

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

California State University, Sonoma

The Institutional Response Group

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I. Introduction

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

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

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

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

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

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

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

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

This report outlines Cozen O'Connor's assessment of the Title IX and DHR programs at California State University, Sonoma (Sonoma Report). The Sonoma State review was led by Gina Maisto Smith and Adam Shapiro. The Sonoma 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 Sonoma 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.

Sonoma State is located in Rohnert Park, California. It has a student population of approximately 6,650, 26% of whom live on campus, and a workforce of approximately 1,110 staff and faculty. An overview of the university's metrics and demographics is included in Appendix I.

II. Overview of Engagement

As outlined in the Systemwide Report, our assessment included a review of written documents, as well as interviews with university administrators, students, faculty, and staff, at each CSU university. 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 Sonoma State, Cozen O'Connor conducted a three-day campus visit from August 2 to 4, 2022. This visit occurred virtually by Zoom due to COVID-19 policies in place at the time of the visit. We also held multiple additional follow-up meetings via Zoom, and conducted an in-person visit on January 27, 2023. In total, Cozen O'Connor conducted 21 meetings with 28 administrators who are responsible for implementing the Title IX and DHR programs and other key university partners, some of whom we spoke with on multiple occasions. These meetings included interviews with the following individuals and departments (identified by role):

- University President
- Office for the Prevention of Discrimination and Harassment (OPHD)
 - Senior Director (TIX Coordinator and DHR Administrator)
 - Senior Investigator
 - Investigations and Intake Manager
- Chief of Staff and Vice President for Strategic Initiatives and Diversity
- VP of Student Affairs
- Dean of Students
- Director of Student Conduct
- Director of Residential Education and Campus Housing
- Counseling & Psychological Services (CAPS), Health Services, Health Promotion & Education
 - Director of Counseling and Psychological Services
 - Confidential Advocate
 - Lead Physician, Student Health Center
 - Registered Nurse, Student Health Center
 - Pharmacist
 - Grant Project Director
- Identity Center and Affinity Groups
 - Interim Manager of DEI, HUB Cultural Center
 - Former Director, Diversity & Inclusive Excellence
 - Co-Chair, Alianza for Equity
 - Director of Student Involvement
- Athletics
 - Senior Director of Athletics
 - Deputy Director of Athletics
 - Health and Wellness Manager
- Provost
- Chief of Police
- Clery
 - Associate Vice President for Risk Management & Safety Services
 - Director of Emergency Services & Associate Risk Manager

- University Counsel
- Vice President for Administration & Finance

During our January 2023 in-person visit, Cozen O'Connor held an open student forum that was attended primarily by the leadership of Associated Students – Student Government (five attendees). During this in-person visit, we also held two open forums for faculty, staff, and students (18 attendees).

In February 2023, we held Zoom meetings with the University's Academic Senate Executive Committee (14 attendees) and the University's Presidential Advisory Council on Title IX (11 attendees).

In addition to these meetings with administrators and campus partners, Cozen O'Connor sought feedback from students, staff, and faculty through a variety of modalities, including in-person engagement, a systemwide survey, a dedicated email address (calstaterreview@cozen.com), as well as through individual meetings 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, we received 230 responses to the survey from Sonoma State students, faculty, staff, and administrators. A summary of the survey response rate and data is included in Appendix II.

III. Summary of Findings and Recommendations

In August 2022, Ming-Tung "Mike" Lee assumed the role of interim President. In the fall of 2022, President Lee created a Presidential Advisory Council on Title IX, with membership from a broad cross-section of the university.² On May 24, 2023, the CSU Board of Trustees appointed President Lee to serve as President of Sonoma State University.

² The Council's membership includes faculty, staff, students, OPHD, the Confidential Advocate, Athletics, the Dean of Students, Faculty Affairs, Employee and Labor Relations, and University Police. The charge of the Council is to review and recommend enhancements to the school's policies, procedures, and services, with specific priorities including improving transparency to all university constituencies; improving and expanding training and programming efforts; reviewing climate studies on sexual misconduct and harassment; and recommending actions to ensure a student-centered outreach program.

Based on our community engagement during the 2022-2023 academic year, we observed that the university community's perception of Title IX and DHR programs at Sonoma State remains colored by the university's recent experience, which includes a high-profile matter involving the former President's husband, as well as historical instability in the leadership of the Office for the Prevention of Harassment & Discrimination (OPHD). This perception is compounded by other high-profile incidents within the CSU system. Although campus constituents within some segments of the community continue to harbor distrust and skepticism with respect to the Title IX and DHR functions, we observed a growing sense of optimism about OPHD's aptitude and stability as a result of new OPHD leadership since 2022. University and key campus partners who have directly intersected with OPHD over the past year shared that they now have confidence that OPHD is positioned to succeed. Based on our review, this optimism is well-grounded, but we observe that numerous challenges remain in rebuilding trust and strengthening the functioning of OPHD.

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

Strengthening Internal OPHD Processes: OPHD utilizes a unique and powerfully care-centric approach to the intake process wherein it invites the Confidential Advocate to attend every case intake meeting in the capacity of a potential support person for the complainant. This approach sends an important message to the community that the university prioritizes care and the well-being of those who come to OPHD for help. Further, we observed mutual respect and organic collaboration between OPHD and campus partners in other departments. Despite this strength, there are other areas where OPHD's internal processes could improve, especially with regard to multidisciplinary coordination, communication, and tracking. We recommend that Sonoma State create a formal multidisciplinary team (MDT) that would meet on a regular basis to discuss all incoming student, staff, and/or faculty reports related to Title IX/DHR, and that OPHD conduct an internal and comprehensive mapping exercise of their internal processes to identify efficiencies and inefficiencies in the process and to prioritize timeliness and effective communication.

Awareness and Visibility of OPHD: Under its new leadership, OPHD has organically begun to make great strides with respect to the implementation of the university's Title IX and

DHR programs, and is positioned to continue doing so. However, the campus perception of OPHD is hampered by recent historical experiences, including a high-profile matter, as well as prior instability in OPHD's leadership. To address these concerns, we recommend taking steps to increase the community awareness and visibility of OPHD. Most notably, we recommend that OPHD revamp its website, which is antiquated and not regularly maintained. Additionally, we recommend that the university increase staff to fill necessary positions to support necessary intake, support, and investigative functions. Finally we recommend the launch of an awareness campaign to educate the university about OPHD, its purpose and function, and resources available through OPHD.

Prevention and Education: At Sonoma State, OPHD and the Confidential Advocate share the responsibility for prevention and education programming related to sex and gender-based harassment and violence. Sonoma State's inventory of recent training and education programs is extensive and reflects attention to the issues. However, given staffing limitations and resource challenges, the approach to prevention and education programming has been *ad hoc* rather than strategic. We recommend that Sonoma State build a formal prevention and education program, including a dedicated prevention coordinator and a campus Prevention and Education Oversight Committee, to address issues related to discrimination and harassment, including sexual and gender-based harassment and violence.

Responding to *Other Conduct of Concern*:³ As with other CSU universities, Sonoma State grapples with conduct issues that do not rise to the level of a policy violation, but nonetheless are disruptive to the living, learning, and working environment. Sonoma State has no consistent and formalized mechanism for navigating these behaviors. As a

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

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

result, the university triages these behaviors in an *ad hoc* manner, leading to inconsistent responses, which have led to perceptions by students, staff, and faculty that there is a lack of accountability. We recommend that Sonoma State work closely with the Chancellor's Office to develop a formal process and a robust suite of conflict resolution and employee relations options to address reports of *other conduct of concern*.

IV. Office for the Prevention of Harassment & Discrimination

A. Infrastructure

The Office for the Prevention of Harassment & Discrimination (OPHD) is physically located on the second floor of International Hall. OPHD's Title IX Officer and Senior Director (the Title IX Coordinator/DHR Administrator) reports to the Vice President for Strategic Initiatives and Diversity, who also serves as the Chief of Staff to the President. OPHD administers the university's Title IX and DHR programs. As stated on [OPHD's website landing page](#):

OPHD is a prevention, response, and compliance office that focuses on sexual misconduct, sexual harassment, dating and domestic violence, stalking, harassment and discrimination based on protected status, and retaliation. It is our commitment to the Seawolf community that we will work to provide an environment that is safe and equitable for all.

As presently constituted, OPHD consists of four employees: the Title IX Coordinator/DHR Administrator; a Senior Investigator; an Investigations and Intake Manager; and an Administrative Specialist (Prevention Specialist). The Prevention Specialist is a .75 FTE position, and is entirely grant funded through an Office of Violence Against Women Grant. As of the date of this report, OPHD has two vacancies for which it is actively recruiting – a second Senior Investigator (to replace an investigator who left Sonoma State in October 2022) and a Senior Prevention, Education, and Compliance Coordinator (to replace the former Learning/Training Specialist who recently left Sonoma State). The Senior Prevention, Education, and Compliance Coordinator position is partially grant funded through December 2024.

In its current iteration of staffing, OPHD is relatively nascent, with most employees having served around two years or less. The Title IX Coordinator/DHR Administrator, who has a legal background and prior Title IX experience, has served in that role since February 2022. The Senior Investigator has served in that

role for less than one year. The Investigations and Intake Manager (who is also responsible for data management, supportive measures, and Early Resolution Agreements) has served in that role since April 2021. The Prevention Specialist has served in that role since May 2022.

Multiple campus partners with whom we spoke commented that, prior to the arrival of the current Title IX Coordinator/DHR Administrator, OPHD had not had stability for years, and had recently been led by an Interim Coordinator. Although there is now stability in terms of office leadership, the entire team is relatively new to Sonoma State and therefore does not have a long institutional memory. Additionally, with the two current vacancies and the two departures in only the past few months since our campus visit, OPHD remains in flux due to regular turnover. However, we note that because the University has created a position for a second Senior Investigator, once the two currently vacant positions within OPHD are filled, the team will be in a better position to succeed.

We note that the progress the University has made with respect to its Title IX and DHR programs is only possible because of the dedication and commitment of Sonoma State's campus professionals, and occurs in spite of significant resource challenges. Given campus feedback and our observations that that OPHD is under-resourced and has experienced significant and steady turnover, it has been a challenge for OPHD to be intentional and proactive (not only with respect to responding to reports but also with respect to prevention and education programming) when its staffing levels are consistently deficient.

OPHD uses a case management system (Maxient) to track and document its work.

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, Community Awareness, and Community Feedback About OPHD

Based on feedback we received during our campus visit, we observed that the community was generally aware of OPHD's presence on campus and the work it does. However, much of this awareness was tied to negative perceptions, having been influenced in part by the media reports about the university's

handling of a sexual harassment case involving the former President's husband, as well as individual community members' own negative experiences with OPHD in years past.⁴

Although the negative experiences shared with us generally preceded the current Title IX Coordinator/DHR Administrator, the community perception of OPHD nonetheless is colored by lingering skepticism and negative inferences. Some noted that OPHD has seen a "revolving door" of Title IX Coordinators in the past few years, noting that OPHD had been in a state of disarray or "a hot mess" before the arrival of the current Title IX Coordinator/DHR Administrator. They noted that OPHD could not have been expected to succeed when there was "no stability."

Others reported their perception that OPHD "does nothing" in response to a report. Students with whom we spoke shared their perspective that OPHD "wipes their hands clean and just sends things over to HR or other offices." They reported that the student body felt "unheard" by OPHD and that they rarely received updates regarding cases being handled by OPHD. In support of their assertions, they referenced an Associated Students Government Resolution that they sent to the former President during the 2021-22 academic year. The Resolution, which preceded the arrival of the current President and Title IX Coordinator/DHR Administrator, stated, among other things, that the student body had "poor and intimidating experiences when having to go through the Title IX office;" "the students want transparency on the reports being handled;" and "students have the right to understand processes done in the OPHD office and other offices." The Resolution called on the administration "to release information on how student cases are being handled" and urged the University to create a transparent process of the cases being handled in [OPHD]." As noted elsewhere in this report, OPHD, under its new leadership, has been working to address these concerns organically through process enhancements that are the subject of this review.

Although we inquired about the perception of the functioning of the current Title IX and DHR programs at Sonoma State, the feedback from the students reflected perceptions based on years past. They, as well as others including staff and faculty members, generally did not distinguish between the functioning of the current OPHD and the former OPHD. This means that OPHD has an uphill battle in terms of countering the narrative of the campus community. Part of that challenge will entail OPHD doing the substantive

⁴ Per the Nondiscrimination Policy, this matter was handled by Systemwide Title IX Compliance Services at the Chancellor's Office.

work it is charged to do, and part of that challenge will entail OPHD and the administration messaging to the campus community about the work it is doing and the resources and services it provides.

We note, as described below, that OPHD's website – perhaps the most direct and effective means of connecting with the campus community and raising the Office's visibility – is bare bones and not regularly updated, which is a missed opportunity for outreach and effective communication. Separately, we received feedback that communication at Sonoma State more broadly (not specific to OPHD) was an area that needed improvement, with multiple campus constituents reporting to us that they usually receive news about important topics (such as crime and safety) through the media rather than from the university itself; staff and faculty members reported that this perceived lack of transparency and proactive dialogue impacted their ability and willingness to trust the administration.⁵ Finally, as it relates to issues of communication and messaging, we note that the Presidential Advisory Council on Title IX, created in fall 2022, has been charged, among other things, with improving outreach efforts to and transparency with campus constituencies.

C. Website

The OPHD website was recognized by Title IX/DHR professionals as an area of weakness. We agree that the website needs attention. Most glaringly, the website has not been updated in some time, as evidenced by the [Our Staff](#) webpage, which, until recently, contained an outdated listing of the OPHD team. For months, this webpage included contact information for an investigator who was no longer with Sonoma State and did not include contact information for a Senior Investigator who had since joined the team.

The OPHD website consists of:

- A [landing page](#) with a description of the office, a link to an online reporting form (also visible on all OPHD webpages), a link to OPHD's 2021-22 Annual Report, a link to the University's Notice of Nondiscrimination on the Basis of Gender or Sex, and a link to the CSU Nondiscrimination Policy.
- A [What We Do](#) webpage with a description of OPHD's services
- A [What is Title IX?](#) webpage that has the statutory language of Title IX.
- The [Our Staff](#) webpage.
- A page with [Policies and Definitions](#) from CSU's Nondiscrimination Policy and information regarding responsible employee reporting obligations.

⁵ As at other universities, faculty, staff, and students at Sonoma State reported feelings of distrust toward university leadership and other campus constituents. We discuss this common theme in the Systemwide Report.

- A [Training and Education](#) webpage where community members can [request a presentation](#), and learn about [bystander intervention](#) and [consent](#).
- A [Resources](#) webpage with links to available on- and off-campus resources for students and employees, as well as a resources [infographic](#).
- A [Parenting Rights & Resources](#) webpage.
- A [Compliance](#) webpage with legal notices, Title IX Annual Reports, OCR contact information, and links to CSU-issued Title IX training resources.

In terms of strengths, the OPHD website has a link to the online sexual misconduct/discrimination reporting form on every single webpage, and the link is easily visible as it is a big red button with an exclamation point. The website also has a “Request a Presentation” button, which links to a detailed request form where a user may request a presentation/training from OPHD customized to their needs.

However, the site is not user friendly and lacks some standard information. In the recommendations, below, we identify opportunities for improving the OPHD website.

D. Reporting Options

Reports of prohibited conduct based on protected status, including discrimination, harassment, and retaliation, may be made to OPHD in person or via email, telephone, or an [online reporting form](#) that is accessible on [OPHD’s website](#).⁶ The online reporting form is also accessible on other university webpages including [SafeSSU](#). There is one combined online reporting form, which is used for reports of both sexual misconduct and discrimination, harassment, and retaliation based on other protected statuses. We note that the use of a single form for reports of all types of protected status misconduct simplifies the process for individuals seeking to make a report.

The online reporting form explicitly states that users may submit information anonymously. It instructs users that all information submitted will be directed to OPHD, but that the information will not automatically trigger an investigation. As described in the Systemwide Report, the online reporting form, as written, asks for detailed information in required sections, which can be intimidating and might discourage a complainant from completing the form.

⁶ The CSU System publishes an online Complaint Form as Attachment F of the Nondiscrimination Policy.

E. Case Processing

As explained during our campus visit, OPHD receives most incident reports through the Maxient online reporting form, but also receives incident reports via email, phone, or office walk-ins. Upon receiving an incident report, OPHD's Investigations and Intake Manager conducts outreach to the complainant. To the extent a report is received through a responsible employee or other third party, the Investigations and Intake Manager also sends an acknowledgement email to that reporter acknowledging receipt of the information. Unless specific circumstances dictate otherwise, the initial outreach to the complainant is generally by email. The Investigations and Intake Manager uses a template outreach communication provided by the CSU system, with modified information specific to Sonoma State. The outreach email includes information about the Nondiscrimination Policy, available rights and options, the availability of supportive measures and other resources, and the option to participate in an intake meeting. The template provides all legally required information in a neutral tone.

If the complainant does not respond, the Investigations and Intake Manager makes two additional outreach attempts (three in total), one of which will be by another means such as text message. If there is no response, OPHD closes the case.

If the complainant responds, the Investigations and Intake Manager schedules an intake meeting. During that meeting, the Investigations and Intake Manager explains, using a standardized PowerPoint slide deck, OPHD's function and role, CSU's Nondiscrimination Policy, supportive measures that are available regardless of whether the complainant wishes to pursue a resolution, and available resolution options including what a formal investigation would look like, among other topics. Notably, for Title IX matters, the Investigations and Intake Manager coordinates with the Confidential Advocate on scheduling the intake meetings because the Confidential Advocate historically made herself available for every intake meeting. The Investigations and Intake Manager introduces the complainant to the Advocate (who is usually in a Zoom breakout room) as an available resource; complainants often elect to have the Advocate present for all meetings with OPHD including the intake.⁷

⁷ We noted during our campus visit that it is important for OPHD to attempt to gather sufficient information from a complainant in order to allow the University to assess whether there are risks to the broader campus. Accordingly, OPHD has added a standard set of risk and immediate safety related questions to its intake process, which the Investigations and Intake Manager asks all complainants prior to introducing them to the confidential advocate.

The functions of outreach, intake, and the provision of supportive measures are all handled by the Investigations and Intake Manager. The Investigations and Intake Manager also conducts Early Resolution Agreements with parties who choose that option. We note that in the past, due to staffing issues, the Investigations and Intake Manager assisted with investigations, but no longer does so. OPHD is responsible for providing care and supportive measures to the parties, and in cases that proceed to formal resolution, conducting a neutral and impartial gathering of facts. When the person who provides care and supportive measures is the same person who gathers the facts, this can lead to confusion in roles and raise concerns about the perception of bias. For this reason, to the extent it has not already taken place, our recommendations include formally separating OPHD's outreach/intake functions from its investigative functions.

The steps following the initial meeting with the complainant may include the following: provision and oversight of supportive measures, the filing of a formal complaint, an investigation and hearing, informal resolution, or the dismissal of a formal complaint (based on the judgment of the Title IX Coordinator/DHR Administrator) following the initial meeting). The provision of supportive measures is managed by OPHD's Investigations and Intake Manager, who is able to implement supportive measures promptly. A complainant may receive supportive measures even in the absence of a formal complaint and investigation. The majority of reports to OPHD involve the provision and oversight of supportive measures.

In the event a complainant wishes to file a formal complaint and pursue an investigation, OPHD will issue a Notice of Allegations letter, if determined to be appropriate by the Title IX Coordinator/DHR Administrator, and identify which portion(s) of the CSU policy are implicated to determine which "track" the case will fall under. OPHD will then assign an investigator. Prior to the current Title IX Coordinator/DHR Administrator taking over in 2022, most investigations were outsourced to external investigators, but they are now generally performed in-house (OPHD has one Senior Investigator and has a vacancy for a second Senior Investigator). Although a respondent receives the same process and access to supportive measures and resources as a complainant, we received feedback that respondents' intake meetings used to be conducted by the assigned investigator rather than the Investigations and Intake Manager. That process has now changed such that the Investigations and Intake Manager conducts the intake meeting for the respondent as well.

OPHD uses legally compliant and neutral templates provided by the CSU system for communicating with parties and witness with respect to the Notice of Allegations, witness interview requests, and evidence review notifications.

In the event a case proceeds to a hearing, a pool of hearing officers is provided by the Chancellor's Office. However, at the time of our campus visit, Sonoma State had not had a hearing for approximately two years.

F. Review of Template Communications and Case Files⁸

Sonoma State relies on template communications provided by the CSU system, tailored to include campus-specific information. The templates are legally compliant, neutral and informative in tone, and convey professionalism and competency.

At Cozen O'Connor's request, OPHD provided a sample of seven recent investigation reports, comprising four DHR and three Title IX investigation reports. The investigation reports were all from 2020 and 2021 (prior to the current Title IX Coordinator/DHR Administrator's time at Sonoma State) and none were drafted by members of the current OPHD investigative team. In terms of substance, the investigation reports reflected that OPHD was thorough in terms of collecting and summarizing evidence, and the reports were generally clear and consistent in terms of their writing and reasoning.

We heard feedback from the community that, at least in years past, OPHD "does nothing" or that "nothing gets done." Individuals reported that community members have been reluctant to report, in part, because of the community perception that investigations have taken too long and/or because OPHD was not sufficiently timely in responding to their reports.

For the seven cases we reviewed, many of the reports reflected lengthy investigative process. The case timelines for the seven cases were as follows: 7.5 months; 5.5 months; 15 months; 15 months; 6 months; 5.5 months; and, 14 months.

⁸ 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.

Title IX/DHR professionals confirmed that in prior years, OPHD outsourced its investigations due to internal staffing issues and that “word got around campus” about how long these investigations were taking and that they were not always high quality. OPHD is still experiencing challenges in terms of timeliness of investigations, in part because it is understaffed (one of the two investigator positions is currently open) and in part because of an uptick in reports.⁹ As of March 2023, OPHD had 10 open investigations involving Title IX and DHR matters. At the time, these investigations had been open for 12 months, 11 months, 11 months, 7 months, 6 months, 5 months, 5 months, 4 months, 3 months, and 3 months. OPHD was also in the process of opening two additional investigations. This is a significant number of investigations for a small office.

V. Core Title IX and Related Requirements

In evaluating legal compliance and effectiveness based on the observations described above, we reviewed Title IX’s implementing regulations as the legal framework. Title IX’s implementing regulations, amended most recently in May 2020, require that educational institutions (i) appoint a Title IX coordinator;¹⁰ (ii) adopt grievance procedures that are prompt and equitable;¹¹ and (iii) publish a non-discrimination statement.¹² In the sections below, we describe our observations of the University’s compliance with each of these core Title IX obligations. Although the implementing regulations and regulatory frameworks are not as prescriptive under other federal and state laws that address all other protected status discrimination, harassment, and retaliation,¹³ we incorporate the Title IX framework as it relates to these core requirements, because they apply equally to DHR programs.

⁹ We note that an uptick in reports does not necessarily mean that more incidents are occurring. In many cases, an uptick in reports correlates to increased confidence in the Title IX function and decreased barriers to reporting.

¹⁰ 34 C.F.R. § 106.8(a).

¹¹ 34 C.F.R. § 106.8(b).

¹² 34 C.F.R. § 106.8(c).

¹³ These include Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975. The implementing regulations for these statutes outline some requirements that are similar or identical to certain of the “core Title IX obligations.” For instance, most of the regulatory frameworks require a notice of non-discrimination. See 34 C.F.R. § 100.6(d) (Title VI), 34 C.F.R. § 104.8 (Section 504), and 34 C.F.R. § 110.25 (Age Discrimination Act), and 28 C.F.R. § 35.106 (ADA). Furthermore, the implementing regulations for the Age Discrimination Act closely mirror the core Title IX obligations in that they require educational institutions to: (i) designate at least one employee to coordinate their

A. Title IX Coordinator

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

1. Receiving reports and written complaints;¹⁷
2. Coordinating the effective implementation of supportive measures;¹⁸
3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;¹⁹
4. Considering the wishes of the complainant with respect to supportive measures, including explaining the process for filing a formal complaint;²⁰

efforts to comply with and carry out their responsibilities, including investigation of complaints; (ii) notify beneficiaries of information regarding the regulations and the contact information for the responsible employee; and (iii) adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. 34 C.F.R. § 110.25.

¹⁴ 34 C.F.R. § 106.8(a).

¹⁵ *Id.*

¹⁶ *Id.*

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

¹⁸ *Id.*

¹⁹ 34 C.F.R. § 106.44(a).

²⁰ *Id.*

5. Attending appropriate training;²¹
6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;²²
7. Overseeing the prompt and equitable nature of any investigation or resolution;²³ and
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.²⁴

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

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

²² 34 C.F.R. 106.45(b)(1)(iii).

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

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

²⁵ These effective practices have been articulated, among other places, in a [Dear Colleague Letter](#) from the U.S. Department of Education’s Office for Civil Rights on April 24, 2015. Although this Dear Colleague Letter has since been rescinded, the underlying concepts described in the letter are still instructive and aligned with the current regulations. 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.”

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

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

Sonoma State's Title IX Coordinator/DHR Administrator has served in this role since February 2022. The Title IX Coordinator/DHR Administrator's contact information – as well as contact information for the Title IX Office more broadly – is displayed on the University's OPHD [website](#).²⁷ We find that the Title IX Coordinator/DHR Administrator is appropriately positioned organizationally in terms of reporting to senior leadership, as she reports directly to the University's Vice President for Strategic Initiatives and Diversity, who also serves as the President's Chief of Staff.

In terms of resources, the Title IX and DHR functions struggle in much the same way as other Title IX/DHR programs across the system. OPHD has struggled with a high rate of instability and turnover, and the

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

²⁷ As noted earlier, Sonoma State's OPHD website, until recently, did not accurately reflect the composition of OPHD's current staff.

OPHD team reported during our campus visit that staffing levels were insufficient to proactively address Title IX and DHR functions beyond responding to reports and conducting required training programs.

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

Finally, as it relates to conflicts of interest, we flag for review and evaluation the potential impacts associated with the Title IX/DHR functions reporting to the University's Chief Diversity Officer.²⁸

²⁸ Because the Title IX Coordinator/DHR Administrator reports to the Vice President for Strategic Initiatives and Diversity, there is the potential for the appearance of a conflict of interest, especially if certain constituencies already have significant distrust of the Title IX and DHR process. Although protected status and diversity efforts may naturally overlap, a close examination reveals two distinct functions: Title IX and DHR legally require neutral responses to reports addressing prohibited conduct, the provision of supportive measures to all parties, prompt and equitable grievance processes, and the assurance of fair processes implemented without conflict of interest or bias. In stark contrast, diversity efforts involve proactive advocacy designed to build and maintain a diverse and inclusive campus community and culture through recruiting, retention, curricular development, programming, and support.

Although campus administrators stated that the current reporting line was effective and has not posed any actual conflicts of interest, the blending of these functions creates the potential for conflict, or the perception of conflict, when a proactive (by design) Chief Diversity Officer is overseeing incendiary fact-finding processes related to sexual, racial, or other protected status reports of discrimination and harassment.

A review of reporting line options for Title IX Coordinators at hundreds of institutions across the country reveals there is no "one size fits all." Many coordinators report to Presidents, Provosts, and various Vice Presidents (HR, Administration, Risk Management, Compliance, Student Affairs, Finance, and Diversity offices); that same range exists at the CSU. However, in light of the national shift and recognition of the vital importance of increased diversity efforts, many institutions are moving away from reporting structures to Chief Diversity Officers, given the myriad legal, social, and mass media issues that frequently emerge in the aftermath of Title IX and other protected status investigations. Although there is no uniform or unflawed structural approach, due to the varying needs, issues, and resources that exist at different colleges and universities, a structure in which the Title IX Coordinator reports to one or more senior leader(s), for example, to the leader(s) of Student Affairs, Human Resources and/or the Provost, with a dotted line to a President and/or a member of the President's Cabinet, is a preferred model. It is critical that the Coordinator be given the requisite elevation, both in structure and optics, that presents this role as the true leader of Title IX and DHR, with the gravitas associated with reporting to a VP or higher, and with a dotted line to the President.

B. Notice of Non-Discrimination

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

1. The institution does not discriminate on the basis of sex in its education programs and activities, and that it is required by Title IX not to discriminate in such a manner;³⁰
2. The institution does not discriminate with respect to admissions or employment; and
3. Inquiries about the policy may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights in the U.S. Department of Education's Office for Civil Rights, or both.

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

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

Sonoma State's Notice of Non-Discrimination on the Basis of Gender or Sex is accessible on the University [OPHD website](#), and has been disseminated to the campus community in a [communication from the President's Chief of Staff](#). However, there is no direct link to the Notice of Non-Discrimination on most other University webpages, including the webpages for Admissions, Athletics, and Student Life.

²⁹ 34 C.F.R. § 106.8(b).

³⁰ *Id.*

³¹ 34 C.F.R. § 106.8(b)(2).

Separately, outside of the Nondiscrimination Policy, Sonoma State does not publish on any of its websites, including OPHD's website, a broader Notice of Non-Discrimination on the basis of protected statuses other than sex and gender.³² OPHD's website provides a link to the Nondiscrimination Policy, but does not otherwise mention discrimination or harassment on the basis of protected statuses other than sex and gender except in providing the [definition of "protected status"](#) from the Nondiscrimination Policy's (*i.e.* that "protected status" "includes Age, Disability (physical or mental), Gender (or sex), Genetic Information, Gender Identity (including transgender), Gender Expression, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color or ancestry), Religion or Religious Creed, Sexual Orientation, and Veteran or Military Status.") Publishing a broader Notice of Non-Discrimination would be consistent with the purpose of Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and other relevant federal and state laws prohibiting protected status discrimination, harassment, and retaliation.

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"³³ 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.³⁴

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

³² Based on the results of a Google search, Sonoma State has an "archived catalog" of regulations and policies from the 2022-23 academic year. This [catalog](#) contains a broader "Nondiscrimination Policy and Complaint Procedures" based on age, genetic information, marital status, medical condition, nationality, race or ethnicity (including color, caste, or ancestry), religion or religious creed, and veteran or military status.

³³ 34 C.F.R. § 106.8(c).

³⁴ *Id.*

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 federally mandated hearing process required under the 2020 Title IX regulations; “Track Two” applies to reports of sexual misconduct, dating violence, or domestic violence against a student where credibility is an issue, that fall within the mandated hearing process articulated in California case law; and “Track Three” applies to all other reports that allege a violation of the Nondiscrimination Policy.

This Nondiscrimination Policy, which applies to all 23 CSU universities, is an omnibus policy document that maps the complex and overlapping procedural requirements mandated by several federal and state frameworks, including the federal Title IX regulations, California state law relating to sex discrimination and sexual harassment in higher education, California case law relating to due process, and other federal and state laws relating to discrimination based on other protected statuses. Although the Nondiscrimination Policy is consistent with the legal requirements of Title IX and the related federal framework for discrimination and harassment on the basis of protected statuses, Title IX/DHR professionals and campus constituents from every university consistently expressed to Cozen O'Connor 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.³⁵ 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.

³⁵ 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.”

We recommend that training on this section of the policy be incorporated into required training and education. On many campuses, this was an issue of significant concern for faculty and staff.

VI. Campus Coordination

Through our campus visit and follow-up meetings, we learned that collaboration and communication between OPHD and certain other departments has historically been a challenge, but that great strides have been made recently to improve the levels of campus coordination. Specifically, we received feedback that there used to be a low level of visibility with respect to staff matters being handled by the Human Resources function, in part because, like OPHD, Human Resources had significant staffing shortages and did not routinely share information with OPHD. This limited visibility impacted OPHD's ability to track and document patterns and outcomes in Human Resources, or follow through with respect to reports of *other conduct of concern* that it had referred to Human Resources in cases where it was determined not to have met the elements of a potential policy violation.

At the time of our interviews, we observed that OPHD was having regular and organic communications with its counterparts in Student Affairs, Student Conduct, Human Resources, and Faculty Affairs (the Provost). However, these communications were occurring as a result of mutual respect and some strong interpersonal relationships between the individuals in those offices, on an *ad hoc* basis as cases arose, rather than as part of a deliberate, structured and formalized multidisciplinary team that meets on a regular basis to share information about new and pending cases for students, staff, and/or faculty with need-to-know administrators from partner offices. We observed a strong openness and willingness among campus partners to institute such a routinized and structured standing meeting, although we also heard concerns about how to best protect the privacy of OPHD matters in the context of a larger meeting. In the recommendations, below, we share information about balancing privacy considerations within the small circle of need-to-know administrators.

In addition to the organic inter-office collaborations between OPHD and campus partners, OPHD has now instituted regular and formal standing meetings (every other week) with the Provost, the Vice President of Student Affairs, and the President's Chief of Staff. OPHD is also in regular contact with University Counsel and the Dean of Students.

Our most significant observation regarding the functioning of the Title IX and DHR programs at Sonoma State relates to OPHD's care-centric approach to the case intake process. For every Title IX intake meeting

related to sexual assault, dating violence, domestic violence, stalking, sexual exploitation, and harassment, OPHD invites the university's Confidential Advocate to attend (either in person or in a Zoom breakout room) as a support person for the complainant. The former Confidential Advocate, who was consistently described as a tireless and powerful presence on campus, made herself available for each intake and attended whenever requested by a complainant. This approach is unique and sends a powerful message to the community that the University prioritizes care and is invested in supporting those who need help.

Because of this important partnership, we note that professional relationships between the Confidential Advocates and OPHD staff are vital to the success of OPHD's implementation efforts. This working alliance between OPHD and the Confidential Advocate role requires a delicate balance and must be nurtured accordingly with appropriate boundaries and lanes established and enforced to best serve students, faculty, and staff. Given the complexities of the issues, there will be natural tensions that arise from time to time between the confidential system of care and the more legalistic system of policy. We recommend that concerns observed by any Confidential Advocate be addressed directly with responsible administrators and systemwide subject matter experts, rather than in a manner that may foment distrust among students, faculty, and staff. Constructive, direct, and professional conversations will facilitate collaborative efforts, and improve the overall institutional response for those the university serves.

A. University Police Department

The [Sonoma State Police Department](#) is a full-service, state law enforcement agency. At the time of our campus visit, the Department employed 14 full-time sworn officers. The Department has statewide authority, and frequently works with CSU Police Departments throughout the state. The Department provides emergency response, conducts criminal investigations, offers crime prevention and educational programs, disaster preparedness, and a range of other services. The Chief of Police reports to the Vice President for Administration and Finance and CFO.

The Police Department supports the university's Clery function, described below, and issues timely warnings as necessary. Police officers are trained to provide pamphlets with information regarding available resources to individuals who make reports of sex crimes. The Police Department's [website](#) also contains information and resources about sexual assault awareness, including a link to OPHD's website. Administrators reported a close working relationship between the Police Department, OPHD, and the

Confidential Advocate. The Police Department shares reports of sex crimes with OPHD and Clery, but consistent with California state law may do so in a de-identified fashion where a victim does not wish to share their identity. Under its interpretation of California Penal Code 293, the Police Department does not include a complainant's name in reports to OPHD where the complainant has requested that their name not be part of public records.

B. Student Conduct

The Office of [Student Conduct](#), which sits within the Division of Student Affairs, administers the Student Conduct Code by educating students about their rights and responsibilities and providing feedback about behaviors that affect themselves and the campus community. The Office consists only of the Director of Student Conduct. Student Conduct also administers the Student Code of Conduct process in order support a safe and inclusive environment for all students. The University Conduct Administrator (also the Director of Student Conduct) is responsible for managing the university's judicial processes for students and recommending disciplinary sanctions when appropriate. The Office responds to a variety of incidents that may include behavioral misconduct, academic dishonesty, and concerning student behavior. Incidents of student misconduct may include issues with alcohol, drugs, theft, weapons, violence, harassment, sexual misconduct, hazing, or other violations that do not rise to the level of a Title IX or DHR violation. The Office of Student Conduct refers matters that relate to Title IX/DHR to OPHD, and OPHD refers matters that do not rise to the level of a potential Title IX/DHR violation to Student Conduct.

C. Housing and Residence Life

[Residential Education and Campus Housing](#) (REACH) sits within the Division of Student Affairs and reports to the Dean of Students. Its [professional leadership](#) consists of a Director, an Associate Director, an Office Coordinator, and four Area Coordinators. REACH also employs a staff of student [Resident Advisors](#) (RAs), who provide support to 40-75 residents in their community.

Sonoma State has housing capacity for approximately 3,200 students. During the fall 2022 semester, approximately 2,200 students lived on campus. Upon receipt of report of conduct that may violate the Nondiscrimination Policy, Resident Advisors (RAs) or their Area Coordinators complete and submit an online report directly to OPHD.

D. Faculty Affairs/Academic Affairs

[Academic Affairs](#) oversees and leads all academic programs, services, and activities for Sonoma State University's undergraduate and graduate students through the recruitment, advancement, and development of faculty, staff, educators, personnel, and administrators.

The Office of the Provost and Faculty Affairs sit within Academic Affairs. The [Office of the Provost](#) provides academic leadership and vision to the University by ensuring excellence in teaching, research and scholarship. [Faculty Affairs](#) is a division of Academic Affairs and implements the collective bargaining agreements for faculty and academic student employees. Faculty Affairs handles faculty recruitment, lecturer and volunteer appointments, reappointment, promotion, tenure, and related faculty personnel functions. The office also participates in professional development programs, training for department chairs, support for RTP committees and faculty hiring committees, and orientation of new faculty. The Faculty Affairs office also houses the official faculty [Personnel Action Files](#).

E. Human Resources

Sonoma State's [Human Resources Department](#) provides services relating to benefits, compensation, employment, training, and other related functions. The Department also oversees the University's [employee relations and compliance](#) functions. This entails serving as a liaison between University management and staff campus union representatives for issues that arise under the Collective Bargaining Agreements. It also entails analyzing complaints and grievances as they arise for early intervention. The employee relations function at Sonoma State is led by the Director of Employee and Labor Relations, who reports to the Associate Vice President for Human Resources. In turn, the Human Resources function reports up to the Vice President for Administration & Finance, who also serves as the University's Chief Financial Officer.

Campus partners and administrators reported that the Human Resources and Employee Relations functions at Sonoma State has historically been understaffed and that, in the past, there was little visibility and ability to track cases involving *other conduct of concern* that were referred from OPHD to Human Resources. However, these administrators also reported significant recent improvements in these regards.

F. Clery Act Responsibilities

Sonoma State's [Clery Act](#) responsibilities are fulfilled by the university's Clery Director (who also serves as the Associate Vice President for Risk Management & Safety Services) and the University's Clery Coordinator (who also serves as the Director of Emergency Services and Associate Risk Manager). Both of these employees have worked at the University for more than two decades and have prior experience working in the University's Police Department. They are experienced practitioners in the area of Clery compliance, and we note that in our conversations with Clery administrators at other CSU universities, that they rely on Sonoma State's Clery Director and Clery Coordinator for guidance.³⁶

The Clery Director and Clery Coordinator are responsible for gathering and maintaining the information necessary for campus crime statistics, for preparing Sonoma's Annual Security Report, and for identifying and training campus security authorities (CSAs). In order to gather data necessary for the [Annual Security Report](#), the Clery team reviews reports within Maxient (there is an [online CSA form](#)) from various campus offices (including but not limited to Student Conduct and Housing) and consults directly and regularly with the University Police Department to determine whether those incidents are Clery reportable. Although the Clery team does not have direct access to University Police Department records, the University Police Department completes a CSA form for potential Clery crimes, which it provides to the Clery team for review. Timely warning and emergency notification assessments are made by the University Police Department.

The Clery Director and Clery Coordinator are part of a [Clery Compliance Team](#), which meets at least quarterly, and consists of representatives from Student Conduct, OPHD, University Police Department, Residential Education and Housing, Athletics, the Dean of Students, University Counsel, Student Affairs, Labor and Employee Relations, and International Education.

³⁶ We also note that Sonoma State's Clery function was the subject of a California state audit in 2021, which found certain reporting deficiencies; we heard from the Clery team that their Clery processes have since improved.

VII. Campus Resources for Students and Employees

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

A. Confidential Advocates³⁷

Sonoma State offers confidential campus advocate services through its [Confidential Advocacy Office](#), which sits within the Division of Student Affairs and reports to the Director of Counseling and Psychological Services (CAPS). The Confidential Advocacy Office provides confidential resources for addressing sexual assault, intimate partner violence, domestic violence, stalking, sexual exploitation, and harassment. At the time of our campus visit, Sonoma State had one Confidential Advocate. The University then hired a second advocate with the intent of having two full-time advocates, but the original Confidential Advocate retired in May 2023. At the time of this report, there is one Confidential Advocate, but the University is working to rehire a second. We received consistent feedback from the administration and the community that the former Confidential Advocate was a “force of nature,” that she had a strong presence on campus, and that she worked “tirelessly” to provide services to, among others, those impacted by sexual assault, intimate partner violence, domestic violence, stalking, sexual exploitation, and harassment. Notably, the Confidential Advocate made herself available for, and attended, all Title IX intake meetings upon request by a complainant.

The Confidential Advocate function at Sonoma State serves students, faculty, and staff. As detailed on the [Confidential Advocacy website](#),

[T]he Confidential Advocate provides support, survivor outreach, coordination of support services, and assistance with decision-making to [those] who are impacted or victimized by traumatic, disruptive, or disturbing life events . . . Advocates provide affirming, empowering, free, confidential support through a non-judgmental, compassionate approach to exploring all options, rights, and resources. It is always your decision to

³⁷ The Confidential Advocate role is defined in Attachment C of the Nondiscrimination Policy and discussed in the Systemwide Report.

pursue any of the available resources, and you can access support without reporting to the police, OPHD, or the university.

With respect to survivor advocacy, the Confidential Advocate conducts crisis intervention, support, and safety planning; provides trauma-informed and survivor-centered information and validation; accompanies individuals to Title IX proceedings, medical forensic exams, and legal proceedings; and provides referrals for other support. The Confidential Advocate also collaborates with OPHD with respect to prevention and education programming, and offers extensive programming relating to topics such as consent, healthy relationships, and bystander intervention.

Information regarding the Confidential Advocacy Office is located on several University websites, including the [OPHD website](#).

B. Respondent Support

Like most other CSU universities, Sonoma State does not have any dedicated resources uniquely 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 Sonoma State identify a dedicated resource to address the unique needs of respondents in the grievance process.

C. Counseling Services and Student Health Services

Students may receive confidential support through [Counseling and Psychological Services](#) (CAPS). CAPS provides short-term individual and group counseling, workshops, crisis intervention services, consultations, referrals, training, and outreach. CAPS counselors are confidential resources who are trained to support students in the aftermath of a sexual assault or any act of violence, discrimination, or harassment. Appointments are available during regular business hours, and a crisis counselor is available 24/7. [Groups and workshops](#) offered by CAPS during the Spring 2023 semester include "Survivors of Sexual Assault" and a workshop on Healthy Relationships. As noted above, the Director of CAPS oversees the Confidential Advocacy Office.

Additionally, students may receive confidential medical care at the [Student Health Center](#) (SHC), which is open during normal business hours Monday to Friday. SHC has information and available resources on its website relating to [Health Topics](#), including [Sexual Assault](#).

D. Additional Resources for Students

Sonoma State has a student-focused [Care Team](#) that sits within the Division of Student Affairs. As described on the Care Team's website, the Care Team exists to ensure continuity of services by connecting students with the support they need. The Care Team serves as a central network focused on assisting students displaying behaviors that may impede their ability to be successful in the University community. The focus of the Care Team is to offer supportive intervention and guidance to any students who appear to be struggling and help restore their lives academically and personally.

The Care Team meets on a weekly basis and its membership comprises [the following employees](#): Dean of Students; Care Team Coordinator; Confidential Advocate; OPHD Director (Title IX Coordinator/DHR Administrator); Director, Center for Transfer and Transition Programs; Director, Disability Services for Students; Director of Student Conduct; Director, REACH (Residential Education and Campus Housing); Associate Director, REACH; Coordinator of Academic Programs; University Police Chief; a Faculty Representative; Athletics Representative; and the Director of CAPS (Counseling and Psychological Services). Reports about students of concern can be made to the Care Team via an [online Maxient form](#), and, upon request, the Care Team will provide presentations to schools, departments, and classes to explain resources available to members of the community.

Sonoma State also offers services to students experiencing food insecurity, hunger, disasters, unstable housing, homelessness, and poverty. Through the [Basic Needs Initiative](#), the University assists students with, among other things, access to food, emergency housing, emergency grants, and mental health programs.

E. Additional Resources for Employees

The University also offers an [Employee Assistance Program](#) (EAP) called LifeMatters, which is administered through Empathia. The program is designed to provide resources for professional assistance to faculty, staff, and their families (dependents and permanent household members) in assessing and resolving personal problems that may be affecting well-being or job performance. Resources available to employees

include counseling services, campus resources and referrals to community resources. The counseling services for employees include three free sessions with a local counselor, and consultations are available to discuss a [range of topics](#) including relationships, finances, health services, workplace services, legal services, and emotional wellbeing services.

The University has created a [SafeSSU website](#) that contains aggregated information regarding guidance and resources related to reporting, counseling services, and advocacy. There are dedicated webpages with information relating to [reporting](#) various types of behaviors as well as accessing available [resources](#).

VIII. Prevention, Education, Professional Development, Training, and Awareness³⁸

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.³⁹ Even if responsibilities are shared with a Confidential Advocate, the Title IX Coordinator “remains primarily responsible for all campus-based prevention and awareness activities.”⁴⁰ 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.”⁴¹

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

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

³⁸ 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.

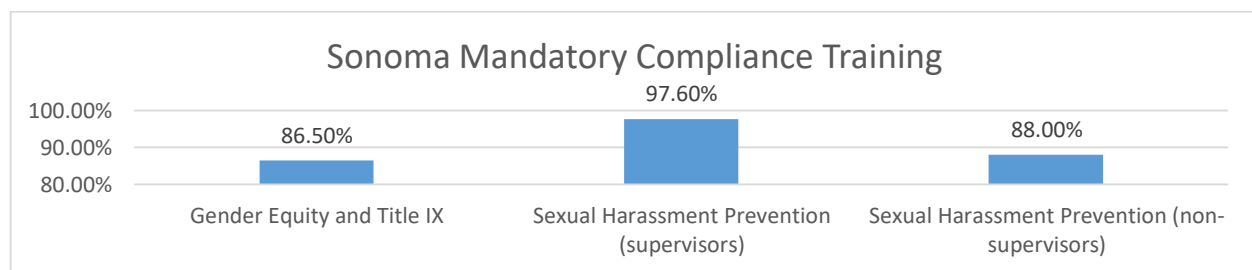
³⁹ See Attachment B: Campus Title IX Coordinators Role and Responsibilities.

⁴⁰ See Attachment C: Confidential Sexual Assault Victim's Advocates.

⁴¹ *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.”

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 Sonoma State for the 2022 calendar year:⁴²



As at other CSU universities, we also noted the need for expanded professional development and training opportunities for faculty and staff.

In addition to the online module, OPHD offers Title IX overview trainings to Residence Life staff, Resident Advisors, new employees, and certain “high risk” segments of the student population, including athletes, on-campus housing residents, and students participating in fraternity and sorority life. We reviewed some of the PowerPoint slides from these trainings and found them to be informative and inclusive of information (such as process flowcharts) that could be adapted and included on the OPHD website. As noted above, the OPHD website has a [Training & Education webpage](#) containing a link to an [online form](#) where community members can request customized presentations for specific audiences. OPHD also now articulates specific “learning objectives” for all trainings.

The prevention and education function at Sonoma State is shared primarily between OPHD and the Confidential Advocate. The OPHD website contains some limited information and resources relating to [bystander intervention](#) and [consent](#). As noted in training slides we reviewed, OPHD partners with the

⁴² These percentages have been validated by each campus. Please note employees designated by their campus as “on leave” were removed from these final percentages.

Confidential Advocate to offer trainings and events (speakers, activities, awareness campaigns, etc.) relating to topics such as affirmative consent, bystander intervention, healthy relationships, sexual harassment, and cultural competency. We also learned that in years past, the University enlisted actors to perform skits relating to prevention and education, a well received and creative approach that made the content more engaging, digestible, and applicable for students. As noted above, CAPS also offers some prevention and education programming, such as a workshop on healthy relationships.

We received feedback that prevention and education programming is happening organically and without planning. However, we observed that the quantity and breadth of programming offered by Sonoma State has been extensive. The university maintains a detailed spreadsheet that documents the training date, department, training content, and number of attendees for each training. In the summer/fall 2022 semesters alone, the spreadsheet included approximately 50 separate trainings in the following categories (with multiple dates for many of the audiences): REACH professional staff and RAs, HR, Summer Bridge leaders, orientation leaders, orientation to transfer students (850), orientation for first year students (700), orientation for all incoming students (1500), peer mentors in University Studies, the library, Trio SSS peer coaches, student outreach, Sociology Club mixer, classroom presentations (including the First Year Experience class), sorority and fraternity organizations, athletics, housing, SMART, new employee orientation, CAPS/MHA, and special programs (It's a Guy Thing, Mocktails and Consent). The trainings included a range of topics, including: report and case processing, Title IX updates, nondiscrimination programs, responsible employees, responding to disclosures, bystander intervention techniques, overview of CSU policies/resources and campus partners, harm reduction, Seawolf values, sexual assault awareness, affirmative consent, reporting options, sexual harassment (with content for appropriate work place behavior when working with peers and potentially in a lead or supervisory role), alcohol or other drugs and sexual misconduct, Title IX overview, discrimination and harassment, masculinity, and empowered self-defense.

Training was primarily provided by OPHD and/or the Confidential Advocate, and in some instances, collaboratively with the SMART Outreach and Education Committee. The university also brought in outside speakers like Jackson Katz and Britney Piper. In addition, OPHD, SMART, and the Confidential Advocate participated in tabling for move in dates (first year, transfer, and returning students), Noma Nation Orientation Resources and Community Fair, Seawolf Success Fair events (Club Fair, Safe SSU, Academic Success, Spirituality Fair, Health & Wellness, Sustainability Fair), Wear Purple for Domestic

Violence Awareness Month, Preview Day, National Collegiate Alcohol Awareness, Prevent Harm Social Media Launch, and the NOMA Nation Spring 2023 Orientation.

Despite this extensive array of programming, we note that Sonoma State's Annual Security Report, required under the Clery Act, generally lists primary prevention and awareness programs offered by the CSU system as a whole, but does not specifically detail programming specific to Sonoma State.

IX. Other Conduct of Concern

As with other universities across the CSU system and nationwide, Sonoma State has grappled with conduct issues that may not rise to the level of a potential policy violation but that nonetheless have disrupted living, learning, or working environments for some individuals. 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. As noted elsewhere, this includes:

- 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.

Sonoma State, like universities across the system, has struggled with providing a consistent response mechanism for addressing issues relating to civility, bullying, microaggressions, and other conduct that may constitute misconduct or unprofessionalism but that do not relate to protected status and/or do not rise to the level of being sufficiently persistent, severe, and/or pervasive.

As with nearly every CSU university, the feedback we received at Sonoma State regarding this *other conduct of concern* was that it was not being triaged effectively and that the University's response mechanisms seemed *ad hoc* and inconsistent, which contributed to a perception that there was a lack of concern or accountability with respect to such behaviors. Campus constituents, especially faculty members, reported recognizing that there are "limits to the law" in terms of free speech and the definition of hostile environment harassment, but expressed frustration with the university's ability or perceived willingness to confront a whole array of conduct including misuse of pronouns, cultural appropriation, and

bullying and unprofessional behaviors. They commented, for instance, “We report stuff and it goes into a black hole. We don’t know if anything happens after we report it [but it seems like it doesn’t].”

We learned during our campus visit that historically, OPHD, after making a referral to other offices for this *other conduct of concern*, had little visibility into and limited ability to track the University’s “follow through” with respect to those cases. We received feedback that this was especially pronounced with respect to the Human Resources (Employee Labor and Relations) function because that office, like OPHD, has had staffing challenges and did not routinely share information with OPHD. It was reported that these staffing and process challenges led to a lack of visibility and resulted in there being a “black hole” such that OPHD was unable to track and document patterns and outcomes in Human Resources or follow through on its referrals of *other conduct of concern* to Human Resources. Based on recent conversations with campus administrators, we understand that OPHD’s working relationship with all partner offices has now improved substantially, such that information is being shared and documented with respect to cases that have been referred to other departments.

Nonetheless, campus constituents are eager for a more robust suite of conflict resolution and employee relations options, as well as a formal “mapping” and division of labor regarding the university’s response to these behaviors. As the university implements improved employee relations functions, it will be important for the CSU to be mindful of rights and obligations under existing collective bargaining agreements.

We heard from several constituencies, most notably faculty members, who expressed a desire for an Ombuds office. Notably, the Academic Senate approved a [resolution](#) in April 2019 that stated, “[T]he faculty recommend that an Ombuds office, including a full time Ombuds person, be established after exploration of best practices by the President of the University.” While an Ombuds can provide a confidential outlet for individuals to seek assistance, receive information about resources, and participate in informal resolutions, it is only one tool in a broader suite of tools.

The University has a Care Team / Student Affairs website with information regarding reporting [bias incidents](#), as well as an [online bias incident report form](#). The website encourages members of the university community to report bias incidents to law enforcement and/or OPHD, the latter of which receives all completed bias incident reports through Maxient. The bias incident report form is also

available on Sonoma State's [SafeSSU website](#). Sonoma State's websites do not contain information about a formal bias incident response team.

Separately, individuals with whom we spoke referenced Sonoma State's [Center for Teaching & Educational Technology](#) (CTET) in positive terms. They suggested that the Center may be able to assist with faculty professional development efforts in order to reduce incidents of *other conduct of concern* in classroom settings. The Center already offers [support, training, and consultation](#) to faculty members on pedagogical approaches, including [inclusive pedagogy](#), [equity and inclusion](#), and [trauma-responsive teaching](#).

X. Recommendations

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

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

A. Infrastructure and Resources

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

1. Work with the Chancellor's Office to develop a project plan for addressing gaps and implementing recommendations
2. Share existing budget line information with the Chancellor's Office, including historic and anticipated annual fees for external investigators, hearing officers, and other Title IX/DHR related resources, as well as budget line information related to the confidential campus advocates, prevention and education specialists, and respondent resources (recognizing that these resources are typically outside of the Title IX/DHR budget)
3. Map functions within the Title IX/DHR program to ensure sufficient personnel to cover all core functions, including: intake and outreach, case management, investigations and hearings, informal resolution, sanctions and remedies, prevention and education, training, data entry and analysis,

administrative tasks, and additional resources to support legally-compliant, effective Title IX/DHR programs, as well as the essential care side of campus responses

- 3.1. Move expeditiously to fill the two vacancies within OPHD (Senior Investigator & Training Specialist, and Senior Prevention, Education, & Compliance Coordinator) as soon as possible.
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. 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. 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.)
8. 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 OPHD:

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

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

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

when it was known, by whom it was known, and what impact it had on the Title IX Coordinator/DHR Administrator's analysis

- 1.5.8. The MDT should facilitate the development of shared fluency and knowledge among key university partners related to the legal and regulatory requirements, policy frameworks, and considerations related to care and informed and equitable processes
- 1.6. Develop tools for consistent, informed, effective documentation and case management
 - 1.6.1. For quality control, develop a case opening and closing checklist to ensure that all relevant documents, correspondence, and information are captured and preserved electronically
 - 1.6.2. To the extent feasible, seek to maintain data in a usable and searchable electronic format for efficient decision making, analysis and review
 - 1.6.3. Migrate all historical DHR reports and Title IX reports into the enterprise-level case management system, if not already included
 - 1.6.4. Develop periodic reviews for quality assurance
- 1.7. Oversee investigations for quality and consistency of prompt and equitable processes
 - 1.7.1. Establish a protocol to ensure the timeliness of investigations, with routine quality control mechanisms throughout investigation process
 - 1.7.2. Develop quality control processes for monitoring active investigations for thoroughness and timeliness and ensure timely communications to parties throughout the investigative process (e.g., calendar internal 30-day, 60-day and 90-day alerts to prompt the investigator or case manager to make outreach to the parties)
 - 1.7.3. Ensure each report has sufficient review by the Title IX Coordinator/DHR Administrator and University Counsel (for legal review of sufficiency and adherence to policy)
2. Continue to evaluate barriers to reporting and engagement at the university level, with aggregation of data and advice and guidance by the Chancellor's Office
3. Review and revise tone, content, and format of reporting forms and other template communications
4. Review the current post-Title IX/DHR disciplinary processes for faculty and staff to ensure promptness, equity, and informed communication
 - 4.1. Ensure the Title IX Coordinator/DHR Administrator remains engaged in any disciplinary processes, including sanctions and appeals, until final
 - 4.2. Ensure that decisions about negotiated settlements are supported by a careful and coordinated review by all relevant campus and system level administrators
5. Develop and implement a process to routinely collect post-resolution feedback from the parties and all impacted individuals
6. Collaborate with systemwide subject matter experts for guidance on potential issues attendant to Confidential Advocates serving as advisors

7. Establish the expectation that any concerns observed by a Confidential Advocate be addressed directly with responsible administrators and systemwide subject matter experts to facilitate collaborative efforts to improve the overall institutional response

C. Communications

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

1. Ensure distribution of a clear and consistent communication plan each semester that includes, at a minimum:
 - 1.1. Dissemination of the Notice of Non-Discrimination
 - 1.2. Dissemination of the Nondiscrimination Policy
 - 1.3. Information about reporting and resources
2. Develop an intentional marketing campaign to raise awareness and help educate the university community about the role of OPHD, available resources, and resolution options, in order to enhance visibility and counter some of the negative community perceptions precipitated by recent incidents, as well as historical instability in OPHD's leadership
 - 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. Update and enhance OPHD's website and ensure that it generally includes: photographs and contact information for Title IX/DHR staff, notice of Non-Discrimination, a link to the Nondiscrimination Policy, an overview of procedural and resolution options (with accessible graphics), how to make a report (to Title IX/DHR or UPD), on and off campus confidential resources, the difference between confidentiality and privacy, supportive measures, employee reporting responsibilities, an FAQ, and prevention and education programming. As described in this report, opportunities for enhancement include, but are not limited to:
 - 3.2.1. Regularly update all webpages, especially the [Our Staff](#) webpage to ensure that it reflects the current composition of the Office at all times
 - 3.2.2. Include information about the availability of supportive measures, regardless of whether a potential complainant wishes to pursue a resolution, and examples of potential supportive

measures. The current [What We Do](#) webpage does not explicitly describe the availability of supportive measures

- 3.2.3. Include a broader Notice of Non-Discrimination on the basis of protected statuses other than sex/gender
- 3.2.4. Include CSU-provided resources found on other universities' Title IX websites, such as information relating to: Rights and Options; and Myths and Facts About Sexual Misconduct.
- 3.2.5. Include information about the Title IX / DHR resolution process, including general information about what available resolution mechanisms would entail (e.g., a step-by-step guide, flowchart, etc. for the formal resolution process).
- 3.2.6. Enhance the [What is Title IX?](#) webpage. In its current form, it contains Title IX's statutory text and nothing else that would explain the practical applications of the law and its implementing regulations.
- 3.3. Gather, evaluate, and update all existing informational materials, web resources, posters/flyers, social media information, and other public-facing communications about the Title IX/DHR program to ensure that those materials:
 - 3.3.1. Reflect the current staffing and structure of the office, the current CSU Nondiscrimination Policy and resolution processes, and current information about on- and off-campus resources including confidential resources
 - 3.3.2. Are written in clear language, accessible (from both a disability perspective and a reading comprehension perspective), and consider strategic placement of newly developed print materials in areas frequented by students, staff, and faculty
- 3.4. Use standardized email addresses and/or materials that are able to be updated quickly (e.g., use of QR codes that point to dynamic webpages that can be updated; using, for example, "TitleIX@[name of university].edu," so that print materials do not become outdated if there is a personnel change, etc.)
4. Develop an expanded annual report with meaningful information/data
5. Develop standing committee of representative student, faculty and staff ambassadors to support and facilitate institutional efforts to more effectively communicate with campus constituents
6. Identify and prioritize opportunities for in-person engagement with Title IX/DHR staff (e.g., pop-up events, tabling at an information fair, open houses in various central locations, routine scheduled short presentations to key audiences, and/or sponsored or co-sponsored events)

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

E. Responding to Other Conduct of Concern

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

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

- 5.4. Identify appropriate community remedies, if any
6. The reporting and resolution processes must ensure sufficient documentation system to track responsiveness, patterns and trends.
7. This information should be tracked and analyzed on at least an annual basis to inform the need for remedial actions regarding culture and climate, targeted prevention and education programming, and ongoing issues of concern

Appendix I
Metrics: Campus Demographics and Population⁴³

The below chart reflects key metrics and demographic information for Sonoma State University:

California State University Sonoma			
Location Information			
Location: Rohnert Park, CA (pop. 44,326) ⁴⁴	County: Sonoma County (pop. 482,650) ⁴⁵	Locale Classification: Large Suburb ⁴⁶	
University Information			
President: Ming-Tung “Mike” Lee, Ph.D., (August 2022-present) Judy K. Sakaki, Ph.D. (July 2016-July 2022)			
Designations: Hispanic Serving Institution (HSI) ⁴⁷			
Students – Enrollment Data ⁴⁸			
Total Number of Students		6,649	
State-Supported		Self-Supported	
Undergraduates	5,851	Undergraduates	59
Grad & Post Bac Students	632	Grad & Post Bac Students	107
Student Ethnicity ⁴⁹			
Overall (includes State- and Self-Supported)			
White		42%	
Hispanic / Latino		40%	
Asian		5%	
Two or More Races		5%	
Race and Ethnicity Unknown		4%	
Black / African American		3%	
International Student		1%	
Native Hawaiian / Other Pacific Islander		<1%	
American Indian / Alaska Native		<1%	
State-Supported (6,483 students)		Self-Supported (166 students)	

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

⁴⁴ United States Census Bureau,

<https://www.census.gov/quickfacts/fact/table/rohnertparkcitycalifornia/PST045221>, population estimate as of July 1, 2021.

⁴⁵ United States Census Bureau,

<https://www.census.gov/quickfacts/fact/table/sonomacountycalifornia/PST045221>, population estimate as of July 1, 2021.

⁴⁶ Defined as a territory outside a Principal City and inside an Urbanized Area with population of 250,000 or more. See National Center for Education Statistics, <https://nces.ed.gov/programs/edge/Geographic/LocaleBoundaries> and <https://nces.ed.gov/surveys/annualreports/topical-studies/locale/definitions>.

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

⁴⁸ California State University Enrollment Data, Fall 2022, Cal State Sonoma:

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

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

White	42%	White	42%
Hispanic / Latino	40%	Hispanic / Latino	34%
Asian	5%	Two or More Races	9%
Two or More Races	5%	Race and Ethnicity Unknown	8%
Race and Ethnicity Unknown	4%	Asian	<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%
Other Student Demographics⁵⁰			
Overall (includes State- and Self-Supported)			
First in Family to Attend College	24%		
% students who are traditionally underrepresented ⁵¹	43%		
% of undergrads who were Pell Grant recipients ⁵²	35%		
% of students who live on campus ⁵³	26%		
% undergrads who are in a fraternity or sorority ⁵⁴	10%		
4-year graduation rate for first-time FT freshmen ⁵⁵	39%		
State-Supported (6,483 students)		Self-Supported (166 students)	
Average Age	23	Average Age	36
Sex ⁵⁶	63% F; 37% M	Sex ⁵⁷	60%F; 40% M
First in Family to Attend College	24%	First in Family to Attend College	11%
% traditionally underrepresented ⁵⁸	43%	% traditionally underrepresented ⁵⁹	36%
Instructional Faculty⁶⁰			
Total # of faculty	480		
Tenure-track	46.7%		
Lecturer	53.3%		
% full-time ⁶¹	49.51%		
% part-time	50.49%		
Leadership body	Academic Senate ⁶²		

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

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

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

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

⁵⁴ See <https://getinvolved.sonoma.edu/fraternity-and-sorority-life> (last visited May 25, 2023).

⁵⁵ California State University, Graduation & Success Dashboards, with link to Graduation Dashboard, selecting the Summary Overview tab, and with Cal State Sonoma 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 CSUS during the Fall 2018 (most recent complete 4-year term available).

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

⁵⁷ *Id.*

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

⁵⁹ *Id.*

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

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

⁶² Cal State Sonoma Academic Senate. See <https://senate.sonoma.edu/>

Staff⁶³	
Total # of staff	630
% full-time	96.51%
% part-time	3.49%
Collective Bargaining Units	
Unit 1	Cal. Fed. of American Physicians and Dentists (UAPD)
Units 2, 5, 7, 9	California State University Employees' Union (CSUEU)
Unit 3	California Faculty Association (CFA)
Unit 4	Academic Professionals of California (APC)
Unit 6	Teamsters, Local 2010 – Skilled Trades
Unit 8	Statewide University Police Association (SUPA)
Unit 11	Academic Student Employees (UAW)
Athletics⁶⁴	
NCAA Division	II
NCAA Conference	CCAA ⁶⁵
Number of sponsored sports for '22-'23 academic year	11
Number of student athletes ⁶⁶	234

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

⁶⁴ NCAA Directory, <https://web3.ncaa.org/directory/orgDetail?id=645>, except where noted otherwise.

⁶⁵ All sports are in the California Collegiate Athletic Association.

⁶⁶ See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for California State University Sonoma. 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. In total, we received 230⁶⁷ responses to the survey from Sonoma State students, faculty, staff, and administrators as follows:

Constituency	Number of Responses
Undergraduate students	75
Graduate students	14
Staff	70
Administrators/Managers	23
Faculty	50
Other	11

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:

- Need for trauma-informed Title IX procedures. Many survey respondents stated that interacting with the Title IX office made them feel upset and re-traumatized.
- Recent events and erosion of trust. Many survey respondents noted the recent incident involving the former President’s husband was a basis for not trusting that Title IX issues would be appropriately resolved.
- Individuals used survey to report individual instances of misconduct. Some survey respondents identified specific incidents of misconduct by professors that they believed went unaddressed.
- Misconduct in campus department. Several respondents also noted historical and current issues within a specific academic department that they believed were not being appropriately addressed.
- Ableism on campus. A number of responses noted that ableism was an issue on campus, and there were issues with accessibility.

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

- Active shooter preparedness. Some survey respondents noted that they felt less safe on campus in recent years because of increasing active shooter events on college campuses.
- Violence on Campus. Some survey respondents noted recent incidents, including rapes or murders, that made them feel less safe.
- Training suggestions. Some survey respondents noted that in-person Title IX training would be beneficial for all stakeholders.

Appendix III Title IX Metrics (Title IX Annual Reports)

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

As part of our review of the Title IX program at Sonoma State University, we reviewed the University's annual Title IX reports for four academic years: 2018-2019 through 2021-2022. These annual reports are posted online on the [OPHD website](#). The annual reports provide data regarding the reports of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, Stalking, and, as of 2021-2022, Sexual Exploitation and Sexual Harassment, made to OPHD each year. The annual reports reflect the number of reports received, disaggregated by the type of conduct and the role of the respondent (student, employee, 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 through 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 all 23 universities. That being said, we have confidence that the data, while imperfect, provides sufficient reliability to extrapolate key themes and observations. As currently structured, the data-gathering system has significant challenges:

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

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

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

In presenting the below data, we note that some universities identified challenges with accuracy or completeness in their data. We have attempted to reconcile that data where possible, recognizing that some universities have provided data prepared by individuals who are no longer employed by the CSU. Before publishing this report, we sent outreach to all Title IX Coordinators to request that they verify the accuracy of their 2021-2022 annual Title IX report. Sonoma State verified the accuracy of the 2021-2022 annual Title IX report via email on April 25, 2023.⁶⁸

Finally, we recognize the significant impact of the COVID-19 pandemic on colleges and universities across the country, including Sonoma State. While we cannot know the precise impact that the pandemic had

⁶⁸ Sonoma State also provided further information about the 8 matters pending as of June 30, 2022, including that 3 resulted in investigations, 1 resulted in an ERA, 1 Complainant declined to file a formal complaint, and 3 Complainants did not respond to outreach.

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 OPHD received each per year; the procedural outcomes of those reports; and the number of reports involving student respondents, employee respondents, third-party respondents, and unknown or unidentified respondents.

A. Types of Reported Conduct⁶⁹

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	54	34	19	11
Reports of Dating/Domestic Violence		10	3	3
Reports of Stalking		7	0	5
Sexual Exploitation*	-	-	-	0
Sexual Harassment*	15	No Data Available	No Data Available	21
Total # of Reports in Above Categories	69	51	22	40

* This data was not requested by the Chancellor's Office prior to the 2021-2022 academic year.

B. Respondents' Roles⁷⁰

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

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Respondent is a Student	35	21	6	31
Reports in which the Respondent is an Employee	10	1	6	7
Reports in which the Respondent is a Third-party	9	13	4	1
Reports in which the Respondent is Unknown	15	16	6	1
Reports in which the Respondent is Unidentified				0
Total # of Reports in Above Categories	69	51	22	40

⁶⁹ This data does not include reports of incidents that fail to meet the threshold of a potential Title IX policy violation.

⁷⁰ Respondent Role totals may differ from Reported Conduct totals because in some instances, one respondent may have multiple allegations.

C. Case Outcomes⁷¹

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

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Complainant did not respond to outreach and there was insufficient information to move forward	22	31	6	18
Reports in which the Complainant's identity was unknown to the Title IX Office	No Data Available	2	4	0
Reports in which the Complainant requested supportive measures or resources only	No Data Available	2	5	7
Reports that resulted in other outcomes (except formal investigation)	36	5	4	27
Reports that resulted in a formal investigation*	1	4	3	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 does not capture investigations that were substantially completed, but discontinued at the request of the complainant, because the case was otherwise resolved, or because the matter was dismissed based on mandatory/discretionary grounds under Title IX and university policy.				

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

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