

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

San Francisco State University

The Institutional Response Group

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I. Introduction

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

Our work involved a comprehensive assessment of infrastructure and implementation of CSU policies and procedures at the system and each university. We evaluated the coordination of information and personnel, communications, record keeping and data management, and all other aspects relevant to ensuring effective and legally compliant responses to sexual and gender-based harassment and violence, protected class 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 San Francisco State University (San Francisco State Report). The San Francisco State review was led by Gina Maisto Smith and Devon Riley. The San Francisco State Report supplements Cozen O'Connor's Systemwide Report. The Systemwide Report and a Summary of the Systemwide Report can be accessed here: [The CSU's Commitment to Change | CSU \(calstate.edu\)](#). The San Francisco State Report must be read in conjunction with the Systemwide Report, as the Systemwide Report provides a more detailed discussion about the assessment, the scope of the engagement, our approach to the issues, and common observations and recommendations across all 23 CSU universities. For ease of reading and efficiency, the content from the Systemwide Report is not replicated in each University Report.

San Francisco State is located in San Francisco, California. It has a student population of approximately 25,000 students, 12% of whom live on campus, and a workforce of approximately 2,100 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, 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 San Francisco State, Cozen O'Connor conducted a three day onsite campus visit from September 6 to 8, 2022, as well as multiple additional virtual follow-up meetings conducted over Zoom. In total, Cozen O'Connor conducted 23 meetings with over 55 Title IX and DHR professionals, administrators, and other key campus partners, some of whom we spoke to on multiple occasions. These meetings included interviews with the following offices and individuals (identified by role):

- Office of Equity Programs and Compliance (OEPC)
 - Executive Director, Equity Programs and Compliance, Title IX Coordinator and DHR Administrator
 - Title IX & DHR Investigators, Office of Equity Program & Compliance
 - Title IX & DHR Case Manager/Investigator, Office of Equity Program & Compliance
- Office of Student Affairs and Enrollment Management
 - Vice President of Student Affairs and Enrollment Management
 - Associate Vice President of Student Affairs
 - Interim Associate Vice President of Student Life and Dean of Students
 - Associate Dean of Students
 - Student Conduct Manager
- Academic Affairs and the Office of the Provost
 - Provost
 - Associate Provost for Faculty Affairs
- California Faculty Association
- Associate Vice President, Human Resources
- Associate Vice President and Chief of Police
- Athletics Department
 - Senior Associate Director of Athletics
 - Director of Compliance (Athletics) and SWA
- Student Health Services
 - Director of Counseling and Psychological Services
 - Health Educator Men's Health and Sexual Violence Prevention Coordinator
- Office of Residential Life
 - Director of Residential Life
 - Associate Director of Residential Education, Residential Life
 - Associate Director of Residential Conduct and Support Services
- Affinity Groups
 - Director of Diversity, Student Equity & Interfaith Programs
 - Director, Black Unity center, Equity & Community Inclusion

In addition to these meetings with Title IX and DHR professionals, administrators, and campus partners, Cozen O'Connor received feedback from university constituents through other meetings and methods of engagement. Following our campus visit, we held open sessions to meet with students, faculty, and staff. We also received information sent to us via the CalStateReview@cozen.com email address.

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 464 responses to the survey from San Francisco 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: The Office of Equity Programs and Compliance (OEPC) is a developing office that in two years has grown from a one-person office (Title IX Coordinator/DHR Administrator) to a five person office (Title IX Coordinator/DHR Administrator, case coordinator, and three investigators). OEPC received among the highest number of reports of all CSU universities, which reflects community awareness of the office and its function. OEPC's additional resources have helped in meeting the demand of the high volume of reports OEPC receives, but investigators remain stretched too thin to deliver timely responses and investigations. While there is significant work to be done in the areas outlined above, there is notable support from senior leadership and positive momentum with the current staff in OEPC that positions the university on a path to having a fully developed Title IX and DHR program. We recommend building out the infrastructure to provide dedicated attention to intake and supportive measures, separate from investigative functions, and adding personnel to make its responses more timely. OEPC can also benefit from strengthening internal OEPC processes, including intake and initial assessment, elevating the care elements of compliance in response to reports, and strengthening collaboration with campus partners.

Resolving the Trust Gap: The community largely expressed a distrust of the OEPC process, describing responses as delayed and ineffective. Students reported a view that the office was hyper-legalistic and lacked a caring and supportive space for students. An updated website with easily accessible access to information, expanded training and education programming that includes opportunities for feedback, and additional personnel to OEPC to improve timeliness of responses will, over time, improve the accessibility and credibility of OEPC. Additional university resources like a Confidential Advocate and dedicated respondent resource will provide additional needed support to parties.

Prevention and Education: OEPC and its campus partner, Health Promotion and Wellness, offer supplemental training and specific awareness and prevention programs to meet legal requirements; however, like most of the 23 CSU universities, comprehensive and effective programming is compromised because of insufficient resources. As with all of the CSU universities, we recommend San Francisco State engage in more strategic planning and dedication of resources, including a dedicated prevention and education coordinator and a campus Prevention and Education Oversight Committee, to provide a holistic approach to sexual and interpersonal violence prevention and address issues related to discrimination and harassment. Given the issues of distrust, in-person engagement with campus constituents is critical to shifting perception and building trust.

Responding to *Other Conduct of Concern*:² As with other CSU universities, San Francisco 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. We also learned about concerns, particularly from faculty, that *other conduct of concern* is underreported and that ineffective institutional responses have allowed it to continue unchecked for years. Faculty shared concerns about

² We use the term *other conduct of concern* to refer to conduct that may not rise to the level of protected class discrimination or harassment, but may nonetheless violate other university policies or be disruptive to the learning, living, or working environment. This includes, for example:

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

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

IV. The Office of Equity Programs and Compliance

A. Infrastructure

OEPC is responsible for responding to reports of conduct that may violate the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence and Retaliation](#) (Policy) and the [Procedures to Implement CSU Executive Order 1096 – Consensual Relationships](#). In addition to responding to, investigating and adjudicating reports, OEPC is also tasked with providing training as required by CSU policy to students, faculty, and staff about the Nondiscrimination Policy, reporting requirements, and pregnancy considerations, as well as overseeing prevention and awareness education programming.

OEPC consists of an Executive Director,³ one case coordinator and three investigators/case managers, each of whom were hired in February 2022. The Executive Director also serves as the university's Title IX Coordinator and DHR Administrator. According to the position description, "The Executive Director of Equity Programs and Compliance serves as the campus' senior compliance officer regarding issues of harassment and discrimination." Further, "The Executive Director provides strategic guidance, advising, and decision making in all areas pertaining to nondiscrimination related to protected categories including Title VI, Title VII, and Title IX" and related state and local laws.

The Executive Director reports to the Vice President of Student Affairs and Enrollment Management, who joined the university in July 2021, and has 25 years of experience in higher education. We were told that

³ The Executive Director has been on leave since April 17, 2023. An Interim Executive Director is currently in place.

with 27,000 enrolled students and 3,000 employees, the placement of OEPC fit best in Student Affairs and Enrollment Management. It appears from what we learned that OEPC is supported in its current reporting structure.

The case coordinator is responsible for managing cases in the Maxient case management system and providing supportive measures for parties. The investigators are responsible for sending outreach to complainants upon receipt of a report, conducting intake meetings with complainants, managing the provision of supportive measures, and conducting investigations for cases that proceed to an investigation.

OEPC receives and processes a high volume of cases. As of February 2023, there were approximately 400 reports received since July 1, 2022 and 35 open investigations. The prior fiscal year, OEPC responded to 357 reports. The Title IX Coordinator reported that around 200 students and 1 to 2 employees were receiving supportive measures from the office and between 10-15 % of the reports OEPC receives proceed to an investigation. The investigators maintain a caseload of 50-80 cases, of which 7-16 are active investigations. The rate of investigations has increased under the current OEPC team, as compared to prior years when it was reported that there were a total of 40 investigations completed by OEPC between 2015-2021. This is an untenable caseload to manage.

In addition to managing current cases, OEPC is migrating historical case files into the Maxient database. This migration includes 1100 cases that required additional follow-up to confirm accurate record keeping.

OEPC is not responsible for handling matters related to the Americans With Disabilities Act (ADA), Whistleblower Protection Act, or Public Records Act, nor is it responsible for primary and ongoing prevention, bystander intervention, or awareness programming. ADA matters are assigned to the ADA Coordinator who is in Student Affairs. Whistleblower complaints and whistleblower retaliation complaints are handled by the Office of Human Resources. And public records requests are handled by the Quality Assurance Office. Finally, primary and ongoing prevention and awareness programming, as well as bystander intervention programming required by the Violence Against Women Reauthorization Act of 2013 that amended the Clery Act is offered through [Health Promotion and Wellness](#) in the division of Student Affairs and overseen by OEPC.

Currently, the OEPC staffing level is insufficient to timely respond to the volume of reports received and meet the education and training program requirements. We note that a job announcement for a [Title](#)

[IX/DHR investigator/case manager](#) was posted to San Francisco State's Human Resources webpage on February 23, 2023. At a minimum, OEPC would need an intake coordinator, an education coordinator, one to two additional investigators, and an administrative assistant, in addition to its current staff. Given the volume of reports, even this number may be low. This staffing structure would allow for increased separation between the care and support function of the office (case manager and intake coordinator) and the adjudicatory function of the office (investigators). Further, this structure would allow for a reallocation of training and education management to a dedicated education coordinator who would be able to effectively implement and track the comprehensive training requirements, and provide administrative support for the team.

OEPC's operations are structured such that the Title IX Coordinator has oversight of every report. Internal protocols establish that the Title IX Coordinator evaluates the intake recommendation, reviews drafts of the investigation report, oversees hearings, and has regular staff meetings to address case specific questions. We did note that there is not a touchpoint with the Title IX Coordinator before a case is closed following no response from the complainant or a complainant's decision to not proceed to an investigation, to evaluate the effectiveness of outreach and intake, and to ensure that all available information was considered (all relevant records from other university departments are consulted). We also note that OEPC does not have an established multidisciplinary team (MDT) to support informed decisions about the university's response to reports.

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

B. Visibility and Community Awareness of OEPC

OEPC is located on the fourth floor of the Student Services Building. We note that the title of the office does not capture its function and may cause confusion for the community.

In speaking with student leaders on campus, we learned that OEPC is not generally viewed as a resource for students. Student leaders cited superseding concerns that face students, including food insecurity and a lack of accessible medical insurance, and a general observation that resources at the university are not "marketed" well. The perception that OEPC is not viewed as a resource for students is somewhat belied

by the high number of reports OEPC receives, but the perception is nonetheless one that was reported and considered in this review.

We also sought to examine the extent to which accessibility to OEPC by employees is impacted by its physical setting in the Student Services Building with a reporting line to Student Affairs and Enrollment Management. We note that was a shared concern identified by university leadership, and corroborated by some employees with whom we spoke who assumed OEPC only served students because of its placement on campus and reporting structure.

We also sought to learn what, if any, barriers to reporting were experienced by community members that impacted their access to the resources available from OEPC. We learned that the primary reason for not reporting was attributed to power differentials. Students shared that they do not feel empowered to report; lecturer faculty are afraid to report because of job security concerns; and staff fear retaliation from supervisors, including faculty, which prevents them from reporting. A secondary reason for not reporting was distrust of the process and OEPC, which is addressed more fully in Section VIII. We also observed that employees may need additional training on what matters OEPC addresses, specifically discrimination and harassment on the basis of all protected statuses, and that the function of OEPC is broader than just adjudicatory resolutions and is also a resource for supportive measures, even when an investigative or disciplinary resolution is not sought.

C. Website

The Office of Equity Programs and Compliance's website is grossly out of date and provides inaccurate information. While we did not do an exhaustive search, we made the following representative observations about the website and recommend a comprehensive and thorough overhaul:

- The content is overly legalistic and provides minimally useful information like when to make a report to OEPC and a clear overview of the process once a report is made.
- The [landing page](#) still reads, "Equity Programs & Compliance has changed its days of operation in response to COVID-19. We are available during normal business hours by [email](#), will continue to monitor reports through the [online reporting system](#), and can conduct interviews via [Zoom](#). Beginning Monday, February 7, 2022, a member of the team will be available in person in Suite 403 of the Student Services Building on Mondays, Wednesdays and Thursdays between 8am and 5pm."
- The [Reporting](#) landing page incorrectly reads, "Except in the case of a privilege recognized under California law (examples of which include Evidence Code §§1014 (psychotherapist-patient); 1035.8 (sexual assault counselor-victim); and 1037.5 (domestic violence counselor-victim), any

member of the university community who knows of or has reason to know of sexual discrimination allegations shall promptly inform SF State's Title IX Coordinator." Most students, who are members of the university community, are not required to report instances of conduct prohibited under the Policy to the Title IX Coordinator.⁴

- The [Reporting](#) landing page also incorrectly identifies The SAFE Place as a confidential "reporting" resource. The SAFE Place is a confidential resource. It is not a reporting option of record and has no responsibility to report conduct prohibited under the Policy to the Title IX Coordinator.
- The [Policy Information](#) landing page is missing a link to the Procedures for Complaints of Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation Made Against an Employee or Third Party.
- The [Rights and Options for Victims of Sexual Violence](#) link includes the contact information for the prior Title IX Coordinator.
- The [Myths and Facts About Sexual Assault](#) are out of date (last revised June 25, 2015).
- The website does include [links to all materials](#) used to train OEPC staff pursuant as required by Title IX.⁵

D. Reporting Options

Reports can be made to OEPC in person or via email, telephone, or an [online reporting form](#) accessible through the Office's website.⁶ Reports can be made by a complainant directly or through third parties (e.g., responsible employees). The online reporting form can be submitted anonymously by not including the name of the individual completing the form in the name field; however, the reporting form does not expressly instruct the reporter that the report can be submitted anonymously but that in such a case, the university would be limited in its ability to respond.

E. Case Processing

The online reporting form is a case management system form and the Title IX Coordinator is notified when a report is submitted. The Title IX Coordinator reviews the report and assigns it to an investigator. The case is entered into Maxient by the investigator; this process includes entering party names, identifying the potential policy violations based on the information known, and determining whether the report should be included in the reporting data pursuant to the Clery Act. The investigator then sends a template

⁴ The Policy provides, "Residential Advisors, and other Employees who are also students, have a duty to report knowledge of misconduct when they learn about such information while they are performing their duties of employment for the institution." Policy, Article V.C.

⁵ 34 C.F.R. § 106.45(b)(10).

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

outreach letter to the complainant, and, in cases of sexual assault, dating violence, domestic violence and stalking, a separate template email containing resource information is sent to the complainant. If the complainant does not respond to the initial outreach, two additional outreach attempts will be made before the case will be closed if the complainant still has not responded.

If the complainant responds, the investigator will schedule an intake meeting for the complainant and a support person or advisor of choice. At the intake meeting, the investigator seeks to understand the reported conduct, learn the identity of the respondent (if known), and provide an overview of the resolution process options and the availability of supportive measures. The complainant is invited to identify the specific supportive measures they need. Supportive measures are provided and overseen by the case coordinator. Following the intake, the investigator prepares a written summary of the case information, with a recommendation as to next steps (e.g., proceed to investigation, provision of specific supportive measures, identification of potential policy violations, or dismissal of a formal complaint). The Title IX Coordinator reviews the summary and, based on the information provided, evaluates the recommendation, and determines the next steps.

The possible outcomes from an intake meeting include: provision of supportive measures only; an investigation; an informal resolution; a targeted preventative education meeting (TPEM) for reported conduct that does not rise to the level of a policy violation, but where the respondent is invited to attend a voluntary meeting with the Title IX Coordinator to review the conduct that is prohibited under the policy; a referral to another university department for resolution under other implicated university policies; and a dismissal of a formal complaint or a written communication that the report will not be investigated because it is outside of the scope of the Nondiscrimination Policy.

If the case proceeds to investigation, a Notice of Investigation will typically be issued within 10 days of the decision to move forward. Following the Notice of Investigation, the Title IX Coordinator requests to meet with the respondent for an intake meeting in which the Title IX Coordinator provides an overview of the process, answers procedural questions, and assesses for reasonably available supportive measures.

As part of a comprehensive investigation, investigators are tasked with gathering inculpatory and exculpatory information that is directly related to the allegations by conducting interviews, and gathering physical evidence including medical records, written communications, photographs, and any other available information. Investigators take written notes during interviews (interviews are not audio

recorded) and prepare written summaries of the information shared in the interviews that is shared with the party or witness with an opportunity to review and make corrections. The investigators coordinate the evidence review. Extension requests from parties for good cause are typically granted (ten days is the standard extension during the evidence review period). Investigation reports are written by the investigators, and reviewed by the Title IX Coordinator and the Chancellor's Office.

F. Review of Case Files⁷

At the time of Cozen's campus visit, the three newly hired investigators had not yet completed an investigation or an informal resolution and only one live hearing had been conducted in two years. Since our visit, we were provided with investigation reports, which were thorough and seemed to fairly summarize the relevant information.

We did review a Notice of Decision Not to Investigate and note that while it is comprehensive substantively, there are opportunities for the language to be revised for tone. For example, instead of "You have not provided enough information to draw a clear nexus between the behavior that you experienced from Respondent and any of your protected status that you may hold," it could read more neutrally, as follows: "the information provided did not include a clear nexus between the behavior experienced and a protected status."

OEPC has a protocol in place to timely respond initially to reports. We noted delays in making and communicating decisions on next steps following an intake meeting (e.g., does the reported conduct constitute a potential policy violation or should the case proceed to an investigation?). We also heard and observed that investigations are slow to be completed. The Title IX Coordinator reported investigations are taking on average one year to complete. The Title IX Coordinator reported that 17 of the 48 active investigations were over one year old. The constraints on staffing noted above were cited as the reason for the delay in completing the investigations. These timeframes must be shortened.

OEPC's internal written procedures for how to conduct an investigation provide timeframes for each step in the process. The written protocols, checklists, and investigation plans are developed and available as

⁷ 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.

resources for the investigators. The timeliness of investigations is directly impacted by the high volume of cases the investigators need to process and the staffing constraints. A simple mapping exercise demonstrated that the time frames provided to the parties, and needed for the staff to manage the case load, were routinely extended, which protracted the process.

OEPC uses written template communications for the initial outreach to the parties, the Notice of Investigation, correspondence with the parties and witnesses attaching the interview summary for review, investigation reports, and outcome letters. The templates are legally compliant, neutral and informative in tone, and convey professionalism and competency.

OEPC has also developed an investigation plan template, a targeted preventative education meeting (TPEM) template, and detailed step-by-step internal procedures for conducting an investigation. For resource support, OEPC also makes available training materials for investigators to reference on how to conduct investigations, how to develop interview questions, and other related operational support resources.

G. Community Feedback about OEPC

We provided multiple options and opportunities for the community to share feedback about their experiences and perceptions of OEPC. We heard a recurring theme of community distrust of the university's Title IX and DHR program. For faculty, it stemmed from delays and perceived lack of responsiveness from OEPC following reports, a perceived "weaponizing" of OEPC by fellow faculty, a perception of unprofessionalism and ineffectiveness from OEPC, and experiences of systemic microaggressions and bias related incidents that persist unchecked. Faculty had a general recognition that untenured and junior faculty are vulnerable and tend to under-report experiences of discrimination and harassment because of built-in power differentials. We received feedback that requested additional training and prevention programming for faculty on identifying and preventing microaggressions.

We learned that students are unfamiliar with OEPC, its purpose, and its resources, in part because of its low visibility on campus, and in part because students are focused on basic needs like food, housing, and medical insurance. Students reported generally feeling safe on campus. Students who met with us and navigated the resolution process found it to be hyper-legalistic and ineffective. Students reported feeling disempowered to report based on their perception that "nothing will happen." We heard that students

are looking to see improvements in intake, care, resources, support, and psychological understanding of issues related to discrimination, as avenues to improve connection with impacted students.

Some staff with whom we met reported positive interactions with OEPC, and noted OEPC's increased effort to train staff and increased responsiveness under its new leadership. We heard that staff feel vulnerable and have a fear of retaliation based on power differentials between staff and faculty. Some staff reported feeling disempowered to report *other conduct of concern* because "nothing happens." Staff requested targeted programming for prevention, including education around identifying and preventing microaggressions.

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;⁸ (ii) adopt grievance procedures that are prompt and equitable;⁹ and (iii) publish a nondiscrimination statement.¹⁰ 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 class discrimination, harassment, and retaliation,¹¹ we incorporate the Title IX framework as it relates to these core requirements, because they apply equally to DHR programs.

⁸ 34 C.F.R. § 106.8(a).

⁹ 34 C.F.R. § 106.8(b).

¹⁰ 34 C.F.R. § 106.8(c).

¹¹ These include Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975. The implementing regulations for these statutes outline some requirements that are similar or identical to certain of the "core Title IX obligations." For instance, most of the regulatory frameworks require a notice of nondiscrimination. See 34 C.F.R. § 100.6(d) (Title VI), 34 C.F.R. § 104.8 (Section 504), and 34 C.F.R. § 110.25 (Age Discrimination Act), and 28 C.F.R. § 35.106 (ADA). Furthermore, the implementing regulations for the Age Discrimination Act closely mirror the core Title IX obligations in that they require educational institutions to: (i) designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities, including investigation of complaints; (ii) notify beneficiaries of information regarding the regulations and the contact information for the responsible employee; and (iii) adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. 34 C.F.R. § 110.25.

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.¹² 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.¹³ The Title IX Coordinator's role and responsibilities should be clearly defined, and the institution must notify applicants for admission and employment, students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the institution, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.¹⁴ The Title IX regulations detail the responsibilities of the Title IX Coordinator, which include, among other things:

1. Receiving reports and written complaints;¹⁵
2. Coordinating the effective implementation of supportive measures;¹⁶
3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;¹⁷
4. Considering the wishes of the complainant with respect to supportive measures, including explaining the process for filing a formal complaint;¹⁸
5. Attending appropriate training;¹⁹

¹² 34 C.F.R. § 106.8(a).

¹³ *Id.*

¹⁴ *Id.*

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

¹⁶ *Id.*

¹⁷ 34 C.F.R. § 106.44(a).

¹⁸ *Id.*

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

6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;²⁰
7. Overseeing the prompt and equitable nature of any investigation or resolution;²¹ and
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.²²

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.²³ Title IX Coordinators and DHR Administrators should be positioned organizationally to operate with appropriate independence and autonomy, have sufficient supervision and oversight, and have direct or dotted reporting lines to senior leadership.

The Chancellor's Office has published guidance regarding the role of campus Title IX Coordinators. Attachment B to the Systemwide Nondiscrimination Policy mandates that campus Title IX Coordinators "shall have authority across **all** campus-based divisions and programs (e.g., Human Resources, Academic Affairs, Student Affairs, Athletics, Housing, University Police, etc.) to monitor, supervise, oversee, and ensure implementation of [the Nondiscrimination Policy] in all areas" (Emphasis in original). Attachment B further requires that all campus Title IX Coordinators and Deputy Title IX Coordinators be MPPs and "have the qualifications, authority and time to address all complaints throughout the campus

²⁰ 34 C.F.R. 106.45(b)(1)(iii).

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

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

²³ These effective practices have been articulated, among other places, in a [Dear Colleague Letter](#) from the U.S. Department of Education's Office for Civil Rights on April 24, 2015. Although this Dear Colleague Letter has since been rescinded, the underlying concepts described in the letter are still instructive and aligned with the current regulations. The 2015 Dear Colleague Letter stated, "The Title IX Coordinator's role should be independent to avoid any potential conflicts of interest and the Title IX Coordinator should report directly to the recipient's senior leadership" The Letter further instructed that "the Title IX Coordinator must have the authority necessary to coordinate the recipient's compliance with Title IX" and, in order to do so, "Title IX Coordinators must have the full support of their institutions . . . [including by] making the role of the Title IX Coordinator visible in the school community and ensuring that the Title IX Coordinator is sufficiently knowledgeable about Title IX and the recipient's policies and procedures."

involving Title IX issues.”²⁴ Finally, Attachment B recommends that all campus Title IX Coordinators “be someone without other institutional responsibilities that could create a conflict of interest (e.g., someone serving as University Counsel or as a disciplinary decision maker)” and that they report to a supervisor who is a Vice President or higher.

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

San Francisco State complies with the baseline legal requirement of designating an employee as a Title IX Coordinator (also the DHR Administrator). However, San Francisco State has not updated contact information for the Title IX Coordinator in a timely manner, as OEPC’s [website](#) incorrectly still identifies the former Title IX Coordinator by name, even though it provides the correct office contact information. Given the issues that led to distrust of OEPC, stabilizing leadership in OEPC – and accurately identifying the Title IX Coordinator by name during this period of transition – is a recommended priority.

At San Francisco State, the Title IX Coordinator/DHR Administrator reports directly to the Vice President of Student Affairs and Enrollment Management, who is a part of the President’s cabinet. While this reporting line is high enough from an organizational chart perspective, there is a broader question of whether OEPC is appropriately situated in the Student Affairs chain of command as it leads to confusion for employees, impacts accountability for Human Resources and Faculty Affairs, and may be limited in its reach institutionally. We recommend a re-evaluation of the reporting structure to effectively message and communicate the reach and jurisdiction of OEPC for all reports of discrimination and harassment to the entire university.

The Title IX Coordinator and investigators are trained to carry out their roles. The [OEPC website](#) catalogues the trainings (and training materials) attended by staff over the last three years, and include the following

²⁴ 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.”

topics: DHR investigations, retaliation, race and discrimination in the workplace, informal resolutions, recognizing and responding to stalking, role of advisors, and intersection of Title IX and disability.

In terms of resources, the Title IX (and DHR) function struggles in much the same way as other similar offices across the system. While OEPC currently has more employees than other CSU Title IX offices – five in total (consisting of the Title IX Coordinator/DHR Administrator, a case coordinator and three investigators) – the OEPC team reported that staffing was nonetheless insufficient to meet the needs of the university. With the high number of reports and large corresponding investigative case load, coupled with training requirements and prevention education programming oversight, the office is understaffed. For the current volume and attendant responsibilities, an adequate staffing structure would include *at least* a fourth investigator; a prevention and outreach coordinator; a deputy coordinator for training, education, professional development, prevention and awareness; a deputy coordinator for intake and supportive measures; and administrative support.

B. Notice of Nondiscrimination

The Title IX regulations require that institutions publish a nondiscrimination statement.²⁵ 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;²⁶
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.²⁷

²⁵ 34 C.F.R. § 106.8(b).

²⁶ *Id.*

²⁷ 34 C.F.R. § 106.8(b)(2).

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

San Francisco State's Notice of Nondiscrimination on the Basis of Gender or Sex is accessible on the University's [OEPC](#) website under the tab titled "About." [OEPC's landing page](#) also includes a Notice of Nondiscrimination that omits that the prohibition extends to admissions and does not include who to contact (Title IX Coordinator or OCR) to make a report of discrimination. There is a link to the OEPC landing page from the footer of most university landing pages, including the [University's landing page](#), [Admissions](#), [Human Resources](#), and [Student Affairs](#). However, there is no direct link to the Notice on the webpage for athletics.

Separately, San Francisco State's [OEPC website](#) also includes a broader statement that reads, "[T]he University] is committed to maintaining an inclusive and equitable community that values diversity and fosters mutual respect. We embrace our community differences in Age, Disability (physical and mental), Gender (or sex), Gender Identity (including nonbinary and transgender), Gender Expression, Genetic Information, Marital Status, Medical Condition, Nationality, Race or Ethnicity (including color, caste, or ancestry), Religion (or religious creed), Sexual Orientation, Veteran or Military Status. All Students and Employees have the right to participate fully in CSU programs, activities, and employment free from Discrimination." We note that the quoted language does not expressly prohibit discrimination on the basis of the enumerated statuses. A notice prohibiting discrimination and harassment on the basis of the enumerated protected statuses, while not a requirement of Title IX, would be consistent with the purpose of Title VI and Title VII of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and other relevant federal and state laws prohibiting protected class discrimination, harassment, and retaliation. The notice is accessible from the [University's landing page](#), [Admissions](#), [Human Resources](#), and [Student Affairs](#), under the "About" tab.

We recommend a comprehensive review of these Notices to ensure accuracy, accessibility, and alignment with law and policy.

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”²⁸ 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.²⁹

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 class discrimination, harassment, and retaliation, this document sets forth the grievance procedures and process for resolving reports of sex discrimination, as well as other protected class prohibited conduct. Pursuant to the Nondiscrimination Policy, there are three separate tracks for formal resolution of complaints. Specifically, “Track One” applies to reports of sexual harassment that fall within the federal mandated hearing process required under the 2020 Title IX regulations; “Track Two” applies to reports of sexual misconduct, dating violence, or domestic violence against a student where credibility is an issue, that fall within the mandated hearing process articulated in California case law; and “Track Three” applies to all other reports that allege a violation of the Nondiscrimination Policy.

This Nondiscrimination Policy, which applies to all 23 CSU universities, is an omnibus policy document that maps the complex and overlapping procedural requirements mandated by several federal and state frameworks, including the federal Title IX regulations, California state law relating to sex discrimination and sexual harassment in higher education, California case law relating to due process, and other federal and state laws relating to discrimination based on other protected classes. 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

²⁸ 34 C.F.R. § 106.8(c).

²⁹ *Id.*

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

The CSU's prohibition against certain consensual relationships is embedded within the Nondiscrimination Policy.³⁰ We learned that at many of the CSU universities, the prohibition is not adequately communicated to the campus community, limited or no training is offered on the prohibition, and the prohibition is not enforced. Given the significant overlap of the prohibited relationship policy with Title IX, and DHR and *other conduct of concern*, attention should be given to the training and enforcement of this prohibition. We recommend that training on this section of the policy be incorporated into required training and education. On many campuses, this was an issue of significant concern for faculty and staff.

VI. Campus Coordination

We observed that OEPC and campus administrative partners have collaborative working relationships. The position description for the Executive Director for Equity Programs and Compliance provides that the Executive Director "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 applicable CSU policies and procedures." We noted potential gaps in information sharing with Residential Life and challenges partnering with various individual faculty members to implement supportive measures. We also observed that OEPC does not have a unified enterprise level case management system or protocol for real time sharing of information or multidisciplinary team to consult to make informed decisions about the university's response to reports. A centralized reporting and review process ensures consistent application of policies and procedures and serves to course correct gaps in information sharing. Our recommendations will further address the assembly and operation of a multidisciplinary team.

³⁰ 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."

While OEPC, Student Affairs, and UPD use a shared case management system, they are not maintaining and sharing information in a manner that supports effective implementation. We note that OEPC needs real time and increased access to disparate records that are housed in varying formats in other departments to effectively investigate and assess for pattern, risk, and climate to inform emergency removal, leave, and sanctions. We recommend that all campus partners adopt an effective, integrated, and enterprise level records management system to ensure consistent access to relevant information.

A. University Police Department

The University Police Department consists of 29 (budgeted) sworn police officers, 6 dispatchers, and 20 Community Service Specialists. The Assistant Vice President and Chief of Police reports to the Vice President of Student Affairs. UPD has arrest powers and concurrent jurisdiction with the San Francisco Police Department. UPD has an MOU with surrounding law enforcement, including the District Attorney's Office and the Medical Examiner.

As of July 6, 2023, UPD had 12 vacancies due to lower salary offerings compared to neighboring departments.

We learned that UPD investigates reports of sexual or gender-based violence that occur on campus. UPD officers are trained to provide complainants information related to medical care and survivor advocate resources. UPD's investigation file is not maintained in Maxient, but officers have access to and will enter case related information into Maxient to share with OEPC. However, consistent with California Penal Code 293, UPD will honor a complainant's wish to maintain confidentiality and not include the complainant's name in the report entered into Maxient.

UPD, in conjunction with the Clery Coordinator, is responsible for assessing whether a timely warning should be issued to the university community. UPD uses a written assessment criteria for timely warnings, which serves as a record for why timely warnings were or were not issued.

Currently there is no scheduled or routine collaboration with OEPC, or quality control mechanism to ensure or track timely sharing of information.

B. Student Conduct

[San Francisco State's Office of Student Conduct \(OSC\)](#) is housed within the Dean of Students' Office. The Student Conduct Manager investigates, adjudicates and sanctions reports of student conduct code matters.

Following investigations by OEPC in cases alleging sexual harassment, sexual assault, dating violence, domestic violence, and stalking, the Hearing Officer is responsible for determining whether a student has violated the Policy, and the Student Conduct Manager, in conjunction with the Title IX Coordinator, is responsible for recommending a sanction to the Hearing Officer. After observing the hearing, the Student Conduct Manager and the Title IX Coordinator confer on the sanction and each give a recommendation to the Hearing Officer. We heard that in practice, the Student Conduct Manager and the Title IX Coordinator collaborate well, engage in appropriate record sharing and demonstrate mutual professional respect.

C. Human Resources/Labor Relations

San Francisco State Human Resources (HR) is led by an Associate Vice President for HR. HR oversees the following areas: Employee & Labor Relations (ELR), Benefits, Retirements, Compensation & Classification, Employment Services, Professional Development, Payroll, Compliance and Whistleblower.

Employee and Labor Relations (ELR) receives complaints and grievances related to employees. When ELR receives a complaint involving conduct that could be discrimination or harassment on the basis of a protected category, that report is shared with OEPC either via email or a shared drive. However, we also learned of instances in which HR responded to reports of discrimination (e.g., pay inequity). Our recommendations include ensuring OEPC oversees the resolution of all complaints of protected class discrimination and harassment and retaliation to ensure conformity with law and policy. Additionally, our recommendations include adoption of a unified enterprise level case management system for improved record keeping.

In accordance with the current Collective Bargaining Agreement (CBA) between the California Faculty Association (CFA) and the CSU, the grievance procedures are held in abeyance until an investigation is

fully completed under the Nondiscrimination Policy.³¹ We learned that HR leadership and OEPC have a collaborative and good working relationship in navigating the CBA and the Nondiscrimination Policy. To further this collaboration, and support effective record keeping, we recommend the implementation of a robust and enterprise level shared records management system. Real time information sharing is necessary to improve coordination, ensure consistency, and provide effective access to available relevant information for informed decisions. Currently there is no scheduled or routine collaboration with OEPC, or quality control mechanism to ensure or track timely sharing of information.

D. Faculty Affairs/Academic Affairs

Faculty Affairs at San Francisco State consists of the Provost, Academic Resources Vice Provost, Assistant Vice President of Faculty Affairs, Associate Provost for Analytics, and Assistant Vice President of Research and Sponsored Programs. The Provost oversees the Deans of the seven academic colleges, as well as the library and other administrative offices. The AVP of Faculty Affairs oversees the Office of Faculty Affairs & Professional Development.

Faculty Affairs has begun to work closely with OEPC, especially in response to bias related incidents. We received information about specific challenges in the collaboration between certain faculty members and OEPC. For example, we learned of instances in which members of faculty created hurdles to the implementation of supportive measures. Further, faculty members reported that investigations take too long, long extensions are granted without explanation, and OEPC provides vague explanations to requests for case updates. We also observed that historical experiences of OEPC not investigating cases are shaping faculty perspectives of the current OEPC staff, which by many accounts is more “professional” and “competent” than past administrators. Our recommendations address methods to improve communication, coordination, and trust between faculty leadership and OEPC.

E. Residential Life

Residential Life consists of a Director, Associate Director, three Assistant Directors, five specialists, and multiple Area Coordinators, Residential Coordinators, Resident Assistants, and support staff. Residential Life staff complete written reports upon receipt of a report of protected class discrimination or harassment. That report is then reviewed by leadership in Residential Life to determine if it should be

³¹ Collective Bargaining Agreement Between CFA and the Board of Trustees of CSU; Unit 3: Faculty; Article 10.7.

forwarded to Student Conduct or OEPC for review and resolution. This practice led to reported concerns about potential gaps in identification of protected class misconduct and insufficient oversight/quality control to ensure reports are timely forwarded to OEPC. Our recommendations include increased training for Residential Life staff and improved communication, coordination, and information sharing with OEPC to resolve any potential gaps in identifying protected class discrimination and harassment.

F. Clery Act Responsibilities

The Director of Emergency Services serves as the University's Clery Director. The Office of Emergency Services sits within Risk and Safety Services, which is under the umbrella of University Administration and Finance. The Clery Director joined the university in February 2022, and underwent training through the Clery Center and other online training programs. The Clery Director is responsible for maintaining information necessary to prepare the university's [Annual Security Report](#), and for identifying and training campus security authorities (CSAs).

The University Clery Compliance team consists of the Director of OEPC and an investigator, the Director of Risk Management, the Chief of UPD, the Director of Health Promotion and Wellness, the AVP for Student Life and Dean of Students, Director of Student Conduct, Director of Residence Life, Manager of Workers' Compensation and Loss Control, and University Counsel. The Clery Compliance team meets monthly to review reports and share information.

While we were not tasked with assessing the universities' Clery compliance, we noted some opportunities to strengthen the program, which we address in the recommendations and/or will address with the university separately.

VII. Campus Resources for Students and Employees

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

A. Confidential Advocate³²

The university had a Confidential Advocate on staff who reported to the Director of Counseling and Psychological Services (CAPS). The Confidential Advocate left the university in 2022 and as of the date of this report, the [position remains vacant](#). When the position is filled, the Confidential Advocate will report administratively to the Director of CAPS and operationally to the Associate Dean of Students, and will have ongoing consultation and collaboration with the University's Title IX Coordinator.

The Confidential Advocate function at [SAFE Place](#) is described on the SFSU website as follows:

[A] survivor-focused, trauma-informed [University] program that provides free and confidential support services to survivors of sexual assault, intimate partner violence, stalking, and sexual harassment (sexual violence) while working with campus partners to end sexual violence. We serve all members of the San Francisco State community including students, staff, and faculty. The SAFE Place recognizes that sexual violence impacts all people, regardless of race, ethnicity, age, gender, or sexual orientation and strives to foster a safe and welcoming environment. We are committed to addressing sexual violence within the social justice, anti-oppression framework. The SAFE Place helps survivors determine their own healing path by reviewing options for reporting, medical care, mental health care, alternative healing interventions, and empowering survivors to choose the path that feels right for them.

Currently, the website reads, "As of October 2022, SF State is currently in the middle of a search to hire a permanent SAFE Place Advocate." The website directs survivors to [SFWar](#) (an off-campus confidential resource) or [Counseling and Psychological Services](#) (an on-campus confidential resource) and to the Associate Vice President for Student Life and Dean of Students at dos@sfsu.edu or 415.338.3888 for questions.

³² The Confidential Advocate role is defined in Attachment C of the Nondiscrimination Policy and discussed in the Systemwide Report.

B. Respondent Support

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

C. Counseling Services

San Francisco State's [Counseling and Psychological Services](#) (CAPS) offers counseling, case management, groups, workshops, and crisis services to undergraduate and graduate students. Students may receive six individual sessions per academic year, before they will be referred to longer term counseling available in the community. We learned that while CAPS strives to provide appointments within one to two weeks from request, students (in September 2022) reported that the waitlist for an individual counseling appointment (non-crisis) was two weeks to a month. In situations of crisis, a CAPS clinical counselor is typically available to meet with a student on the same day. If there is not a counselor available the same day, off-campus emergency services are offered.

Through interviews with campus partners, we learned that CAPS employs 12 Clinical Counselors, and three administrative support staff (the website indicates CAPS employs 14 counselors and two support staff). The groups and workshops offered focus on a range of challenges that may be experienced by students, including: drop-in sessions for LGBTQ+ and Questioning, bilingual (Spanish/English) first-generation support group, bullying and social exclusion online group, anxiety, and depression workshops. When staffed, the [SAFE Place](#) offers daily crisis appointment for students who have experienced sexual assault, intimate partner violence, dating or domestic violence, sexual harassment, and/or stalking. However, as noted above, the Confidential Advocate position is currently vacant, so those services are only available through CAPS counselors or SFWar, an off-campus confidential resource.

D. Student Health Services

San Francisco State's [Student Health Services](#) provides basic medical care for students in a campus environment. Services include: outpatient medical services for conditions, illnesses, and injuries, contraceptive, gynecological, and sexually transmitted infection diagnostic and treatment services; pharmacy services; laboratory testing; nutritionist services; and athletic training services.

[Health Promotion and Wellness](#) at San Francisco State offers education programming on the following health areas: Alcohol, Tobacco and Other Drugs; Men's Health; Mental Health; Nutrition; Sexual Health; and Sexual Violence Prevention. Health Promotion and Wellness has around 25 peer educators who offer programming in the different health areas. In the area of sexual violence prevention, workshops and trainings are offered to students, and presentations are often co-presented with the OEPC.

E. Ombuds

San Francisco State has an Employee Ombuds who serves in a dual role as the Associate Director of Benefits, Leaves, and Retirement Services under Human Resources. The Ombuds role is situated in the University Enterprises Division of the university and serves as a designated neutral and impartial resource to all employees at the university. According to the [University Ombuds website](#), reports of discrimination, harassment, sexual misconduct, sexual exploitation, dating violence, domestic violence, stalking, or retaliation that are made to the Ombuds must be forwarded by the Ombuds to the Title IX Coordinator/DHR Administrator.

F. Additional Resources for Students

Students have access to a number of [on-campus resources](#) that are available from the OEPC website. In addition to the resources already identified ([CAPS](#), the [SAFE Place](#) (once staffed), [Student Health Services](#), and [Health Promotion and Wellness](#)), and various affinity groups,³³ other relevant on-campus resources include:

³³ The affinity groups include: Asian American and Pacific Islander Retention and Education (ASPIRE), Black Unity Center, DREAM at SFSU, Dream Resource Center (DRC), Equity & Community Inclusion, Guardian Scholars Program (GSP), Project Connect, Safe Zone Program, Student Resource & Empowerment Center, The Queer & Trans Resource Center, and Veterans Services.

- [San Francisco State’s Action Care Team \(ACT\)](#) is a multidisciplinary team of professionals that addresses and assists students who are in distress or exhibiting concerning behaviors. The team has representation from CAPS, Residential Life, and the Dean of Students’ Office.
- [Equity Community and Inclusion](#) serves to “facilitate intercultural, intergroup dialogue, promote equity and inclusion, advance social justice, and improve campus climate for all” students.

San Francisco State provides an impressive and robust list of more than 60 student resources ranging from Asian American and Pacific Islander Retention and Education (ASPIRE) to Veteran Services. A complete list of available resources can be found [here](#).

G. Additional Resources for Employees

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

VIII. Prevention, Education, Professional Development, Training and Awareness³⁴

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.³⁵ Even if responsibilities are shared with a Confidential Advocate, the Title IX Coordinator “remains primarily responsible for all campus-based prevention and awareness activities.”³⁶ 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.³⁷

³⁴ 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.

³⁵ See Attachment B: Campus Title IX Coordinators Role and Responsibilities.

³⁶ See Attachment C: Confidential Sexual Assault Victim's Advocates.

³⁷ *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.”

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

A. Students

All students enrolled in courses at San Francisco State are required to take Title IX online training every academic year. In addition, OEPC provides training, developed internally, to specific student groups. The [OEPC website](#) lists the following training sessions offered to student groups in the 2022-2023 academic year:

- Title IX/DHR Training for Associated Students Staff, August 1, 2022
- Title IX/DHR Training for Residential Life Student Leaders, August 3, 2022
- Title IX/DHR Training for Biology Department students, September 13, 2022
- Title IX/DHR Training for Student Athletes, October 24, 2022
- Title IX/DHR Training for Associated Students Board of Directors, November 9, 2022
- Title IX/DHR Training for fraternity and sorority life students, November 9, 2022
- Title IX/DHR Training for Campus Leadership Forum, November 10, 2022

We heard that the mandatory online training is largely ineffective, out of date, and repetitive each year. We also heard that the content provided by OEPC, while more expansive than the online training, needs to be further expanded to include a more comprehensive presentation on the types of conduct prohibited and the definition of consent as well as a more robust overview of the resolution process.

Health Promotion and Wellness offers education programming on areas related to sexual health, sexual violence prevention, men's health, and alcohol and other drugs. Health Promotion and Wellness also has a peer educator program in which student peer educators provide programming to students.

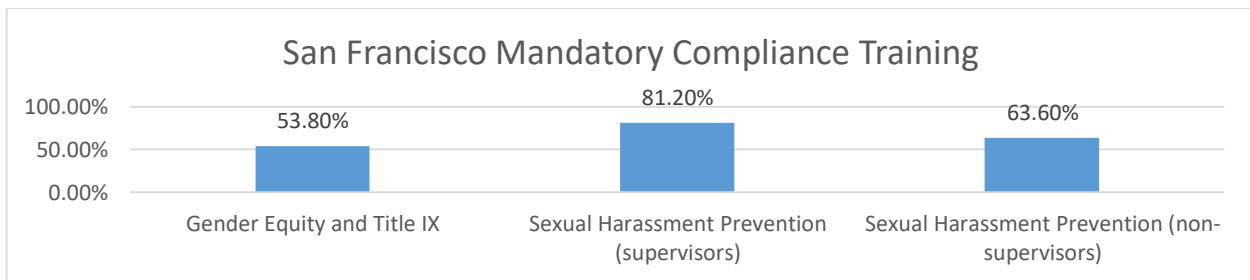
In comparison to other CSU universities, San Francisco State offers more than the minimum required training. However, even with the relatively developed programming, we heard that OEPC – and most campus community members with whom we spoke – believe that education and awareness programming remains ineffective and more education is necessary to transition the community from one acting in response to reports, to one operating to prevent instances of discrimination and harassment.

B. Employees

Consistent with California state law, CSU policy requires all CSU employees to complete the online CSU *Sexual Misconduct Prevention Program Training*, also known as *Gender Equity and Title IX*, on an annual basis (for at least 60 minutes). In addition to this annual requirement for all CSU employees, supervisors

and non-supervisors are required to participate in an CSU's *Discrimination Harassment Prevention Program* every two years (for at least 120 minutes).

The systemwide Learning and Development Office in the Chancellor's Office hosts these online modules, which are provided by an external vendor, on its systemwide employee learning management system. The Learning and Development Office tracks employee completion of these required programs. The below chart, provided by the Chancellor's Office, shows the completion percentage for each university for the 2022 calendar year:³⁸



The [OEPC website](#) lists the following training sessions offered to employees in the 2022-2023 academic year:

- Title IX/DHR Training for Early Childhood Center Staff, August 18, 2022
- Title IX/DHR Training for Mashouf Employees, August 19, 2022
- Title IX/DHR Training for English Department faculty, October 14, 2022
- Title IX/DHR Training for Academic Affairs Council, October 19, 2022
- Title IX/DHR Training for Recreation, Parks and Tourism faculty, October 20, 2022
- Title IX/DHR Training for Campus Staff Forum, November 9, 2022
- Title IX/DHR Training for Campus Leadership Forum, November 10, 2022

We learned that employees need additional education on microaggressions and ongoing opportunities for professional development. We also received feedback that OEPC has encountered difficulties in training some faculty as a preventive measure, as anything beyond the system level training is not required and cannot be mandated.

³⁸ These percentages have been validated by each campus. Please note employees designated by their campus as "on leave" were removed from these final percentages.

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 class discrimination or harassment, but may nonetheless violate other university policies or be disruptive to the learning, living, or working environment. This includes, for example:

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

San Francisco State has a [Bias Incident Education Team](#) (BIET) that “reviews and addresses bias-related incidents and reports that deserve attention, but may not necessarily rise to the level of Title IX/DHR or Labor/Employee Relations/HR. The BIET reviews incidents and determines an action plan rooted in individual and group education and learning.”

Despite the development of BIET, we learned through meetings with faculty and staff that *other conduct of concern*, including reports of microaggressions and bias are responded to in myriad ways including being dismissed by a supervisor as “that’s just how he/she/they are,” being addressed by a supervisor in an unproductive way by saying, “I will talk to the person,” being reported to OEPC and being told the report does not constitute a policy violation, and/or “there’s nothing we can do.” We heard from students that faculty sometimes engage in microaggressions and there is no recourse available to address the behavior. These experiences raise the question of how BIET is being used to respond to *other conduct of concern*.

Reports of microaggressions and bias that are received by OEPC are documented in Maxient, which provides and tracks data on what is reportedly occurring and where it is occurring to focus training and education programming. Our recommendations address improving the process of centralizing reports of bias and microaggressions to track patterns and trends, develop targeted training and education, and monitor for culture and climate concerns.

X. Recommendations

In the Systemwide Report, we provide detailed recommendations for enhanced Chancellor’s Office oversight and coordination of university Title IX and DHR programs. The Systemwide Report also highlights

the need for collaboration between Chancellor's Office personnel and university-level Title IX and DHR professionals to ensure accountability for the effective implementation of informed and consistent frameworks. These recommendations must be read together with the recommendations set forth in the Systemwide Report.

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

A. Infrastructure and Resources

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

1. Work with the Chancellor's Office to develop a project plan for addressing gaps and implementing recommendations
2. Share existing budget line information with the Chancellor's Office, including historic and anticipated annual fees for external investigators, hearing officers, and other Title IX/DHR related resources, as well as budget line information related to the confidential campus advocates, prevention and education specialists, and respondent resources (recognizing that these resources are typically outside of the Title IX/DHR budget)
3. Map functions within the Title IX/DHR program to ensure sufficient personnel to cover all core functions, including: intake and outreach, case management, investigations and hearings, informal resolution, sanctions and remedies, prevention and education, training, data entry and analysis, administrative tasks, and additional resources to support legally-compliant, effective Title IX/DHR programs, as well as the essential care side of campus responses
 - 3.1. Resource and restructure OEPC staffing to provide for the following positions:
 - 3.1.1. Title IX Coordinator/DHR Administrator
 - 3.1.2. Deputy TIXC
 - 3.1.3. Investigators (minimum of five, pending the creation of a centralized investigator pool run by the Chancellors' Office)
 - 3.1.4. Intake and support coordinator
 - 3.1.5. Case and hearing coordinator
 - 3.1.6. Training and prevention education coordinator
 - 3.1.7. Administrative support
 - 3.2. Staff the following roles:
 - 3.2.1. Confidential survivor advocate

- 3.2.2. Respondent resource
- 3.2.3. Independent ombuds with capacity (the role of ombuds is currently held by Director of Benefits)
- 3.2.4. Consider additional suite of resources to address *other conduct of concern* including restorative justice, mediation, conflict resolution
- 4. Based on benchmarking and recommendations from the Chancellor's Office, identify recurring baseline (or line item) funding (both source and amount) for the Title IX/DHR program
- 5. Work with the Chancellor's Office to implement an enterprise-level case management system and develop protocols for consistent collection and retention of data
 - 5.1. Migrate all Title IX and DHR files to the case management system
 - 5.2. Provide real time access to key "need to know" campus partners
- 6. Ensure an adequate supervisory model that includes a routine cadence of supervisory meetings, guidance about how to ensure effective oversight and accountability measures, an appropriate level of detail for review, development, integration and tracking of decision-making frameworks, and balancing implementers' independence and autonomy with the need to identify and elevate critical issues and concerns about safety/risk
- 7. Commit to the consistent investment in professional development and continuous learning for Title IX and DHR professionals and senior leaders who oversee the Title IX/DHR program (CLEs, conferences, system training, etc.)
- 8. Identify a sustainable model to provide respondent support services
- 9. Reevaluate reporting structure of OEPC to ensure accessibility and to effectively communicate the reach and jurisdiction of OEPC for all reports of discrimination and harassment to the entire university community including employees.

B. Strengthening Internal Protocols

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

- 1. Coordinate with the Regional Director, Systemwide Title IX/Civil Rights Division, and subject matter experts to:
 - 1.1. Map the case resolution process from reporting and intake through to investigation and resolution process.
 - 1.1.1. Compare the current process against standard practices and identify any concerns related to timeliness, conflicts, gaps in communication, or gaps in consistent process.
 - 1.1.2. Identify, map, and reconcile intersections with faculty/staff grievance and disciplinary processes.

- 1.2. Develop robust intake, outreach, and case management protocols for supportive measures and resources
 - 1.2.1. Develop internal protocols and written tools (e.g., templates and checklists) for intake and outreach, oversight of supportive measures, and decision-making regarding emergency removal or administrative leave
 - 1.2.2. Seek to hold an intake meeting with all individuals who make a report of conduct that would potentially violate the Nondiscrimination Policy
 - 1.2.3. Develop protocols for notifying and coordinating with the confidential advocate at the intake meeting, if possible
 - 1.2.4. Develop or update protocols for information sharing to ensure that the Title IX/DHR Office can fulfill its responsibility of documenting all supportive measures offered, requested, implemented, and if denied, the reasons for the denial
 - 1.2.5. Create a feedback loop to acknowledge responsible employee reports and confirm receipt of the report and next steps
 - 1.2.6. Establish standardized protocols for outreach to complainants that involve multiple modalities, systems to document outreach, and a protocol for how and when to make additional outreach in cases with non-responsive complainants, including the potential for outreach through a third-party or a responsible employee
- 1.3. Develop integrated, written processes for initial assessment designed to evaluate known facts and circumstances, assess and implement supportive measures, facilitate compliance with Title IX and Clery responsibilities, and identify the appropriate institutional response after triaging the available and relevant information; as part of the initial assessment, the Title IX Coordinator/DHR Administrator should:
 - 1.3.1. Take steps to respond to any immediate health or safety concerns raised by the report
 - 1.3.2. Assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation and the appropriate manner of resolution under the Nondiscrimination Policy
 - 1.3.3. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness and/or any other individual with knowledge of the reported incident
 - 1.3.4. Provide the complainant with both oral and written information about on- and off-campus resources (including confidential resources), supportive measures, the right to contact (or decline to contact) law enforcement or seek a civil protection order, the right to seek medical treatment, the importance of preservation of evidence, the right to be accompanied at any meeting by an advisor of choice, and an explanation of the procedural options available
 - 1.3.5. Refer the report to appropriate campus officials to assess the reported conduct and determine the need for a timely warning or other action under the Clery Act
 - 1.3.6. Assess the available information for any pattern of conduct by respondent

- 1.3.7. Discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns)
- 1.3.8. Explain the policy prohibiting retaliation and how to report acts of retaliation
- 1.3.9. Determine the age of the complainant, and if the complainant is a minor, make the appropriate report of suspected abuse consistent with state law
- 1.3.10. Evaluate other external reporting requirements under federal or state law or memoranda of understanding
- 1.3.11. Develop, and follow, a comprehensive written checklist/form to ensure that all required actions are taken under state and federal law
- 1.3.12. Develop checklist of factors to consider in determining whether to move forward without a complainant or whether informal resolution is appropriate and ensure sufficient documentation of the determination
- 1.3.13. Provide a written statement of concern at the conclusion of the initial assessment to ensure that the complainant (and as appropriate, the respondent) have a clear understanding of the nature of the report and the proposed resolution path
- 1.4. Separate support/advocacy functions from investigation to avoid role confusion and ensure clear demarcation between the individuals who provide supportive measures to a complainant, respondent or other individual in need of assistance, and the investigator
- 1.5. Strengthen campus collaboration and information-sharing through a multidisciplinary team (MDT) model
 - 1.5.1. The Title IX Coordinator/DHR Administrator, in conjunction with the Chancellor's Office, should identify essential university partners to serve on the MDT and set standards for meeting goals and sharing real time information. MDT members may include representatives from Student Affairs/Student Conduct, Faculty/Academic Affairs, Human Resources, UPD, Title IX Coordinator, DHR Administrator, Clery Coordinator, and University Counsel
 - 1.5.2. The MDT should meet regularly and at a minimum, weekly, to review all new reports
 - 1.5.3. The MDT should ensure that all known and available information about the parties and the reported incident is shared with TIX/DHR to inform TIX/DHR's initial assessment and any steps it determines to take in response (including information maintained outside of Title IX/DHR's recordkeeping systems and information that may only be known to another unit or individual)
 - 1.5.4. The Title IX Coordinator/DHR Administrator should follow a protocol for securely sharing parties' university ID numbers or names and basic information about the reported incident in advance of MDT meetings to enable all participants to query their records systems and bring forward any relevant information
 - 1.5.5. The Title IX Coordinator/DHR Administrator should ensure that the MDT 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 enterprise level tools and protocols for consistent, informed, effective real time documentation and case management. Ensure OEPC has real time access to all reports of potential protected class discrimination and harassment and retaliation to ensure conformity with law and policy. Ensure other partner units (UPD, Student Affairs, Residential Life, Faculty Affairs, Human Resources) are trained to enter reported information in real time and that OEPC has access to reported information.
 - 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
 - 1.6.4. Develop protocols for quality control of data entry and periodic reviews for quality assurance
- 1.7. Oversee investigations for quality and consistency of prompt and equitable processes
 - 1.7.1. Establish a protocol to ensure the timeliness of investigations, with routine quality control mechanisms throughout investigation process
 - 1.7.2. Develop quality control processes for monitoring active investigations for thoroughness and timeliness and ensure timely communications to parties throughout the investigative process (e.g., calendar internal 30-day, 60-day and 90-day alerts to prompt the investigator or case manager to make outreach to the parties)
 - 1.7.3. Ensure each report has sufficient review by the Title IX Coordinator/DHR Administrator and University Counsel (for legal review of sufficiency and adherence to policy)
2. Continue to evaluate barriers to reporting and engagement at the university level, with aggregation of data and advice and guidance by the Chancellor's Office
3. Review and revise tone, content, and format of reporting forms and other template communications
4. Update the online reporting form to expressly instruct the reporter that the report can be submitted anonymously and that the university is limited in its ability to respond to anonymous reports

5. Review the current post-Title IX/DHR disciplinary processes for faculty and staff to ensure promptness, equity, and informed communication
 - 5.1. Ensure the Title IX Coordinator/DHR Administrator remains engaged in any disciplinary processes, including sanctions and appeals, until final
 - 5.2. Ensure that decisions about negotiated settlements are supported by a careful and coordinated review by all relevant campus and system level administrators
6. Develop and implement a process to routinely collect post-resolution feedback from the parties and all impacted individuals

C. Communications

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

1. Conduct a comprehensive review of the Notice of Nondiscrimination to ensure accuracy, alignment with law and policy, and accessibility
2. Ensure distribution of a clear and consistent communication plan each semester that includes, at a minimum:
 - 1.1. Dissemination of the Notice of Nondiscrimination
 - 1.2. Dissemination of the Nondiscrimination Policy
 - 1.3. Information about reporting and resources
2. Develop an intentional marketing campaign to raise awareness about the role of the Title IX/DHR program, available resources, and resolution options
 - 2.1.1. Update the name of the office to better reflect its purpose and function
 - 2.2. Prioritize the messages of care, supportive measures, and resources
 - 2.3. Differentiate and educate about the difference between confidential resources and reporting options
 - 2.4. 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)
 - 2.5. Create standardized practice that improves communications during open active matters
 - 2.6. Prioritize care for the parties by sharing reasons for any delays to improve trust between OEPD and constituents served (students, faculty, staff) and campus partners including faculty leadership, HR, and other campus administrators/leaders.
3. Improve the Title IX/DHR website and other external-facing communications

- 3.1. Review and revise web content, across all relevant webpages, for clarity, accuracy, and accessibility
- 3.2. Ensure that web content includes: photographs and contact information for Title IX/DHR staff, notice of nondiscrimination, a link to the Nondiscrimination Policy, an overview of procedural and resolution options (with accessible graphics), how to make a report (to Title IX/DHR or UPD), on and off campus confidential resources, the difference between confidentiality and privacy, supportive measures, employee reporting responsibilities, an FAQ, prevention and education programming
- 3.3. Address website deficiencies (e.g., outdated information, dead links, etc.) identified in this report.
- 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 campus constituents
6. Identify and prioritize opportunities for in-person engagement with Title IX/DHR staff (e.g., pop-up events, tabling at an information fair, open houses in various central locations, routine scheduled short presentations to key audiences, and/or sponsored or co-sponsored events)

D. Prevention, Education, Training and Awareness

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

1. Allot sufficient budget lines to ensure consistent, baseline funding for personnel, legally-required programming, and technology/learning management systems

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

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

E. Responding to Other Conduct of Concern

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

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

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

Appendix I
Metrics: Campus Demographics and Population³⁹

The below chart reflects key metrics and demographic information for San Francisco State:

San Francisco State University			
Location Information			
Location: San Francisco, CA (pop. 808,437) ⁴⁰	County: San Francisco County (pop. 808,437) ⁴¹	Locale Classification: Large City ⁴²	
University Information			
President: Lynn Mahoney, Ph.D. (July 2019-present)			
Designations: Hispanic Serving Institution (HSI) ⁴³ Asian American and Native American Pacific Islander-Serving Institution (AANAPISI) ⁴⁴			
Students – Enrollment Data ⁴⁵			
Total Number of Students		25,323	
State-Supported		Self-Supported	
Undergraduates	21868	Undergraduates	5
Grad & Post Bac Students	3178	Grad & Post Bac Students	272
Student Ethnicity ⁴⁶			
Overall (includes State- and Self-Supported)			
Hispanic / Latino		36%	
Asian		24%	
White		17%	
Black / African American		6%	
Two or More Races		5%	
International Student		5%	
Race and Ethnicity Unknown		5%	
Native Hawaiian / Other Pacific Islander		1%	
American Indian / Alaska Native		<1%	

³⁹ Unless otherwise noted, Cozen O'Connor obtained data concerning San Francisco State University demographics, populations, Title IX and DHR staffing, operations and caseload from California State University and San Francisco State sources. This report will be updated to reflect material inaccuracies brought to our attention on or before September 15, 2023.

⁴⁰ United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/sanfranciscocitycalifornia/PST045221>, population estimate as of July 1, 2021.

⁴¹ United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/sanfranciscocountycalifornia/PST045221>, population estimate as of July 1, 2021.

⁴² Defined as a territory inside an urbanized area and inside a principal city with population of 250,000 or more. See National Center for Education Statistics, <https://nces.ed.gov/programs/edge/Geographic/LocaleBoundaries> and <https://nces.ed.gov/surveys/annualreports/topical-studies/locale/definitions>.

⁴³ 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>.

⁴⁴ 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>.

⁴⁵ California State University Enrollment Data, Fall 2022, Cal State San Francisco: 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.

⁴⁶ *Id.* This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

State-Supported (25,046 students)		Self-Supported (277 students)	
Hispanic / Latino	37%	Asian	35%
Asian	24%	Hispanic / Latino	22%
White	17%	White	20%
Black / African American	6%	Black / African American	7%
Two or More Races	5%	Two or More Races	5%
International Student	5%	International Student	5%
Race and Ethnicity Unknown	5%	Race and Ethnicity Unknown	5%
Native Hawaiian / Other Pacific Islander	1%	Native Hawaiian / Other Pacific Islander	<1%
American Indian / Alaska Native	<1%	American Indian / Alaska Native	<1%
Other Student Demographics ⁴⁷			
Overall (includes State-and Self-Supported)			
First in Family to Attend College	26%		
% students who are traditionally underrepresented ⁴⁸	42%		
% of undergrads who were Pell Grant recipients ⁴⁹	42%		
% of students who live on campus ⁵⁰	12%		
% undergrads who are in a fraternity or sorority ⁵¹	2%		
4-year graduation rate for first-time FT freshmen ⁵²	28.4		
State-Supported (25,046 students)		Self-Supported (277 students)	
Average Age	23	Average Age	28
Sex ⁵³	57% F; 43% M	Sex ⁵⁴	67% F; 33% M
First in Family to Attend College	26%	First in Family to Attend College	18%
% traditionally underrepresented ⁵⁵	43%	% traditionally underrepresented ⁵⁶	29%
Instructional Faculty ⁵⁷			
Total # of faculty	1,700.00		
Tenure-track	41.1%		
Lecturer	58.9%		
% full-time ⁵⁸	49.54%		
% part-time	50.46%		

⁴⁷ *Id.*, except where noted otherwise. This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

⁴⁸ For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

⁴⁹ 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.

⁵⁰ 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>

⁵¹ This figure was calculated utilizing data obtained from <https://sfsu.campuslabs.com/engage/organizations> and https://tableau.calstate.edu/views/SelfEnrollmentDashboard/EnrollmentSummary?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no.

⁵² California State University, Graduation & Success Dashboards, with link to Graduation Dashboard, selecting the Summary Overview tab, and with Cal State San Francisco 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 CSUSF during the Fall 2018 (most recent complete 4-year term available).

⁵³ Data does not capture number of students who do not identify on the sex/gender binary.

⁵⁴ *Id.*

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

⁵⁶ *Id.*

⁵⁷ California State University, CSU Faculty, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-faculty>, except where noted otherwise.

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.

Leadership body	Academic Senate ⁵⁹
Staff⁶⁰	
Total # of staff	1,400
% full-time	92.50%
% part-time	7.50%
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)
Athletics⁶¹	
NCAA Division	II
NCAA Conference	CCAA ⁶²
Number of sponsored sports for '22-'23 academic year	13
Number of student athletes ⁶³	235

⁵⁹ Cal State San Francisco Academic Senate. See <https://senate.sfsu.edu/>.

⁶⁰ 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.

⁶¹ NCAA Directory, <https://web3.ncaa.org/directory/orgDetail?id=628>, except where noted otherwise.

⁶² All sports are in the California Collegiate Athletic Association except Women’s Indoor Track, which is Independent.

⁶³ See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for California State University San Francisco. 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 464⁶⁴ responses to the survey from the following constituencies:

Constituency	Number of Responses
Undergraduate Student	144
Graduate Student	50
Staff	124
Administrator or Manager	36
Faculty	134
Other	14

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:

- Safety on campus impacted by local conditions and population. With respect to physical safety, survey respondents largely noted that the campus was open to all, and that there was a significant safety risk posed by unhoused populations on campus or in the surrounding area.
- LGBTQIA+ interests and representation lacking. Several survey respondents noted that there was a lack of representation on campus of LGBTQIA+ individuals, including in housing, training materials, and in the classroom.
- Tensions regarding Jewish and Palestinian students on campus. Several survey respondents noted in response to a number of questions that there were concerns about university treatment of issues related to Israel and Palestine. Some survey respondents stated that the university was treating each group preferentially.
- Intersectionality within Title IX training. Many survey respondents noted that Title IX training was not representative of the student body, and did not consider intersectionality with respect to race, sexuality, gender identity, etc.

⁶⁴ Some survey respondents identified as belonging to multiple constituencies; hence, the number listed here is smaller than the sum total in the chart below.

- Accessibility and need for in person training. Some survey respondents with learning differences noted that training materials online were not easily navigated, and that in person training was preferable.
- Loyalty to university vs. stakeholders. Many survey respondents throughout the survey noted that offices such as Title IX and DHR served the interests of the university, rather than its stakeholders, and that managers would protect managers at all costs.
- Awareness of party rights. Survey respondents expressed misinformation about their rights under Title IX and stated they had received inappropriate guidance.
- Resources such as CAPS and SAFE Space are no longer functional. Many survey respondents stated that CAPS was under-resourced and that wait times for appointments were limited to four appointments per student per semester. Others noted that SAFE Space had been a supportive program, but that it no longer existed.

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 San Francisco State, we reviewed the university's annual Title IX reports for years 2018-2019 through 2021-2022. These annual reports are posted online on OEPC's website.⁶⁵ The annual reports provide data regarding the reports of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, Stalking, and – in 2021-2022, Sexual Exploitation and Sexual Harassment – made to the Office of Equity Programs and Compliance each year. The annual reports reflect the number of reports received, disaggregated by the type of conduct and whether the respondent was a student, employee, or third-party, unknown, or unidentified. Beginning in 2019-2020, the annual reports also reflect procedural outcomes, including:

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

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

⁶⁵ As with all of the CSU universities, we recommend San Francisco State engage in more strategic planning and dedication of resources, including a dedicated prevention and education coordinator and a campus Prevention and Education Oversight Committee, to provide a holistic approach to sexual and interpersonal violence prevention and address issues related to discrimination and harassment. Given the gaps in awareness reported to us, as well as the issues of distrust, in-person engagement with campus constituents is critical to shifting perception and building trust.

<https://titleix.sfsu.edu/annual-reports> (last visited May 31, 2023).

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 the universities. As currently structured, the data-gathering system has significant challenges: it is reliant on self-reporting by Title IX staff at the university level based on the nature and manner in which they keep documentation; across the system, the universities 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 universities use the same report structure; some data requests and questions may be unclear and therefore subject to interpretation; and the annual Title IX reports do not capture foundational data that would enable an informed comparison between 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 characteristics 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 university Title IX functions or make meaningful comparisons with other CSU universities from the data alone. That being said, we have confidence that the data, while imperfect, provides sufficient reliability to extrapolate key themes and observations.

In presenting the below data, we note that some universities identified challenges with accuracy or completeness in their data. We have attempted to reconcile that data where possible, recognizing that some CSU universities have provided data prepared by individuals who are no longer employed by the university. 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. San Francisco State verified the accuracy of their data via email on May 30, 2023.

Finally, we recognize the significant impact of the global pandemic on colleges and universities across the country, including San Francisco 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 (2018-2019 through 2021-2022)

The below charts reflect the number of reports of Sexual Misconduct/Sexual Assault, Dating/Domestic Violence, and Stalking that the Office of Equity Programs and Compliance 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 Conduct⁶⁶

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	Data not available	Data not available	13	40
Reports of Dating/Domestic Violence			4	23
Reports of Stalking			14	34
Sexual Exploitation*			-	3
Sexual Harassment*			-	55
Total # of Reports in Above Categories	169	73	31	155
* This data was not requested by the Chancellor’s Office prior to the 2021-2022 academic year.				

B. Respondents’ Roles⁶⁷

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.

⁶⁶ This data does not include reports of incidents that fail to meet the threshold of Title IX misconduct.

⁶⁷ Respondent Role totals may differ from Reported Conduct totals due to multiple allegations for one respondent.

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Respondent is a student	49	36	20	71
Reports in which the Respondent is an employee	7	6	1	20
Reports in which the Respondent is a third-party	113	31	7	19
Reports in which the Respondent is unknown	0	0	3	24
Reports in which the Respondent is unidentified				21
Total # of Reports in Above Categories	169	73	31	155

C. Case Outcomes⁶⁸

The below data reflect the collective outcomes of reports to the Office of Equity Programs and Compliance.⁶⁹

	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	159	69	5	46
Reports in which the Complainant's identity was unknown to the Title IX Office			1	3
Reports in which the Complainant requested supportive measures or resources only			0	1
Reports that resulted in other outcomes (except formal investigation)			10	43
Reports that resulted in a formal investigation*	10	6	0	6

* 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.

⁶⁸ 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.

⁶⁹ 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.