

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

California State University, Stanislaus

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Table of Contents

	Page
I. Introduction	1
II. Overview of Engagement	2
III. Summary of Findings and Recommendations	5
IV. Equity Programs & Compliance	8
A. Infrastructure.....	8
B. Visibility and Community Awareness	11
C. Website.....	12
D. Reporting Options.....	13
E. Case Processing	14
F. Review of Case Files.....	15
G. Community Feedback	15
V. Core Title IX and Related Requirements.....	16
A. Title IX Coordinator.....	17
B. Notice of Non-Discrimination	20
C. Grievance Procedures.....	21
VI. Campus Coordination	23
A. University Police Department.....	23
B. Student Conduct.....	24
C. University Housing & Residential Life.....	24
D. Faculty Affairs/Academic Affairs	25
E. Human Resources/Labor Relations	25
F. Clery Act Responsibilities.....	25
VII. Campus Resources for Students and Employees.....	26
A. University Advocates	26
B. Respondent Supports	27
C. Counseling Services	27
D. Student Health Services.....	27
E. Ombuds	28
F. Resources for Students.....	28
G. Resources for Employees.....	28
VIII. Prevention, Education, Professional Development, Training and Awareness	28

A.	Students.....	29
B.	Employees.....	30
C.	Coordination.....	31
IX.	Other Conduct of Concern.....	31
X.	Recommendations.....	32
A.	Infrastructure and Resources	33
B.	Infrastructure and Resources	34
C.	Communication	38
D.	Prevention, Education, Training, and Awareness.....	40
E.	Responding to Other Conduct of Concern	42
	Appendix I	45
	Appendix II	48
	Appendix III	51

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, Stanislaus. (Stanislaus Report). The Stanislaus State review was led by Maureen Holland and Cara Sawyer. The Stanislaus 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 Stanislaus 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.

Stanislaus State is located in Turlock, CA. It has a student population of approximately 10,155, 5% of whom live on campus, and a workforce of approximately 1,280 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 Title IX and DHR professionals, administrators, students, faculty, and staff, at each 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 Stanislaus State, Cozen O'Connor conducted a three-day virtual campus visit from September 14 through 19, 2022 as well as multiple additional virtual follow-up meetings conducted over Zoom. In total, Cozen O'Connor conducted over 49 meetings with more than 43 University professionals and other key campus partners, some of whom we spoke to on multiple occasions. These meetings included interviews with the following offices and individuals (identified by role):

- University President
- Office of Equity Programs & Compliance (EPC)
 - EPC Executive Director
 - EO Compliance Specialist (now the Interim Deputy Title IX Coordinator)
 - Title IX Investigator (part time)
- Counseling and Psychological Services
 - Director
- Dean of Students Office
 - Dean of students
 - Associate Dean of Students
- Health Education & Promotion
 - Health Educator
- Office of International Education
 - Education Abroad Director
- Housing & Residential Life
 - Director of Housing & Residence Life
 - Associate Director of Housing & Residential Life
 - Assistant Director of Housing & Residential Life
 - Academic Success Advisor
 - Housing & Residential Life Coordinator
- Student Affairs
 - Vice president of Student Affairs
- Disability Resource Services
 - Director
 - Disability Services Advisors
- Academic Affairs
 - Provost
 - Interim AVP of Faculty Affairs
 - Interim Dean of College of Science
 - Dean of the College of Arts, Humanities and Social Sciences
 - Chair, Political Science and Public Administration Department
 - Faculty members
 - Support Staff in Academic Departments
- Faculty Affairs
 - Interim AVP of Faculty Affairs

- Athletics
 - Athletics Director
 - Assistant Athletics Director
- Financial Aid and Scholarships
 - Director
- Warrior Cross Cultural Center
 - Director
 - Dreamers Project Coordinator
- HAVEN, Campus Victim Advocate
 - Program Manager
 - Director of Youth Prevention Services
 - Victim Advocate
 - Educator
- Office of the President
 - Director for Presidential Initiatives (Diversity & Inclusion; Governmental Relations)
- Student Leadership & Development
 - Director of Student Leadership
 - Student Organizations Coordinator
- Basic Needs
 - Director
 - Care Lead
 - Coordinator at Stockton Campus
- Law Enforcement
 - Chief of University Police Department
 - Lieutenant
 - Sergeant
- Strategic Planning & Enrollment Management
 - Vice President
- Office of Communications & Public Affairs
 - AVP Communications & Public Affairs
- Academic Senate
 - Senate Executive Committee
- Auxiliary & Business Services
 - Auxiliary Human Resources
- Admissions
 - Dean of Admissions
- California Faculty Association (CFA)
 - CFA Representative & Faculty Member
- Stockton Campus Leadership
 - Dean of Stockton Campus
 - Interim Director of Stockton Campus Operations
- University Counsel
- Staff Council

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

During our campus visit, Cozen O'Connor held a meeting with the Academic Senate Executive Committee (eight attendees) and after our visit, we met with the President of Associated Students Inc.

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 1,385 responses to the survey from Stanislaus 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

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

Insufficient Infrastructure, Visibility, and Trust Gap: The Equity Programs & Compliance (EPC) office houses the university's Title IX and DHR functions. The EPC Executive Director is the university's Title IX Coordinator & DHR Administrator. At the time of our campus visit, they also held the positions of Americans with Disabilities Act (ADA) Coordinator, Whistleblower Administrator, Clery Coordinator, and Interim Senior Vice President of Human Resources Equal Opportunity and Compliance (HREOC). We observed an extraordinary level of dedication and willingness within EPC to fill critical roles as needed; however, with a staff of two, EPC lacked the resources and personnel needed to sustainably fulfill core Title IX and DHR functions, let alone additional responsibilities.

While the EPC staff enjoys a positive reputation among administrators, key campus partners, and others who are aware of EPC, reporting numbers at Stanislaus State are substantially lower than what one would expect for a campus of its size. We also learned of significant historical faculty distrust of the EPC office. We understand that EPC was

previously viewed primarily as an office of investigation, dedicated to processing complaints through formal investigations as opposed to providing supportive measures, resources, education, or other resolution options such as informal resolutions.

EPC has taken steps to increase awareness, address the trust gap, and increase reporting, including development of a robust Title IX Liaison program to build awareness about EPC, engaging in a “Title IX Roadshow” to promote EPC to department heads and other campus leaders, and developing enhanced informational materials. We expect these efforts to yield more awareness and higher numbers of reports. At the time of our virtual visit to campus, the office was not prepared, in terms of personnel and resources, to handle a substantial increase in the number of reports. Despite the tremendous effort, dedication, and ability of the staff who are in the office, more human resources are needed to build an office that is capable of addressing the full Title IX and DHR needs of the campus.

In June 2023, we learned that the President² has approved additions to EPC’s staff complement, adding essentially one full-time position, as well as four part-time appointments for Deputy Title IX Coordinators, filled by campus partners already at the university. While these efforts will bring needed staff resources to the office, our recommendations speak to the need to continually evaluate staffing levels as the office continues to grow and as reporting increases.

Prevention and Education: As it relates to prevention and education, EPC partners with [HAVEN](#) (Healthy Alternatives to Violent Environments) to provide training and prevention and education programming. Stanislaus State contracts with HAVEN, an external agency that supports survivors of domestic violence, sexual violence, and human trafficking, to provide confidential victim advocate services. At the time of our visit, the victim advocate was part-time. Given the resource challenges faced by both EPC and the victim advocate, campus programming has been more organic than strategic, and as a consequence, has not been provided in a manner that reached required audiences or effectively delivered

² In January 2023, [President Junn](#) announced her retirement from Stanislaus State after serving as the University’s President for the past seven years. In April 2023, the Interim Chancellor announced that [Susan Borrego](#) would serve as Interim President for approximately one year beginning in August of 2023, while the CSU Board of Trustees conducts a national search for President Junn’s replacement.

necessary content. As of June 2023, the campus advocate is now full-time. In addition, as of July 1, 2023, Stanislaus State has extended its contract with HAVEN to include a full-time violence prevention educator who will be responsible for overseeing prevention and education across the campus. Given this new resource, as well as expanded staffing in EPC, we recommend that the university seize this moment to engage in strategic planning efforts to ensure that the campus community is supported appropriately, to designate a university employee to serve as a dedicated prevention and education coordinator to oversee the strategic plan, and to build a campus Prevention and Education Oversight Committee to provide a holistic approach to sexual and interpersonal violence prevention and address issues related to discrimination and harassment.

Responding to Other Conduct of Concern:³ As with other CSU universities, Stanislaus State struggles in its response to conduct issues that may not fall under the Nondiscrimination Policy, but are nonetheless disruptive to the living, learning, and working environment. As on many CSU campuses, we learned about concerns, particularly from faculty, that *other conduct of concern* is underreported and that it has ineffective institutional responses have allowed it to continue unchecked for years. Faculty shared concerns about microaggressions and potential bias incidents, reflecting that the administrative structures were insufficient to provide consistent and responsive action. While individual administrators seek to address reports related to *other conduct of concern*, Stanislaus State has no consistent and formalized mechanism for responding to and navigating these behaviors. As a 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

³We 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.

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

IV. Equity Programs & Compliance

A. Infrastructure

The Equity Programs & Compliance Office (EPC) is Stanislaus State's [Title IX & DHR office](#). The EPC office is responsible for providing the university's response to reports of conduct that may violate the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#) (Nondiscrimination Policy). When we held our virtual visit to campus in September 2022, EPC also had responsibility over the university's compliance with the Clery Act, Section 504/ADA Accommodations, Whistleblower reports, California Abuse and Neglect Reporting Act (CANRA) compliance, and administered the Volunteers Program. At the time of our visit, the office had two full-time employees, the Executive Director and the Equal Opportunity (EO) Compliance Specialist. EPC also contracted with California Polytechnic State University, San Luis Obispo (Cal Poly San Luis Obispo) to allow their Title IX Investigator to provide .25 full-time equivalency (FTE) assistance with investigations. Between May 2022 and July 1, 2023, the EPC Executive Director was also serving as the Interim Senior Associate Vice President (AVP) of Human Resources, Equal Opportunity and Compliance (HREOC). The EPC Executive Director reports to the President.

The EPC Executive Director is the university's Title IX Coordinator and DHR Administrator. They have been with the campus since April 2020, and in the role of Title IX Coordinator and DHR Administrator since May 2022. Their Title IX and DHR responsibilities include conducting outreach and intake; coordinating supportive measures; responding to employees who make responsible employee reports; overseeing investigations; developing and delivering training on the Nondiscrimination Policy; and coordinating the sharing of information with campus partners.

The EPC Executive Director also serves as the university's Clery Coordinator. In that capacity, they work closely with the university's Clery Committee.

EPC's EO Compliance Specialist (now the Interim Deputy Title IX Coordinator or Interim Deputy) has been in their current role since November 2021. We learned that they started working at the university as a Student Assistant in 2011 and has been employed at the university ever since. The Interim Deputy has

held other roles in the HR division at Stanislaus State, including serving as the Executive Assistant to the Senior AVP for HR. When we had our virtual campus visit in September 2022, the Interim Deputy was also the university's designee to receive all Public Records Act (PRA) requests. With respect to Title IX and DHR, the Interim Deputy assists in assuring the documentation regarding all reports and cases is up to date and complete. They also assist the Executive Director with intake, communication, and coordination and information sharing with campus partners. When we met in September 2022, we noted that the Interim Deputy had significant responsibilities for Title IX and DHR compliance and PRA requests, and readily took on other tasks as needed, including serving as HAVEN's de facto liaison on campus.

Together this staff of two are responsible for:

- Outreach, intake, and initial assessment of all Title IX reports for faculty, staff, and students
- Outreach, intake, and initial assessment of all DHR reports for faculty, staff, and students
- Coordinating supportive measures
- Responding to responsible employees
- Overseeing external investigators assigned to address faculty and staff cases
- Overseeing internal and external investigators assigned to address student cases
- Overseeing decision-makers for Title IX and DHR cases
- Serving as the Clery compliance officer for the university
- Serving as the ADA Coordinator for the university
- Identifying and training university employees designated as campus security authorities (CSAs) under the Clery Act
- Coordinating the sharing of information with university partners
- Delivering training regarding Title IX, DHR, Clery compliance, and child abuse and neglect reporting responsibilities to all populations
- Tracking compliance with the online training for students, staff, and faculty

EPC investigations are typically led by external professionals. Any investigation that involves staff or faculty automatically goes to an external investigator. As noted above, for the past several years, EPC has engaged an investigator who works full-time at Cal Poly San Luis Obispo to serve as an additional .25 FTE investigator at Stanislaus State.

In June 2023, Stanislaus State shared that it began implementing changes in response to feedback about the need for more resources and personnel. We learned of the following substantial changes, all of which were effective July 1, 2023:

- The EPC Executive Director is no longer the Interim Senior Vice President of HREOC and, instead, focuses solely on their Title IX, DHR, and related roles as the EPC Executive Director.

- A newly created full-time position—Equity Programs & Compliance Technician—has joined EPC. This position supports the EPC team in coordinating and administering the university’s Title IX and DHR programs and provides needed administrative and technical support to the other three full-time staff members.
- EPC has designated four current university personnel as part-time Deputy Title IX Coordinators, to reflect and resource their roles in the Title IX program. These positions work in coordination with the EPC Executive Director and under their oversight. The EPC Executive Director will review these positions annually.
 - The university’s part-time Title IX investigator (shared with Cal Poly San Luis Obispo) has begun a part-time appointment as EPC's Deputy Title IX Coordinator responsible for all Title IX related investigations undertaken at the university. This is a newly created part-time position within EPC.
 - The university’s current Assistant Director of Athletics and NCAA Senior Women's Administrator (SWA) has been appointed as EPC's Deputy Title IX Coordinator responsible for coordinating all Title IX-related athletics compliance.
 - The university’s Director of Disability Resources has been appointed as EPC's Deputy Title IX Coordinator responsible for coordinating all Title IX supportive measures for students related to pregnancy and pregnancy related conditions.
 - The university’s current Director of Labor & Employee Relations has been appointed as EPC's Deputy Title IX Coordinator responsible for assisting in coordinating Title IX and DHR matters related to labor and employee relations.
- EPC’s EO Compliance Specialist has become EPC's Interim Deputy Title IX Coordinator responsible for coordinating all Title IX-related supportive measures for students (non-pregnancy), coordinating and administering all Title IX related student training, programing and prevention programs, as well as assisting the EPC Executive Director in overall coordination and administration of the university's Title IX and DHR compliance programs and related activities. This is a newly created full-time position in EPC.
- HAVEN's newly hired Educator has begun working full-time at the university. The Educator's office will be placed alongside EPC's offices.
- A newly formed Title IX and DHR Compliance Team will begin meeting on a biweekly basis. This team consists of the following campus personnel: 1) All four newly appointed Deputy Title IX Coordinators, and the newly appointed full-time Interim Deputy Title IX Coordinator (described above), 2) the Director of Student Leadership & Development, 3) the Assistant Director of Student Leadership & Development, 4) a Student Leadership & Development Assistant, 5) the Director of Housing & Residential Life, 6) the Assistant Director of Housing & Residential Life, 7) the Director of Student Conduct, 8) the Director of Counseling and Psychological Services, 9) the EO Compliance Specialist, (10) the Equity Programs & Compliance Technician, and (11) the EPC Executive Director.

With these actions, the university has taken significant steps to address the staffing concerns. As noted, as of July 1, 2023, the office has added one full-time staff member and four part-time staff members. The new part-time Deputy positions provided additional support and resources dedicated to overseeing investigations, coordinating Title IX-related athletics compliance, providing supportive measures related to pregnancy and pregnancy-related conditions, and providing support for Title IX and DHR matters

related to labor and employment matters. Prior to July 1, 2023, EPC was insufficiently staffed. Following the July 1, 2023, staffing changes, we find EPC may be sufficiently staffed and resourced to address the volume of reports it currently receives; however, as EPC develops greater awareness of its resources, we expect the volume of reports to rise. This may necessitate increased staff in EPC.

These changes represent a significant increase in resources which we believe will help ensure that all responsibilities of the Title IX and DHR requirements are addressed. Importantly, with this new level of support, we believe the Title IX and DHR programs will benefit from increased capacity to do more proactive work, such as building awareness, improving communications, and increasing prevention, education and training.

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

B. Visibility and Community Awareness

Through meetings with university partners, we learned that the EPC Executive Director and the Interim Deputy Title IX Coordinator are well known, respected, and have strong working relationships with constituencies across the university. University partners praised their availability and responsiveness. This positive standing was earned through EPC's proactive communication and demonstrated commitment to finding creative solutions to complex problems. In our university stakeholder meetings, however, we observed a low level of awareness of EPC and its functions.

We also observed a very low reporting rate. We learned that the reports to EPC average less than one report per month, an extremely low number for a campus the size of Stanislaus State. The overall low number of reports is consistent with a lack of constituent awareness of EPC. EPC is currently developing awareness-building informational materials. We heard from EPC that they are aware of the need for greater visibility, more informational materials, and increased communications about EPC and its functions. We understand that EPC is prioritizing this effort and will have more capacity to focus on visibility and awareness with the addition of new EPC staff.

EPC has also taken significant steps to raise awareness. In September 2022, EPC had recently launched its Title IX Liaison program – specially-trained employees across campus who act as beacons of Title IX resources and information. This program has helped bridge awareness gaps across the university and shared information about EPC’s role and functions, its personnel, and the resources it makes available to all members of the university community. The goal of the program is to spread awareness and accurate information about how the university’s Title IX programs work. Since that time, the program has grown. The Title IX Liaison program represents a promising practice and one that we have recommended to other campuses in the CSU system. We note that the Liaison program directly addresses a key issue at Stanislaus State—the campus’s lack of awareness of Title IX and DHR. We also find the program helpful in promoting collaboration with university partners. In describing the vision of the Liaison program, the EPC Executive Director explained that Title IX Liaisons are individuals selected across the campus who receive an in-depth six-hour introductory Title IX training and participate in monthly meetings. Training is provided through an external subject-matter expert and augmented by internal training by the EPC team. Several individuals referred to the Title IX Liaisons as “informational beacons” to help educate and engage the community regarding Title IX. As the Title IX Liaison program continues to grow, we recommend that the Executive Director continually evaluate how to provide the Liaisons with focused direction and purpose.

In addition, EPC has also engaged in a “Title IX Roadshow” to teach the campus about Title IX, remind those who are responsible employees about their obligations to report, and engage with department chairs and others who have contact with students, staff, and faculty. We learned that EPC is aware of significant historical faculty distrust of the EPC office. As noted above, EPC was previously viewed primarily as an office of investigation, dedicated to processing complaints through formal investigations as opposed to providing supportive measures, resources, education, or other resolution options such as informal resolutions. The current Executive Director recognizes that the office must make meaningful outreach to be sure that the university community is aware of all of the services that the office provides. We note that the Executive Director has taken meaningful steps to identify and address potential barriers, including by recognizing structural and historical factors leading to distrust in EPC. Continued attention to these issues will be important as the office embarks on developing and updating its structure and operations.

C. Website

The EPC website needs updates and improvements. Many changes are straightforward, such as updating the name and contact information for the staff in EPC. It also appears that the entire university website is

undergoing an update, as we received some “under construction” notices as we searched. In June 2023, we learned that the university is planning to revamp its website, thereby permitting EPC to address gaps on its pages.

Our recommendations at the system and university levels speak to the need for clear and navigable web resources directed at individuals who have experienced discrimination or harassment. We recommend that Stanislaus State evaluate existing Title IX and DHR websites at sister campuses including the [Office of Equity and Compliance at Cal State Long Beach](#), the [Title IX and Gender Equity Office at San José State](#), and the [Title IX and Gender Equity Office at Cal State Fullerton](#), all of which have resources tailored for different audiences, including responsible employees, students, faculty, and staff. Each of these websites speaks to the unique needs of its campus. Our recommendations also speak to the need to engage stakeholders, including students, faculty, and staff, in developing tailored content to serve the needs of Stanislaus State’s community and to ensure that resources are accessible and understandable across audiences.

D. Reporting Options

EPC receives reports via email, telephone, or an [online reporting form](#) accessible through the Office’s website. Reports can be made by a complainant directly or through third parties (e.g., responsible employees). The online reporting form can be submitted anonymously. As to anonymity, the report form states:

Anonymity: You may wish to identify yourself through the fields in this section, or you may elect to remain anonymous. You may choose to identify yourself in the future or not. Be advised that any information included in this report may be shared with the person(s) whose behavior is being reported. If you are uncertain about whether you should include particular names or information about others (e.g. witnesses), please contact the Equity Programs and Compliance Office at compliance@csustan.edu, 209-667-3868, or by appointment with [the] Discrimination, Harassment, and Retaliation Administrator...

The form should additionally indicate that the ability to investigate a reported incident may be limited by the anonymity. The paragraph quoted above also contains the previous Title IX Coordinator’s name as the contact person and must be updated.

We also recommend that EPC remove the “required” designation for fields or add a caveat so that, for example, a person is not discouraged from reporting if they do not know the date of the incident. We understand that EPC, like most other CSU campuses, adapted its reporting form from a template provided by the Chancellor’s Office.⁴ These changes are recommended systemwide and are not unique to Stanislaus State.

E. Case Processing

We learned that EPC prioritizes immediate outreach upon receipt of a report, whether the report is from a complainant, a third-party, or a responsible employee. When making outreach after a responsible employee report, EPC lets the complainant know how they got connected to them. The opening email outreach, as we heard, is to ensure that the complainant is aware of supportive measures as soon as possible, including the Victim Advocate (HAVEN) and Counseling and Psychological Service (CAPS). We learned that the office does not use a template for outreach. We heard that it exists, but that the Executive Director prefers a more custom-tailored approach.

As noted above, EPC utilizes external investigators often, and always in faculty or staff investigations. From our interviews, it appeared that all of the investigatory work, from determining whom to interview, to undergoing the thorough fact-finding process, is overseen by the Executive Director and the Interim Deputy. Since our campus visit, we understand that EPC now has a part-time Deputy Title IX Coordinator whose responsibilities include overseeing Title IX investigations. We learned that EPC has adapted templates from another CSU campus for use in its processes. We recommend that EPC review all templates to ensure that they meet the needs of their campus community.

The Executive Director and Interim Deputy are responsible for overseeing the university response to reports, whether or not there is not an investigation. In cases that do not move forward to investigation, the Executive Director oversees the implementation of supportive measures and ensures appropriate documentation in the case management system. EPC uses Maxient to document and track cases internally. We note that the office appears to prioritize responsiveness and outreach. We heard from university professionals that students have expressed that the investigative process takes too long. While the length of the process may largely be driven by the requirements of the Nondiscrimination Policy and

⁴Attachment F to the Nondiscrimination Policy is a complaint form many CSU universities have used as a template for developing their own online reporting forms.

the federal and state legal and regulatory framework, issues such as case complexity, staffing constraints, and resource needs likely contribute to the length of time to resolution.

F. Review of Case Files⁵

We reviewed sample reports of the following types: DHR Investigation Final Report, Title IX Investigation Final Report, and Hearing Findings. The DHR case involved an employee respondent, and the Title IX case involved a student respondent. Each investigation took approximately five months, or approximately 100 working days. We did not note any issues with the quality of these investigations or with the length of time they took to resolve.

G. Community Feedback

The Executive Director has training and extensive experience in the areas of Title IX and DHR compliance. They have prioritized building and maintaining positive working relationships with university partners and have been very successful in bridging gaps between EPC and other units. We heard from many university professionals and other stakeholders about the Executive Director's positive approach to collaboration and dedication to improving relationships.

A few individuals shared that their interactions with EPC led them to believe that EPC focused too heavily on fact-finding to the detriment of their care responsibilities. This could be a result of EPC's structure and history as an office focused primarily on investigations and resolutions. We believe that the renewed focus on student supportive measures through the Interim Deputy will help in this regard. We also believe that enhanced web and print resources will assist the office in communicating its many responsibilities, including providing resources, supportive measures, reporting options, information, and training to the campus.

In our conversations with university professionals and stakeholders, we heard concerns from students about the duration of the formal resolution process. From one university professional who works with students, we heard that "the waiting and the [not knowing] what is going to happen. That is what makes it difficult." We heard that students are also concerned about retaliation. We heard it described as, "If I

⁵ 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.

report this, they will know I reported this.” Even if unfounded, this belief undoubtedly creates barriers to reporting or participation. Some university professionals said Stanislaus State students needed more information about the EPC process than was currently widely available. One university professional said, “Students – [many] being first gen, they struggle with the process, it can be really overwhelming. They want to know from front to back. What is the potential of what is going to happen? This space – how do things work here? And if I do not know how this works, I will probably not participate.”

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;⁶ (ii) adopt grievance procedures that are prompt and equitable;⁷ and (iii) publish a non-discrimination statement.⁸ 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,⁹ we incorporate the Title IX framework as it relates to these core requirements, because they apply equally to DHR programs.

⁶34 C.F.R. § 106.8(a).

⁷34 C.F.R. § 106.8(b).

⁸34 C.F.R. § 106.8(c).

⁹ These include Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975. The implementing regulations for these statutes outline some requirements that are similar or identical to certain of the “core Title IX obligations.” For instance, most of the regulatory frameworks require a notice of non-discrimination. See 34 C.F.R. § 100.6(d) (Title VI), 34 C.F.R. § 104.8 (Section 504), and 34 C.F.R. § 110.25 (Age Discrimination Act), and 28 C.F.R. § 35.106 (ADA). Furthermore, the implementing regulations for the Age Discrimination Act closely mirror the core Title IX obligations in that they require educational institutions to: (i) designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities, including investigation of complaints; (ii) notify beneficiaries of information regarding the regulations and the contact information for the responsible employee; and (iii) adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. 34 C.F.R. § 110.25.

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.¹⁰ 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.¹¹ The Title IX Coordinator's role and responsibilities should be clearly defined, and the institution must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the institution, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.¹² The Title IX regulations detail the responsibilities of the Title IX Coordinator, which include, among other things:

1. Receiving reports and written complaints;¹³
2. Coordinating the effective implementation of supportive measures;¹⁴
3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;¹⁵
4. Considering the wishes of the complainant with respect to supportive measures, explaining the process for filing a formal complaint;¹⁶
5. Attending appropriate training;¹⁷

¹⁰ 34 C.F.R. § 106.8(a).

¹¹ *Id.*

¹² *Id.*

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

¹⁴ *Id.*

¹⁵ 34 C.F.R. § 106.44(a)

¹⁶ *Id.*

¹⁷ 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

6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;¹⁸
7. Overseeing the prompt and equitable nature of any investigation or resolution, and;¹⁹
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.²⁰

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.²¹ Generally, Title IX Coordinators and DHR Administrators should be positioned to operate with appropriate independence and autonomy, have sufficient supervision and oversight, and have direct or dotted reporting lines to senior leadership.

The Chancellor's Office has published guidance regarding the role of campus Title IX Coordinators. Attachment B to the Systemwide Nondiscrimination Policy mandates that campus Title IX Coordinators "shall have authority across **all** campus-based divisions and programs (e.g., Human Resources, Academic Affairs, 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

grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias.")

¹⁸ 34 C.F.R. § 106.45(b)(1)(iii).

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

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

²¹ These effective practices have been articulated, among other places, in a Dear Colleague Letter from the U.S. Department of Education's Office for Civil Rights on April 24, 2015. Although this Dear Colleague Letter has since been rescinded, the underlying concepts described in the letter are still instructive. The 2015 Dear Colleague Letter stated, "The Title IX coordinator's role should be independent to avoid any potential conflicts of interest and the Title IX coordinator should report directly to the recipient's senior leadership" The Letter further instructed that "the Title IX coordinator must have the authority necessary to [coordinate the recipient's compliance with Title IX] and, in order to do so, "Title IX coordinators must have the full support of their institutions . . . [including by] making the role of the Title IX coordinator visible in the school community and ensuring that the Title IX coordinator is sufficiently knowledgeable about Title IX and the recipient's policies and procedures."

MPPs and “have the qualifications, authority and time to address all complaints throughout the campus involving Title IX issues.”²² Finally, Attachment B recommends that all campus Title IX Coordinators “be someone without other institutional responsibilities that could create a conflict of interest (e.g., someone serving as university counsel or as a disciplinary decision maker)” and that they report to a supervisor who is a Vice President or higher.

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

Stanislaus State’s EPC Executive Director (and Title IX Coordinator/DHR Administrator) has been in their current role for approximately 14 months. Prior to that, they served as the Director of EPC and, in that role, was the Deputy Title IX Coordinator and Deputy DHR Administrator (April 2020 to May 2022). The Executive Director’s contact information is displayed on the university [website](#), as well as that of the EPC office itself. The Executive Director reports directly to the University President. We find that the Executive Director is sufficiently positioned in the institution.

When we visited Stanislaus State, EPC had only two full-time staff dedicated to Title IX and DHR, and both had significant responsibilities outside of the Title IX and DHR program. The university has made improvements and is continuing to enhance resourcing within EPC. As outlined elsewhere in the report, the university has created two additional full-time positions in EPC, appointed four current administrators in other university departments as part-time Deputy Title IX Coordinators, and has increased training and awareness through its Title IX Liaison program and “Title IX Roadshow.” We commend the university for its commitment to providing the appropriate resources. Our recommendations speak to the need to continually evaluate resourcing levels as awareness of EPC grows and as reporting increases.

²² 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.”

In terms of training, the Executive Director has received relevant Title IX and DHR training annually. The Executive Director possesses the necessary substantive subject-matter fluency with respect to Title IX and DHR issues.

While the Executive Director is no longer the Interim Senior Associate Vice President for Human Resources, we note that we had prior concerns about having the Executive Director serve in both leadership roles simultaneously. Currently, there is no conflict of interest in the roles within the Executive Director's portfolio.

B. Notice of Non-Discrimination

The Title IX regulations require that institutions publish a nondiscrimination statement.²³ 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;²⁴
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.²⁵

Stanislaus State has a [Notice of Non-Discrimination on the Basis of Gender or Sex](#) (Notice) which is consistent with the Title IX regulations in that it 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. Stanislaus State's Notice states that the prohibition against discrimination includes a prohibition against sexual harassment, sexual misconduct, and gender based dating and domestic

²³34 C.F.R. § 106.8(b)

²⁴ *Id.*

²⁵ 34 C.F.R. § 106.8(b)(2).

violence and stalking. The notice provides the Executive Director's contact information as well as the contact information for OCR for individuals who wish to report sex discrimination. The notice is located on the EPC website; however, it takes two clicks to get to it (first click on "Discrimination, Harassment, Misconduct or Violence Based on Gender & Title IX Rights," and next click on "Notice of Non-Discrimination on the Basis of Gender or Sex.") Using the search function on the Stanislaus State website also results in a link to the Notice.

We were unable to locate a broader Notice of Non-Discrimination on the Stanislaus State website that states that the university does not discriminate on the basis of protected statuses other than sex and gender. This notice is not a requirement of Title IX but would be consistent with the purpose and goals of Title VI, Title VII, and other federal nondiscrimination laws. We did find selected sections of the U.S. Education Code and the Americans with Disability Act, prohibiting discrimination based on disability, on the University's [website](#).

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"26 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.²⁷

CSU's Chancellor's Office maintains the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#). Consistent with its obligations under Title IX and other federal and state laws prohibiting protected status discrimination, harassment, and retaliation, this document sets forth the grievance procedures and process for resolving reports of sex discrimination, as well as other protected status prohibited conduct. Pursuant to the Nondiscrimination Policy, there are three separate tracks for

²⁶ 34 C.F.R. § 106.8(c).

²⁷ *Id.*

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

This Nondiscrimination Policy, which applies to all 23 CSU universities, is an omnibus policy document that maps the complex and overlapping procedural requirements mandated by several federal and state frameworks, including the federal Title IX regulations, California state law relating to sex discrimination and sexual harassment in higher education, California case law relating to due process, and other federal and state laws relating to discrimination based on other protected statuses. Although the Nondiscrimination Policy is consistent with the legal requirements of Title IX and the related federal framework for discrimination and harassment on the basis of protected statuses, Title IX/DHR professionals and campus constituents from every university consistently expressed to Cozen O'Connor 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.²⁸ We learned that at many of the CSU universities, the prohibition is not adequately communicated to the university community, limited or no training is offered on the prohibition, and the prohibition is not enforced. Given the significant overlap of the prohibited relationship policy with Title IX, and DHR and *other conduct of concern*, attention should be given to the training and enforcement of this prohibition. We recommend that training on this section of the policy be incorporated into required training and education. On many campuses, this was an issue of significant concern for faculty and staff.

²⁸ 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.”

VI. Campus Coordination

We observed strong communication and collaboration between EPC and its campus partners. University professionals reflected shared goals, mutual respect, and commitment to continued growth and development. Throughout our visit and in meetings with campus partners, we consistently heard how easy it was to work with EPC and how well the office and the Executive Director and Interim Deputy coordinated and communicated information.

We identified the need for better coordination in one area, which was already identified by outgoing President Junn—specifically, the need for a formal, and robust multidisciplinary team (MDT). As of July 1, 2023, the campus has formed an MDT called the “Title IX and DHR Compliance Team,” which will meet on a biweekly basis. We recommend that this team evaluate meeting frequency on an ongoing basis to ensure that it is prepared for an increase in reports as awareness of EPC grows. The team includes EPC and university personnel who are key partners in the Title IX and DHR space, including Housing, Student Life, CAPS, Student Conduct, Athletics, HR, and Disability Services. The MDT should continually evaluate its meeting cadence and format to ensure it is effectively addressing the needs of the university. We look forward to hearing how the MDT collaborates and shares information about cases. We believe this will strengthen sound decision-making and provide pathways to consistently document all known information.

Another effective practice in ensuring coordination and access to information is the use of a shared case management system across university partners and offices. In order to make decisions, the EPC Executive Director must be able to assess all the information known to the university. The EPC Executive Director is tasked with evaluating pattern, risk, and climate, and must have access to all information necessary in order to do so. We note that a shared case management system is a way to ensure that communication happens in real time. Our recommendations speak to a uniform case management system across all key units including EPC, Student Conduct, Housing, HREOC, and Faculty Affairs.

A. University Police Department

According to its website, the [University Police Department](#) (UPD) has 14 fully trained and sworn police officers on staff, as well as numerous civilian employees and student assistants. UPD has primary jurisdiction on campus and, through its working relationship with the City of Turlock, has jurisdiction on

streets near campus. UPD works closely with local and state law enforcement agencies and UPD and Turlock Police Services share dispatching and mutual officer assistance.

We learned that UPD and EPC have a positive working relationship and good communication. UPD stated that they are always communicating with EPC, and their mutual use of Maxient has made communication and information-sharing even more efficient. We learned that UPD approaches the California Penal Code 293 issue²⁹ by asking complainants for the best way for the Title IX Office to contact them. UPD also asks complainants if they are comfortable with the Title IX Office making outreach. UPD shares complainants' names with EPC so that EPC can send outreach and extend supportive measures, resources, and resolution options.

B. Student Conduct

Stanislaus State's [Student Conduct](#) office administers the Student Code of Conduct. According to the [Statement of Student's Rights and Responsibilities](#), all Stanislaus State students are expected to comply with the law, university policies, and campus regulations. The university's Student Code of Conduct expects students "to be good citizens and to engage in responsible behaviors that reflect well upon their university, to be civil to one another and to others in the campus community and contribute positively to student and university life." The CSU [Student Code of Conduct](#) contains more information. In our interviews with university professionals and stakeholders, we heard that Student Conduct collaborates well with EPC and with other campus partners.

C. University Housing & Residential Life

According to the [Housing and Residential Life](#) (Housing) website, living on-campus at Stanislaus State, students experience a "student-centered community that provides a safe and supportive living environment which fosters academic success and personal growth." The Residence Village currently houses 656 students in its 164 suites and apartments. As noted in Section II above, approximately 5% of Stanislaus State students live on campus.

²⁹ [California Penal Code 293](#), requires law enforcement officers who receive a report from a victim of a sexual offense to inform the individual that their name will be a matter of public record, unless the individual requests that it not be. It also allows victims to retain confidentiality by electing for the law enforcement agency to not disclose their name to any person not "authorized or required by law."

Housing coordinates with Student Conduct to address conduct concerns that arise in Housing. Housing hosts its own hearings when appropriate. Housing uses Maxient as its records management system. This allows them to communicate and coordinate information with other university partners who also use Maxient. We heard that Housing has a positive working relationship with EPC. We learned that the Resident Assistants (RAs) are trained during three weeks over the summer prior to the start of the fall semester. The EPC Executive Director and the Interim Deputy work directly with RAs to prepare them to address common scenarios. We heard that the training is helpful, and that RAs benefit greatly from being able to ask questions of EPC personnel and get real-time answers.

D. Faculty Affairs/Academic Affairs

[Academic Affairs](#) at Stanislaus State is headed by the Provost/Vice President for Academic Affairs. The Provost oversees the four colleges and the administration of the Division of Academic Affairs.

The Office of [Faculty Affairs](#) supports the professional needs of Faculty and Academic Student Employees at Stanislaus State. The office works with faculty from hire to retirement, assisting with human resources needs. Faculty Affairs is currently led by an Interim Associate Vice President for Faculty Affairs. In our interviews with university professionals, we learned that Faculty Affairs coordinates with and makes referrals to EPC when it becomes aware of a Title IX or DHR related concern. We also learned that Faculty Affairs maintains some records in paper form. Our recommendations speak to the need to centralize recordkeeping in a system that is searchable by the names of all involved parties.

E. Human Resources/Labor Relations

The [Division of Human Resources, Equal Opportunity, and Compliance](#) manages payroll, human resources information/records management, compensation, policies, training, and labor relations, to provide support for the faculty, staff, and student employees. As noted above, as of July 1, 2023, HREOC is led by a new Senior Associate Vice President.

F. Clery Act Responsibilities

The EPC Executive Director serves as the University's [Clery](#) Director. The Director of EPC works with the university Clery Committee, which assists in the identification of campus security authorities (CSAs), helps train CSAs, and ensures the accuracy of the [Annual Security Report](#) (ASR). The Executive Director works with the Chief of UPD and other university partners as needed to assess whether a timely warning should

be issued, and maintains documentation through a checklist designed to help evaluate whether or not to issue timely warnings. The EPC Executive Director works with EPC's Compliance Specialist to complete the Annual Security Report required by the Clery Act.

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. Stanislaus State provides the following resources dedicated to supporting student and employee well-being.

A. Confidential Advocates³⁰

Stanislaus State contracts with the community organization HAVEN to provide confidential survivor advocate services to the campus. According to HAVEN's Stanislaus State [website](#), the advocate provides a confidential and safe place for students and staff when needed. HAVEN's confidential advocate services include peer counseling, safety planning, case management, advocacy, crisis intervention, hospital accompaniment, court accompaniment, resources, and referrals to other services. We learned that HAVEN services are available to students, faculty, and staff, but that, to date, only students have accessed their services. We learned that during the Spring 2022 semester and the summer of 2022, only five students accessed services through HAVEN. We also learned that HAVEN usually works with just one to two students on campus in a given year. During our campus visit, we learned that HAVEN is working hard to raise awareness about its services, programs, and approach.

HAVEN also provides most of the prevention education programming on campus. We learned that HAVEN has made outreach to student leadership, fraternities and sororities on campus, and is working with CAPS to build awareness about their offerings. [HAVEN's website](#) advertises the availability of presentations and workshops for interested constituencies. HAVEN and EPC are planning to have HAVEN develop alternative trainings for those who are not able to take the required online training modules. The [HAVEN Stan](#) website provides information about services available on campus and in the local community. The [Stanislaus State](#)

³⁰ The Confidential Advocate role is defined in Attachment C of the Nondiscrimination Policy and discussed in the Systemwide Report.

[Brochure](#) provides information on HAVEN services, as well as information on healthy relationships. As noted above, effective July 1, 2023, HAVEN's prevention educator has moved from part-time to full-time.

B. Respondent Supports

Like most other CSU universities, Stanislaus 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 Stanislaus State identify a dedicated resource to address the unique needs of respondents in the grievance process.

C. Counseling Services

[Counseling & Psychological Services \(CAPS\)](#) provides confidential psychological counseling to students, including couples counseling to students who are both enrolled as Stanislaus State students. CAPS offers its services free of charge to currently enrolled students. CAPS also offers consultation, resources, and referrals free of charge to faculty and staff. CAPS also conducts outreach and workshops. CAPS staff consists of a Director, who is also a Counselor, an Administrative Support Coordinator, an Administrative Support Assistant, Clinical Case Manager & Community Liaison, and nine Counselors, one of whom is located on the Stockton campus.

D. Student Health Services

Stanislaus State's [Student Health Center](#) provides primary medical care, health education, wellness promotion, and disease prevention. The facility is equipped with nine examination rooms, a pharmacy, a clinical laboratory, a minor surgery room, and an infirmary (short stay) room.

The Student Health Center has two Health Educators. We learned that they are generalists and work with students in the areas of nutrition, alcohol/tobacco/other drugs, sexual health, mental health awareness, and suicide prevention. We learned that the Health Educators and EPC have collaborated in the past on sexual violence prevention.

E. Ombuds

Stanislaus State does not currently have an Ombuds.

F. Resources for Students

Students resources are listed on the EPC [website](#). In addition to the resources discussed above (CAPS and HAVEN), the university has a number of [affinity groups](#) and other relevant resources, such as:

- [Basic Needs](#), which provides resources to help students address food, housing, and/or financial insecurity. Basic needs works with students who are facing such challenges and provides resources and assistance, including, access to a food pantry, emergency grants for students facing a personal crisis or emergency, and temporary housing.
- [Stan Cares](#) is a cross-campus team that acts as a Behavioral Intervention Team, and is available to collaborate, and create as one university professional described it, “the framework and support” to assist in a range of issues – from socioeconomic challenges to personal crises.
- Other available student resources are listed [here](#).

G. Resources for Employees

Stanislaus State offers employees an Employee Assistance Program (EAP) administered by LifeMatters. The program is designed to provide resources for the employee, all members of the employee’s household and the employee’s dependents (including those not living in the employee’s home). Resources available to employees include counseling services and referrals to community resources. The counseling services for employees include five free sessions, and consultations are available to discuss a range of topics including relationship and family issues, stress, workplace problems and substance abuse, The EAP program also offers life management consultations including legal advice, financial concerns and tax issues, and child and elder care resources.

VIII. Prevention, Education, Professional Development, Training and Awareness³¹

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.³² Even if

³¹ 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.

³² See Attachment B: Campus Title IX Coordinators Role and Responsibilities.

responsibilities are shared with a Confidential Advocate, the Title IX Coordinator “remains primarily responsible for all campus-based prevention and awareness activities.”³³ 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.³⁴

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

A. Students

In accordance with CSU Policy, and state law, all CSU students, including Stanislaus State students, are required to complete an online Title IX (sexual violence prevention) training. This is part of a systemwide effort to ensure that all students are provided a safe learning environment. New students complete a longer training covering “consent, healthy and unhealthy relationships and what to do in the event violence occurs.” This programming is designed to teach students how to “identify potentially dangerous situations and how to intervene to put a stop to them.” Returning students complete a shorter refresher training. Students who do not complete the mandatory training by the due date will receive a hold on their account that impacts their ability to register for classes.

Prevention education programming for students is primarily delivered by HAVEN, CAPS, and [Health Education and Promotion](#). Stanislaus State’s Health Education and Promotion (HEP) is fairly robust for its size (two health educators) and has an active peer educator program. The Health Educators conduct educational programming focused on nutrition, physical activity, sexual health, stress management, and alcohol, tobacco, and other drug issues. While there is not a specific focus on sexual violence prevention,

³³ See Attachment C: Confidential Sexual Assault Victim's Advocates.

³⁴ *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.”

HEP offers a 1.5-hour bystander intervention workshop training for interested groups and individuals, called “Step UP!” HEP’s website also contains information on [respect and consent](#).

We learned that other prevention and education is delivered through CAPS and HAVEN. These efforts are not currently coordinated or marketed as part of an overall campus prevention strategy. CAPS offers educational workshops and groups focused on healthy relationships. HAVEN facilitates programming on campus such as “Walk a Mile in Her Shoes,” “Take Back the Night,” and other trainings and presentations for students and faculty. Every October, HAVEN and other campus groups organize events to increase awareness around intimate partner violence and engage in other prevention work focusing on healthy relationships, all in recognition of Domestic Violence Awareness Month.

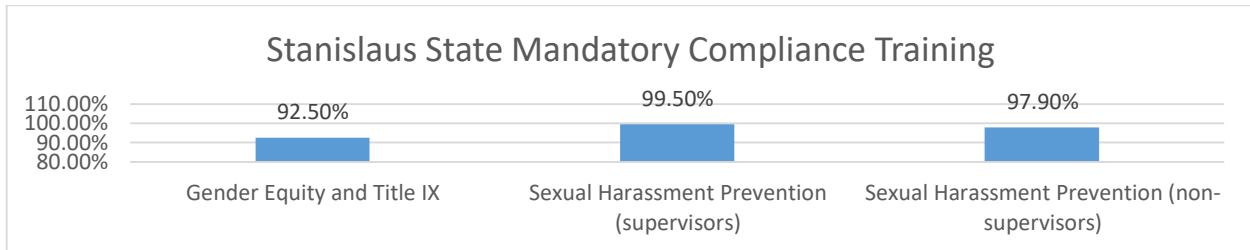
Stanislaus State does not have a coordinated program to align and organize all of this work. We recommend the creation of a Prevention and Education Oversight Committee to map topics, audiences, and frequency; develop consistent branding and marketing; measure engagement; and track the effectiveness of programs.

B. Employees

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

The systemwide Learning and Development Office in the Chancellor’s Office hosts these online modules, which are provided by an external vendor, on its systemwide employee learning management system. The Learning and Development Office tracks employee completion of these required programs. The below chart, provided by the Chancellor’s Office, shows the completion percentage for Stanislaus State for the 2022 calendar year:³⁵

³⁵ These percentages have been validated by each campus. Please note employees designated by their campus as "on leave" were removed from these final percentages.



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

C. Coordination

Stanislaus State currently offers a range of prevention and education programming; however, these efforts are not coordinated across campus, as some are from CAPS, others are from HAVEN, and still other efforts come from HEP or EPC. Our recommendations speak to the need to coordinate and enhance existing programming and to develop strategic plans and calendars to ensure the programs reach all community members.

IX. Other Conduct of Concern

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

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

Stanislaus State, like other CSU campuses, has struggled to address conduct that does not meet the threshold of a Nondiscrimination Policy violation but that, nevertheless, negatively impacts the living, learning, and working environment. Across the country, we have observed the impact of incivility, bullying, harmful speech, and other actions that do not implicate any policy because they are not based on protected status, or are not persistent, severe, and/or pervasive enough to meet the threshold for a policy violation.

At Stanislaus State, students shared that they do not know what happens when concerns are reported, and that lack of knowledge leads to distrust. We heard from students, “It is hard to trust your institution when you do not know if they are doing what they are supposed to do.” We also heard the perspective that, because EPC addresses so many different complaints, there are too many complaints being addressed by one unit. Some students expressed experiencing bullying from faculty and not being comfortable to approach an instructor about it. We learned about a number of students in a particular discipline who reported uncomfortable, bullying behaviors, that appeared to be gender-based. Those students generally reported that they felt safer sharing those concerns in anonymous surveys, course evaluations, or departmental reviews than they did reporting them directly to anyone at Stanislaus State.

From staff, we heard that Stanislaus State’s culture is one in which employees do not want to share information with others. We heard from a university professional, referring to the need to share information, “Maintaining our positions in life – the drive to maintain our positions can be a competing interest to how we are treating humans. There is a human at the end of that line. [Withholding information] is what [we] have to do to maintain [our] status and position. [We are] using information as a commodity – to withhold.” Another university professional shared, “The bias incidents – nothing happens. The system says, ‘don’t create anything – because no matter what it has to go to 1095 [now the Nondiscrimination Policy] and then we can’t confuse people by making another process.’ The reporter is told the conduct does not rise to the level; they support the person but do not do anything about it.”

These perceptions, largely, appear to be grounded in the reality that there is no formal process for responding to *other conduct of concern*.

Our recommendations speak to developing a suite of tools to address *other conduct of concern*. This includes the coordination of university partners for appropriate triage and response and may include strengthening employee relations functions; developing enhanced training for supervisory employees, deans, and department chairs; and identifying and resourcing conflict resolution professionals.

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 response
 - 3.1. We recommend that EPC ensure that the administrator(s) who provide supportive measures to a complainant, respondent, or other individual in need of assistance not be involved in the fact-finding investigation of a report. This step is necessary to separate the provision of support functions from the investigative functions. To ensure the integrity of the investigation, the responsibility for implementing supportive measures should be managed by an individual who is not directly involved in the investigation of an allegation. Combining support and investigative functions can blur the clear demarcation necessary to maintain a neutral and impartial investigation. It can also create confusion for the complainant or respondent and lead to a lack of trust in the integrity of the investigation based on a perception that the individual providing support has a bias toward one party or the other and therefore, cannot impartially investigate the matter. We understand that this separation is currently occurring through use of external investigators. We recommend that the separation be made a permanent part of EPC's structure either through the identification of a dedicated intake specialist or through a rotation model where the person who conducts the intake and discusses supportive measures with the parties does not serve as the investigator in that case
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.)
 - 7.1. Because many of the members of the EPC staff are new, and because the Title IX and DHR field is in a state of perpetual national flux, we recommend that the university prioritize ongoing training and professional development for EPC staff. This will be an important element in developing staff skills and in maintaining engagement and growth, which contribute to the long-term stability of the unit
8. Identify a sustainable model to provide respondent support services

B. Infrastructure and Resources

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

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

- 1.2.3. Develop protocols for notifying and coordinating with the confidential advocate at the intake meeting, if possible
- 1.2.4. Develop or update protocols for information sharing to ensure that the Title IX/DHR Office can fulfill its responsibility of documenting all supportive measures offered, requested, implemented, and if denied, the reasons for the denial
- 1.2.5. Create a feedback loop to acknowledge responsible employee reports and confirm receipt of the report and next steps
- 1.2.6. Establish standardized protocols for outreach to complainants that involve multiple modalities, systems to document outreach, and a protocol for how and when to make additional outreach in cases with non-responsive complainants, including the potential for outreach through a third-party or a responsible employee
- 1.3. Develop integrated, written processes for initial assessment designed to evaluate known facts and circumstances, assess and implement supportive measures, facilitate compliance with Title IX and Clery responsibilities, and identify the appropriate institutional response after triaging the available and relevant information; as part of the initial assessment, the Title IX Coordinator/DHR Administrator should:
 - 1.3.1. Take steps to respond to any immediate health or safety concerns raised by the report
 - 1.3.2. Assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation and the appropriate manner of resolution under the Nondiscrimination Policy
 - 1.3.3. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness and/or any other individual with knowledge of the reported incident
 - 1.3.4. Provide the complainant with both oral and written information about on- and off-campus resources (including confidential resources), supportive measures, the right to contact (or decline to contact) law enforcement or seek a civil protection order, the right to seek medical treatment, the importance of preservation of evidence, the right to be accompanied at any meeting by an advisor of choice, and an explanation of the procedural options available
 - 1.3.5. Refer the report to appropriate university 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
 - 3.1. We recommend that EPC seek input from university partners, including its Campus Implementation Team or a separately designated feedback team which has student, faculty, and staff representatives. In asking for input, EPC should specify to Campus Implementation Team members which components are required and which may be altered. We recommend that EPC ask student, staff, and faculty reviewers to provide feedback about clarity, brevity, tone, and format.
4. Review the current post-Title IX/DHR disciplinary processes for faculty and staff to ensure promptness, equity, and informed communication
 - 4.1. Ensure the Title IX Coordinator/DHR Administrator remains engaged in any disciplinary processes, including sanctions and appeals, until final
 - 4.2. Ensure that decisions about negotiated settlements are supported by a careful and coordinated review by all relevant campus and system level administrators

5. Develop and implement a process to routinely collect post-resolution feedback from the parties and all impacted individuals

C. Communication

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

1. Ensure distribution of a clear and consistent communication plan each semester that includes, at a minimum:
 - 1.1. Dissemination of the Notice of Non-Discrimination
 - 1.2. Dissemination of the Nondiscrimination Policy
 - 1.3. Information about reporting and resources
2. Develop an intentional marketing campaign to raise awareness about the role of the Title IX/DHR program, available resources, and resolution options
 - 2.1. Prioritize the messages of care, supportive measures, and resources
 - 2.2. Differentiate and educate about the difference between confidential resources and reporting options
 - 2.3. Partner with campus communications professionals to create and promote effective marketing materials, including through the use of professional branding that can be used across platforms (print, web, social media, imprinted on giveaway products)
3. Improve the Title IX/DHR website and other external-facing communications
 - 3.1. Review and revise web content, across all relevant webpages, for clarity, accuracy, and accessibility
 - 3.2. Ensure that web content includes: photographs and contact information for Title IX/DHR staff, Notice of Non-Discrimination, a link to the Nondiscrimination Policy, an overview of procedural and resolution options (with accessible graphics), how to make a report (to Title IX/DHR or UPD), on- and off-campus confidential resources, the difference between confidentiality and privacy, supportive measures, employee reporting responsibilities, an FAQ, prevention and education programming
 - 3.3. We recommend the following with respect to improving the EPC website and other external-facing digital and print communications:
 - 3.3.1. Form a stakeholder input team that will provide for feedback from university partners, including student, faculty, and staff representatives. This may be a subset of the Campus Implementation Team
 - 3.3.2. Empower the stakeholder input team to review and provide suggestions about all web, digital and print communications, evaluating whether they are accessible, intuitively

organized, clear, sufficiently detailed, and that they meet the needs of individuals of various constituencies. The stakeholder input team may decide to review the materials from different perspectives—for example, reviewing the website as if they were a responsible employee, a friend supporting a complainant, a friend supporting a respondent, or a person who was considering reporting DHR conduct, and so on

- 3.3.3. Consider introductory information, a graphic, or a chart on the [landing page](#) that provides an overview of the Office’s function and the Nondiscrimination Policy—to whom it applies, what it prohibits, a list of protected statuses, where the full policy can be found, and where a person can go for more information
- 3.3.4. Evaluate the navigation menu on the left-hand side of the EPC website. Consider a more streamlined list of links. For example, consider excluding Affirmative Action and Clery and adding separate links for Title IX, DHR, responsible employee reporting, the online reporting forms, resources, and FAQs
- 3.3.5. Consider updates to the online reporting forms, to include the following:
 - 3.3.5.1. Evaluate a single reporting form for all types of prohibited conduct or consider labeling the forms so that it is clearer which is the DHR form and which is the Title IX form. Currently, they are labeled, “[Report Discrimination or Harassment](#)” and “[Report Sexual Misconduct, Gender-Based Violence, Harassment or Discrimination](#)”
 - 3.3.5.2. Revise language regarding the non-confidentiality of a [Title IX report](#) to capture the difference between confidentiality and privacy and to accurately describe EPC’s role as a resource that, while not confidential, maintains privacy and treats all information with sensitivity and care
 - 3.3.5.3. Update the name of the DHR Administrator on the [DHR reporting form](#)
 - 3.3.5.4. On the forms themselves, insert a reminder that any person (student, staff, faculty, or third-party) may report directly via email, phone call, appointment, walk-in, or incident reporting form and that they may fill out as much of the reporting form as they would like
 - 3.3.5.5. If maintaining the anonymity language on the DHR form, clarify that leaving their name blank will mean that EPC will not know their identity, will not be able to contact them to discuss the report they made, and—depending on the level of information given and other attendant facts—may not be able to address their report
 - 3.3.5.6. Remove the “required” designation for all fields or add a caveat so that, for example, a person is not discouraged from reporting if they do not know the date of the incident
 - 3.3.5.7. Add instructions for responsible employees who use the online form to make reports, noting that the responsible employee must input all known information including the identity of the complainant, the nature of the reported conduct, and the date and location, if known

- 3.3.6. Consider creating process flowcharts or visual aids to assist in understanding the stages of an investigation and resolution under each of the three “Tracks” in the Nondiscrimination Policy
- 3.3.7. Consider a FAQ webpage on the EPC site that provides information about responsible employee reporting, availability of supportive measures, what happens after a responsible employee reports a matter to EPC, differences between a report and formal complaint, differences between formal and informal resolution, and so on. San José State University’s Title IX and Gender Equity Office website contains a general [Frequently Asked Questions](#) page, information about [supportive measures](#), information for [Responsible Employees](#), and [tips for responding to a disclosure](#). We recommend that Stanislaus State review and consider adopting similar materials tailored to its community
- 3.3.8. Ensure that the [Athletics](#) website links to the Notice of Non-Discrimination and that it provides a portal into EPC, as do all university-based websites via a common footer link labeled, “Equity Programs/Title IX”
- 3.4. 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:
 - 3.4.1. 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
 - 3.4.2. 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
- 3.5. 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 university constituents
6. Identify and prioritize opportunities for in-person engagement with Title IX/DHR staff (e.g., pop-up events, tabling at an information fair, open houses in various central locations, routine scheduled short presentations to key audiences, and/or sponsored or co-sponsored events)

D. Prevention, Education, Training, and Awareness

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

1. Allot sufficient budget lines to ensure consistent, baseline funding for personnel, legally-required programming, and technology/learning management systems
2. Proactively coordinate with system-level subject-matter experts to assist with education, training, materials, and communications related to complex and difficult issues facing all CSU institutions
3. Designate one individual with specific oversight of all university prevention and education planning and programming, preferably a full-time role without other job responsibilities
 - 3.1. This coordinator should be tasked with oversight of and responsibility for all legally-required programming under Title IX, the Clery Act, and California law
4. Convene a university-wide Prevention and Education Oversight Committee to coordinate and align programming across the university
 - 4.1. The Committee should include all departments who provide training, prevention and education, including, at a minimum, representatives from the Title IX/DHR program, the confidential advocate, student affairs, student health, counseling, UPD, athletics, fraternity and sorority life, residential life, human resources and employee labor relations, academic/faculty affairs, DEI professionals, identity-based affinity centers, university subject-matter experts, and staff, faculty, and student representatives
 - 4.2. The Committee should include subcommittees, as determined by the Committee. Committees may focus on the needs of various constituencies (undergraduate students, graduate students, staff, administrators, and faculty) or the types of programming (compliance, professional development, prevention and education, bystander intervention, etc.)
 - 4.3. The Committee should be charged with reviewing prevention program content, evaluating proposed programming or speakers, ensuring that prevention-related communications are reaching all constituents, and developing and implementing a mechanism for assessing effectiveness including by monitoring participation levels and measuring learning outcomes
5. With assistance from the Chancellor's Office, develop a strategic plan for university programming that identifies all training requirements under federal and state law and CSU policy, all constituencies and constituent groups in need of training, and all potential university partners that can collaborate to deliver content
 - 5.1. Constituent groups subject to required training should include students (undergraduate and graduate); targeted student populations (athletes, fraternity and sorority life, residential students, residence life student staff, international students, student leaders); senior leadership; faculty (deans, department chairs, leads, lecturers); staff (managers, supervisors); and university 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 Ombuds 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 Population³⁶

The below chart reflects key metrics and demographic information for Stanislaus State.

California State University Stanislaus			
Location Information			
Location: Turlock, CA. (pop. 72,309) ³⁷	County: Stanislaus County (pop. 551,275) ³⁸	Locale Classification: Small Suburb ³⁹	
University Information			
President: Ellen Junn, Ph.D. (July 2016-present) ⁴⁰			
Designations: Hispanic Serving Institution (HSI) ⁴¹ Asian American and Native American Pacific Islander-Serving Institution (AANAPISI) ⁴²			
Students – Enrollment Data ⁴³			
Total Number of Students		10,155	
State-Supported		Self-Supported	
Undergraduates	8691	Undergraduates	188
Grad & Post Bac Students	1047	Grad & Post Bac Students	229
Student Ethnicity ⁴⁴			
Overall (includes State- and Self-Supported)			
Hispanic / Latino		61%	
White		19%	
Asian		9%	
Race and Ethnicity Unknown		5%	
Two or More Races		2%	
Black / African American		2%	

³⁶ Unless otherwise noted, Cozen O’Connor obtained data concerning Stanislaus State University demographics, populations, Title IX and DHR staffing, operations and caseload from California State University and Stanislaus State sources. This report will be updated to reflect material inaccuracies brought to our attention on or before September 15, 2023.

³⁷ United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/turlockcitycalifornia/PST045221>, population estimate as of July 1, 2021.

³⁸ United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/stanislauscountycalifornia/PST045221>, population estimate as of July 1, 2021.

³⁹ Defined as a territory outside a Principal City and inside an Urbanized Area with population less than 100,000. See National Center for Education Statistics, <https://nces.ed.gov/programs/edge/Geographic/LocaleBoundaries> and <https://nces.ed.gov/surveys/annualreports/topical-studies/locale/definitions>.

⁴⁰ In January 2023, [President Junn](#) announced her retirement from Stanislaus State after serving as the University’s President for the past seven years. In April 2023, the Interim Chancellor announced that [Susan Borrego](#) would serve as Interim President for approximately one year beginning in August of 2023, while the CSU Board of Trustees conducts a national search for President Junn’s replacement.

⁴¹ HSIs are defined under the Higher Education Act as colleges or universities where at least 25% of the undergraduate, full-time enrollment is Hispanic; and at least half of the university’s degree-seeking students must be low-income. See <https://www2.ed.gov/about/offices/list/ope/itudes/eligibility.html>

⁴² AANAPISIs are defined under the Higher Education Act as colleges or universities with an undergraduate enrollment that is at least 10% Asian American and Native American Pacific Islander. Additionally, at least half of the University’s degree-seeking students must be low-income. See <https://www2.ed.gov/programs/aanapi/eligibility.html>

⁴³ California State University Enrollment Data, Fall 2022, Cal State Stanislaus: 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.

⁴⁴ *Id.* This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

International Student		1%	
Native Hawaiian / Other Pacific Islander		1%	
American Indian / Alaska Native		<1%	
State-Supported (9,738 students)		Self-Supported (417 students)	
Hispanic / Latino	62%	Hispanic / Latino	47%
White	18%	White	24%
Asian	9%	Asian	14%
Race and Ethnicity Unknown	5%	Race and Ethnicity Unknown	6%
Two or More Races	3%	Black / African American	6%
Black / African American	2%	Two or More Races	<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 Demographics⁴⁵			
Overall (includes State- and Self-Supported)			
First in Family to Attend College		42%	
% students who are traditionally underrepresented ⁴⁶		42%	
% of undergrads who were Pell Grant recipients ⁴⁷		58%	
% of students who live on campus ⁴⁸		5%	
% undergrads who are in a fraternity or sorority ⁴⁹		4%	
4-year graduation rate for first-time FT freshmen ⁵⁰		25.3%	
State-Supported (39,729 students)		Self-Supported (657 students)	
Average Age	24	Average Age	30
Sex ⁵¹	67% F; 33% M	Sex ⁵²	72% F; 28% M
First in Family to Attend College	43%	First in Family to Attend College	21%
% traditionally underrepresented ⁵³	64%	% traditionally underrepresented ⁵⁴	54%
Instructional Faculty⁵⁵			
Total # of faculty		701.00	
Tenure-track		44.1%	
Lecturer		55.9%	

⁴⁵ *Id.*, except where noted otherwise. This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

⁴⁶ For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

⁴⁷ 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.

⁴⁸ 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>

⁴⁹ This figure was calculated utilizing data obtained from <https://warriorhub.csustan.edu/organizations> and https://tableau.calstate.edu/views/SelfEnrollmentDashboard/EnrollmentSummary?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no

⁵⁰ California State University, Graduation & Success Dashboards, with link to Graduation Dashboard, selecting the Summary Overview tab, and with Cal State Stanislaus 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).

⁵¹ Data does not capture number of students who do not identify on the sex/gender binary.

⁵² *Id.*

⁵³ For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

⁵⁴ *Id.*

⁵⁵ California State University, CSU Faculty, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-faculty>, except where noted otherwise.

% full-time ⁵⁶	54.85%
% part-time	45.15%
Leadership body	Academic Senate ⁵⁷
Staff⁵⁸	
Total # of staff	579
% full-time	567
% part-time	12
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)
Athletics⁵⁹	
NCAA Division	II
NCAA Conference	CCAA ⁶⁰
Number of sponsored sports for '22-'23 academic year	4
Number of student athletes ⁶¹	210

⁵⁶ 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.

⁵⁷ Cal State Stanislaus Academic Senate. See <https://www.csustan.edu/about-stan-state/university-leadership#:~:text=In%20adition%20to%20the%20president,academic%20officers%2C%20and%20senior%20administrators>

⁵⁸ 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.

⁵⁹ NCAA Directory, <https://web3.ncaa.org/directory/orgDetail?id=103>, except where noted otherwise.

⁶⁰ All sports are in the California Collegiate Athletic Association except Women's Tennis (Pacific West Conference) and Women's Tennis (Independent).

⁶¹ See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for California State University Stanislaus. 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 1,385⁶² responses to the survey from Stanislaus State students, faculty, staff, and administrators as follows:

Constituents	Total Responses
Undergraduate Student	1080
Graduate Student	128
Staff	108
Administrator or Manager	26
Faculty	76
Other	31

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:

- This campus is perceived as safer than others in the CSU system. Students expressed feeling generally safe on campus. This stood in contrast to other student perspectives of safety at other CSU institutions.
- Swastikas and hate incidents on campus. Several survey respondents noted that there had been hate incidents on campus in recent years, including swastikas being painted on campus and diversity and affinity group posters being removed by white supremacists. Likewise, several survey respondents described experiencing racism on campus.
- Moving or Retirement as substitute for consequence. Some survey respondents noted that they had made complaints against faculty members who were permitted to move or retire before facing consequences.
- Sick time and other policies. Some survey respondents described being subject to adverse employment action after taking sick leave.

⁶²Some survey respondents identified as belonging to multiple constituencies; hence, the number listed here is smaller than the sum total in the chart below.

- Training improvements requested. Some survey respondents stated that the online training was traumatizing to them, and many noted that it was not effective.
- LGBTQIA+ Inclusion perceived as lacking. Throughout the survey, LGBTQIA+ survey respondents described feeling less included or respected on campus. The lack of inclusion was attributed to an insufficient number of gender-neutral restrooms, with students being forced to walk unreasonable distances to use the restroom during classes if necessary.

Appendix III Metrics Related to Reports (Title IX Annual Report)

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

As part of our review of the Title IX program at Stanislaus State, we reviewed the University's annual Title IX reports for years 2019-2020 through 2021-2022. These annual reports are posted online on Stanislaus State's EPC website.⁶³ The annual reports provide data regarding the reports of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, Stalking, and – in 2021-2022, Sexual Exploitation and Sexual Harassment – made to EPC each year. The annual reports reflect the number of reports received, disaggregated by the type of conduct and whether the respondent was a student, employee, or third-party, unknown, or unidentified. Beginning in 2019-2020, the annual reports also reflect procedural outcomes, including:

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

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

II. Caveats Regarding Interpretation of Data

In evaluating this data, we note that the CSU system currently lacks sufficient tools, processes, and practices to support consistent and reliable data-gathering across campuses. As currently structured, the data-gathering system has significant challenges: it is reliant on self-reporting by Title IX staff at the campus level based on the nature and manner in which they keep documentation; across the system, the

⁶³ See <https://www.csustan.edu/epc/discrimination-harassment-misconduct-or-violence-based-gender-title-ix-rights/annual-title-ix> (last visited May 31, 2023).

campuses do not use consistent documentation and recordkeeping systems and practices to maintain their campus's data; the structure and questions posed by the Chancellor's Office to request data for the annual Title IX report have changed over time and not all campuses 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 institutions, such as number of students and employees and number of residential versus commuter students.

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

In presenting the below data, we note that some campuses identified challenges with accuracy or completeness in their data. We have attempted to reconcile that data where possible, recognizing that some CSU institutions have provided data prepared by individuals who are no longer employed by the institution. Before publishing this report, we sent outreach to all Title IX Coordinators to request that they verify the accuracy of their 2021-2022 annual Title IX report. Stanislaus State verified the accuracy of the 2021-2022 annual Title IX report via phone call on May 9, 2023. Stanislaus State also provided additional information and context about its reports.

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

incidence rates, awareness of campus resources, barriers to reporting and other relevant factors, we are careful not to draw firm conclusions about trends over the past three years due to the obvious but unquantifiable differences in pre- versus post-pandemic conditions.

III. Historical Data: Annual Title IX Reports (2019-2020 through 2021-2022)

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

A. Types of Reported Conduct⁶⁴

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	Data not available	6	10	7
Reports of Dating/Domestic Violence		4	3	4
Reports of Stalking		4	3	10
Sexual Exploitation*		-	-	-
Sexual Harassment*		-	-	6
Total # of Reports in Above Categories		14	16	27
* This data was not requested by the Chancellor’s Office prior to the 2021-2022 academic year.				
** Data includes one pending case.				

B. Respondents’ Roles⁶⁵

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	Data not available	6	5	4
Reports in which the Respondent is an employee		0	0	7
Reports in which the Respondent is a third-party		5	1	15
Reports in which the Respondent is unknown		3	10	1
Reports in which the Respondent is unidentified				0
Total # of Reports in Above Categories		14	16	27

⁶⁴ This data does not include reports of incidents that fail to meet the threshold of Title IX misconduct.

⁶⁵ Respondent Role totals may differ from Reported Conduct totals due to multiple allegations for one Respondent.

C. Case Outcomes⁶⁶

The below data reflect the collective outcomes of reports to the Equity Programs and Compliance Office.⁶⁷

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Complainant did not respond to outreach and there was insufficient information to move forward	Data not available	4	4	6
Reports in which the Complainant’s identity was unknown to the Title IX Office		0	0	0
Reports in which the Complainant requested supportive measures or resources only		6	8	10
Reports that resulted in other outcomes (except formal investigation)		5	5	2
Reports that resulted in a formal investigation*		0	0	1
<p>* We learned through this review that this category is not an accurate indicator of the total number of investigations, in part because of how the question was narrowly framed by the Chancellor’s Office. This number does not capture investigations that were open at the end of the reporting period. It also doesn’t capture investigations that were substantially completed, but discontinued at the request of the complainant, because the case was otherwise resolved, or because the matter was dismissed based on mandatory/discretionary grounds under Title IX and university policy.</p>				

⁶⁶ 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.

⁶⁷ 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.