/PST045221>, population estimate as of July 1, 2021.

<sup>49</sup> United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/solanocountycalifornia/PST045221>, population estimate as of July 1, 2021.

<sup>50</sup> 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>.

<sup>51</sup> On November 28, 2022, [President Cropper announced his retirement](#), effective August 1, 2023. The interim President, Vice Admiral Michael Dumont, started July 7, 2023.

<sup>52</sup> California State University Enrollment Data, Fall 2022, Cal Maritime: [https://tableau.calstate.edu/views/SelfEnrollmentDashboard/EnrollmentSummary?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay\\_count=no&%3AshowVizHome=no](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.

<sup>53</sup> *Id.* This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

Two or More Races	10%	Asian	<1%
Race and Ethnicity Unknown	3%	Two or More Races	<1%
Black / African American	3%	Black / African American	<1%
International Student	<1%	International Student	<1%
Native Hawaiian / Other Pacific Islander	<1%	Native Hawaiian / Other Pacific Islander	<1%
American Indian / Alaska Native	<1%	American Indian / Alaska Native	<1%
<b>Other Student Demographics<sup>54</sup></b>			
<b>Overall (includes State- and Self-Supported)</b>			
First in Family to Attend College	8%		
% students who are traditionally underrepresented <sup>55</sup>	26%		
% of undergrads who were Pell Grant recipients <sup>56</sup>	29%		
% of students who live on campus <sup>57</sup>	87%		
% undergrads who are in a fraternity or sorority <sup>58</sup>	N/A		
4-year graduation rate for first-time FT freshmen <sup>59</sup>	39.8%		
<b>State-Supported (808 students)</b>		<b>Self-Supported (41 students)</b>	
Average Age	21	Average Age	34
Sex <sup>60</sup>	20% F; 80% M	Sex <sup>61</sup>	32%F; 68% M
First in Family to Attend College	8%	First in Family to Attend College	<1%
% traditionally underrepresented <sup>62</sup>	26%	% traditionally underrepresented <sup>63</sup>	22%
<b>Instructional Faculty<sup>64</sup></b>			
Total # of faculty	78.00		
Tenure-track	65.4%		
Lecturer	34.6%		
% full-time <sup>65</sup>	75.28%		
% part-time	24.72%		
Leadership body	Faculty Senate <sup>66</sup>		
<b>Staff<sup>67</sup></b>			
Total # of staff	174		

<sup>54</sup> *Id.*, except where noted otherwise. This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

<sup>55</sup> For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

<sup>56</sup> 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.

<sup>57</sup> 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>.

<sup>58</sup> See <http://www.Maritime.edu/sll/flife/members.php#:~:text=Fraternity%20and%20Sorority%20Life%20represents,of%20the%20CSUF%20student%20population> (last visited May 17, 2023).

<sup>59</sup> California State University, Graduation & Success Dashboards, with link to Graduation Dashboard, selecting the Summary Overview tab, and with Cal Maritime 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 Cal Maritime during the Fall 2018 (most recent complete 4-year term available).

<sup>60</sup> Data does not capture number of students who do not identify on the sex/gender binary.

<sup>61</sup> *Id.*

<sup>62</sup> For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

<sup>63</sup> *Id.*

<sup>64</sup> California State University, CSU Faculty, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-faculty>, except where noted otherwise.

<sup>65</sup> 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.

<sup>66</sup> Cal Maritime Academic Senate. See <https://www.csum.edu/faculty-senate/>

<sup>67</sup> 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.

% full-time	98.85%
% part-time	1.15%
<b>Collective Bargaining Units</b>	
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 9	International Union of Operating Engineers (IUOE)
Unit 8	Statewide University Police Association (SUPA)
<b>Athletics<sup>68</sup></b>	
NAIA Conference	California Pacific Conference
Number of sponsored sports for '22-'23 academic year	10
Number of student athletes <sup>69</sup>	210

<sup>68</sup> NAIA Directory, <https://www.naia.org/schools/index>, except where noted otherwise.

<sup>69</sup> See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for Cal Maritime. 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.

We received feedback from students, faculty, staff, and administrators in the form of survey responses. At Cal Maritime, we received 123 responses<sup>70</sup> from Cal Maritime cadets, faculty, staff, and administrators as follows:

Constituency	Number of Responses
Undergraduate Student	67
Graduate Student	0
Staff	23
Administrator or Manager	15
Faculty	20
Other	3

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:

- Retaliation and nondisclosure. Several survey respondents stated that they had experienced retaliation on a personal level, and one stated that they felt as though the instruction by the Title IX office to keep the investigation confidential prohibited them from telling their side of the story to peers or colleagues. One survey respondent requested the ability to meet at locations that were not the Title IX office itself, stating that it was damaging to be seen going to or leaving the office and could subject them to retaliation.
- Mandatory reporting and training. One survey respondent stated that they did not report claims made by a student because they did not know how and were never offered a form for doing so. Likewise, 52% of survey respondents did not recall being offered any Title IX training. One survey respondent stated that they did not pursue Title IX claims because they were unaware that mediation or voluntary resolution were available options.
- Power imbalances and tenured faculty. Some survey respondents expressed feeling as though tenured faculty members could commit many types of misconduct unscathed, and that those in positions of power rarely faced meaningful consequences. In particular, survey respondents

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<sup>70</sup> Some survey respondents identified as belonging to multiple constituencies; hence, the number listed here is smaller than the sum total in the chart below.



noted that personal friendships and relationships may create conflicts of interest when it comes to disciplinary action.

- Timeliness and transparency. Many survey respondents stated that there were significant numbers of complaints that the University had never responded to, and that communication about case status left much to be desired.
- Conduct outside scope of Title IX or official policies. Many survey respondents stated that they experienced inappropriate conduct that, while unpleasant, did not rise to the level of harassment under Title IX and was not on the basis of membership to a protected status. Survey respondents requested some recourse to address this kind of conduct.
- Students generally feel safe on campus. Safety ratings by survey respondents on campus was generally higher than many CSU universities.
- Counseling Services perceived as inaccessible. One respondent noted that Counseling Services was unavailable in emergencies, and that they felt unable to refer students to them for support following harassment or assault.
- Respectful communication. Some survey respondents stated that they felt as though the resources available to them did not communicate in a constructive way, and were condescending or unhelpful.

### **Appendix III Title IX Metrics (Title IX Annual Report)**

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

As part of our review of the Title IX program at Cal Maritime, we reviewed the university's annual Title IX reports for years 2018-2019 through 2021-2022. These annual reports are posted online on Cal Maritime's Title IX Office website.<sup>71</sup> The annual reports provide data regarding the reports of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, Stalking, and – in 2021-2022, Sexual Exploitation and Sexual Harassment – made to the Title IX Office 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 university.

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 universities. As currently structured, the data-gathering system has significant challenges: it is reliant on self-reporting by Title IX staff at the university level based on the nature and manner in which they keep documentation; across the system, the individual universities do not use consistent documentation and recordkeeping systems and practices

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<sup>71</sup> <https://www.csum.edu/title-ix/annual-reports.html> (last visited May 11, 2023).

to maintain their university's data; 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 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 campus Title IX functions or make meaningful comparisons with other CSU institutions from the data alone. That being said, we have confidence that the data, while imperfect, provides sufficient reliability to extrapolate key themes and observations.

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 CSU institutions have provided data prepared by individuals who are no longer employed by the institution. 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. Cal Maritime verified the accuracy of the 2021-2022 annual Title IX report via email on May 22, 2023.

Finally, we recognize the significant impact of the global pandemic on colleges and universities across the country, including Cal Maritime. 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 the Title IX Office 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 Conduct<sup>72</sup>

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	2	4	Data not Reported	6
Reports of Dating/Domestic Violence	1	0		0
Reports of Stalking	1	0		1
Sexual Exploitation*	-	-		0
Sexual Harassment*	-	-		5
<b>Total # of Reports in Above Categories</b>	<b>4</b>	<b>4</b>		<b>12</b>
<b>* This data was not requested by the Chancellor's Office prior to the 2021-2022 academic year.</b>				

#### B. Respondents' Roles<sup>73</sup>

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	3	4	Data not reported	6
Reports in which the Respondent is an employee	0	0		2
Reports in which the Respondent is a third-party		0		0
Reports in which the Respondent is unknown	1	1		4
Reports in which the Respondent is unidentified				0
<b>Total # of Reports in Above Categories</b>	<b>4</b>	<b>5</b>		<b>12</b>

<sup>72</sup> This data does not include reports of incidents that fail to meet the threshold of Title IX misconduct.

<sup>73</sup> Respondent Role totals may differ from Reported Conduct totals due to multiple allegations for one Respondent.

**C. Case Outcomes<sup>74</sup>**

The below data reflect the collective outcomes of reports to the Title IX and Gender Equity Office.<sup>75</sup>

	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 reported	-	Data not reported	4
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
Reports that resulted in other outcomes (except formal investigation)		2		-
Reports that resulted in a formal investigation*	Data not reported	1	1	1
* 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 doesn’t 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.				

<sup>74</sup> 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.

<sup>75</sup> 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.