CONTENTS

Executive Summary ...................................................................................................................................... 1

Introduction ................................................................................................................................................... 2
  Background ............................................................................................................................................... 2
  Purpose ...................................................................................................................................................... 4
  Scope and Methodology ............................................................................................................................ 5

OBSERVATIONS, RECOMMENDATIONS, AND CAMPUS RESPONSES

General Environment .................................................................................................................................... 6

Complaints Process ....................................................................................................................................... 7
APPENDICES

APPENDIX A: Personnel Contacted
APPENDIX B: Campus Response
APPENDIX C: Chancellor’s Acceptance

ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSU</td>
<td>California State University</td>
</tr>
<tr>
<td>DCL</td>
<td>Dear Colleague Letter</td>
</tr>
<tr>
<td>DOE</td>
<td>Department of Education</td>
</tr>
<tr>
<td>EADA</td>
<td>Equity in Athletics Disclosure Act</td>
</tr>
<tr>
<td>EO</td>
<td>Executive Order</td>
</tr>
<tr>
<td>OCR</td>
<td>Office of Civil Rights</td>
</tr>
<tr>
<td>OUA</td>
<td>Office of the University Auditor</td>
</tr>
<tr>
<td>VSM</td>
<td>Voluntary Self-Monitoring (Report)</td>
</tr>
</tbody>
</table>
EXECUTIVE SUMMARY

As a result of a systemwide risk assessment conducted by the Office of the University Auditor (OUA) during the last quarter of 2011, the Board of Trustees, at its January 2012 meeting, directed that Title IX Compliance be reviewed. The OUA had previously reviewed Title IX Compliance in 1982.

We visited the California State University, Chico campus from April 2, 2012, through May 3, 2012, and audited the procedures in effect at that time.

Our study and evaluation did not reveal any significant internal control problems or weaknesses that would be considered pervasive in their effects on Title IX compliance activities. However, we did identify other reportable weaknesses that are described in the executive summary and body of this report. In our opinion, the operational and administrative controls for Title IX compliance activities in effect as of May 3, 2012, taken as a whole, were sufficient to meet the objectives stated in the “Purpose” section of this report.

As a result of changing conditions and the degree of compliance with procedures, the effectiveness of controls changes over time. Specific limitations that may hinder the effectiveness of an otherwise adequate system of controls include, but are not limited to, resource constraints, faulty judgments, unintentional errors, circumvention by collusion, and management overrides. Establishing controls that would prevent all these limitations would not be cost-effective; moreover, an audit may not always detect these limitations.

The following summary provides management with an overview of conditions requiring attention. Areas of review not mentioned in this section were found to be satisfactory. Numbers in brackets [ ] refer to page numbers in the report.

GENERAL ENVIRONMENT [6]

Campus delegations of authority were not always documented.

COMPLAINTS PROCESS [7]

Documentation of informal and formal student complaints was not always complete.
INTRODUCTION

BACKGROUND

In 1972, Congress passed Title IX of the Education Amendments to the Civil Rights Act of 1964, prohibiting discrimination on the basis of sex in all federally assisted educational programs and activities. Title IX states: “No person in the United States shall, on the basis of sex, be excluded from participation in, or be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

Title IX provides legal protection against gender-based discrimination for both students and employees and, with some exceptions, covers all aspects of educational programs and activities that receive federal funds. This includes admissions, access to programs and courses, counseling and guidance, housing, financial assistance, employment, and athletics, among other areas.

Regulations implementing Title IX were issued in 1975 by the Department of Health, Education and Welfare and were codified in Code of Federal Regulations, Title 34, Part 106. High schools and colleges had three years to comply with the implementing regulations. When the Department of Education (DOE) was established in 1980, primary oversight for Title IX compliance was transferred to the department’s Office of Civil Rights (OCR). Then, in 1994, Congress passed the Equity in Athletics Disclosure Act (EADA), requiring federally assisted, co-educational institutions of higher education to annually report information on the gender breakdown of their intercollegiate athletic programs to the DOE.

In addition to specific legislation, federal policy materials and case law influence how Title IX laws are interpreted and applied. Recent policy materials have focused on bullying and sexual harassment in the education environment. On October 26, 2010, OCR issued a Dear Colleague Letter (DCL) discussing how bullying could result in discriminatory harassment that could trigger Title IX responsibilities. On April 4, 2011, OCR issued a DCL discussing sexual harassment and sexual violence in the educational environment and schools’ responsibilities under Title IX to investigate and respond to these types of incidents.

The California State University (CSU) is committed to creating an atmosphere where all individuals can work and study free of unlawful discrimination. A number of CSU policies address Title IX issues relating to discrimination and harassment.

Executive Order (EO) 883, *Systemwide Guidelines for Nondiscrimination and Affirmative Action Programs in Employment*, dated October 31, 2003, discusses the requirement for each campus to develop and implement nondiscrimination policies and affirmative action programs in employment.

EO 927, *Systemwide Policy Prohibiting Harassment in Employment and Retaliation for Reporting Harassment or Participation in a Harassment Investigation*, dated January 6, 2005, and EO 928, *Systemwide Complaint Procedure for Discrimination, Harassment and Retaliation Complaints for Employees*, dated January 6, 2005, provide grievance procedures for employees, employee applicants, and independent contractors who believe they have been subjected to harassment. These policies also prohibit retaliation against any such individuals for reporting harassment or participating in a harassment investigation.
EO 993, *Implementation of the “California Campus Blueprint to Address Sexual Assault” and other Sexual Assault Legislation*, dated October 23, 2006, discusses the requirement for campuses to have a sexual assault policy, a plan to prevent sexual assaults, and education and prevention programs relating to sexual assault. This was expanded and superseded by EO 1072, *Implementation of Title IX of the Education Amendments of 1972 and Related Sexual Harassment/Violence Legislation for CSU Students*, dated April 6, 2012, which provided additional legislative requirements specific to Title IX. These include the requirement to post a Title IX notice of nondiscrimination, designate a Title IX coordinator, and adopt and publish complaint procedures for sexual discrimination, harassment, and violence complaints.

EO 1043, *Student Conduct Procedures*, dated August 3, 2009, discusses the complaint and investigation process for students who violate the student conduct code. Violations of the student conduct code, such as intimidation, harassment, or sexual misconduct, may trigger Title IX responsibilities.

EO 1045, *Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Applicants for Admission and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students and Applicants for Admission Against the CSU and/or CSU Employees*, dated March 1, 2010, addresses complaint and grievance procedures for students and applicants for admission who believe they have been subjected to discrimination, harassment, or retaliation.

EO 1043 and EO 1045 were superseded by EO 1073, *Student Conduct Procedures*, and EO 1074, *Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students*, respectively, on April 6, 2012. The revised policies were issued in response to the April 2011 DCL issued by OCR relating to sexual harassment and assault. They streamlined the complaint and investigation process for student complaints relating to discrimination, harassment and retaliation and provided for all student complaints of this nature to be processed in accordance with the policy and procedures stated in EO 1074.

The CSU also voluntarily monitors gender equity in its athletics programs through the *Voluntary Self-Monitoring Report Regarding Equal Opportunity in Athletics for Women Students* (VSM). The origins of this report, which is published on an annual basis, stem from a 1993 consent decree between the CSU and the California National Organization for Women that required the CSU to increase female student participation in intercollegiate athletics, expenditures for women’s athletics programs, and grants-in-aid for female student athletes. After the consent decree was satisfied in 2000, the chancellor and CSU presidents decided to voluntarily continue to report on and monitor progress in these areas. Although the VSM and its goals are not specifically tied to Title IX, they demonstrate the CSU’s commitment to providing equal athletic opportunities for members of both sexes.
Our overall audit objective was to ascertain the effectiveness of existing policies and procedures related to Title IX compliance and to determine the adequacy of controls over related processes to ensure compliance with relevant government regulations, Trustee policy, Office of the Chancellor directives, and campus procedures.

Within the overall audit objective, specific goals included determining whether:

- Administration of Title IX compliance is well-defined and includes clear lines of organizational authority and responsibility and documented delegations of authority.
- Processes and procedures ensure timely and effective notification and communication of Title IX legislation and CSU policies and directives.
- Individuals and campus areas involved in Title IX coordination, complaints, and investigations are appropriately trained and aware of their roles and responsibilities.
- Policies and procedures pursuant to Title IX are current and comprehensive, and distribution procedures are effective.
- Processes and procedures exist to ensure timely and adequate response to complaints from the OCR and other external entities.
- The processing of complaints and grievances ensures timely and adequate resolution of issues related to Title IX.
- Coordination and communication between campus departments and law enforcement personnel relating to Title IX incidents is adequate.
- Confidential hardcopy and system information assets, such as information pertaining to Title IX complaints and investigations, are reasonably secure.
- Management and oversight of athletics provides an adequate control environment for Title IX compliance.
- Data reported in the EADA report is accurate and can be supported by the campus.
- Campus controls provide reasonable assurance that the athletic interests and abilities of students of both sexes are effectively accommodated, that athletic scholarships are awarded on an equitable basis, and that the provision and maintenance of locker rooms and practice/competitive facilities are equitable.
The proposed scope of the audit as presented in Attachment A, Audit Agenda Item 2 of the January 24 and 25, 2012, meeting of the Committee on Audit stated that Title IX Compliance includes compliance with federal, state, and local rules and regulations that relate to the Education Amendments of 1972. Proposed audit scope would include, but was not limited to, review of compliance with federal and state laws, Trustee policy, systemwide directives, and campus policies and procedures; roles and responsibilities of Title IX coordinators; Title IX notification requirements; grievance and complaint procedures for students, faculty, staff, and third parties; testing of campus efforts to investigate and resolve complaints; processes to monitor and report gender equity in campus programs, including athletics; collection, analysis, and reporting of campus statistics; and protection of sensitive and confidential information.

Our study and evaluation were conducted in accordance with the International Standards for the Professional Practice of Internal Auditing issued by the Institute of Internal Auditors and included the audit tests we considered necessary in determining whether operational and administrative controls are in place and operative. This review emphasized, but was not limited to, compliance with Board of Trustee policies and Office of the Chancellor and campus policies, letters, and directives. The audit focused on procedures in effect from January 1, 2010, through May 3, 2012.

We focused primarily on the internal administrative, compliance, and operations controls over Title IX compliance activities. Specifically, we reviewed and tested:

- The campus framework for Title IX compliance, including designation of a Title IX coordinator, notice of nondiscrimination, and published grievance procedures.

- Qualifications of employees involved in the Title IX complaints process and campuswide training practices for Title IX issues.

- Resolution of student complaints and grievances related to discrimination, harassment, and retaliation.

- Coordination and communication with campus law enforcement personnel when Title IX violations involve a criminal complaint.

- Safeguards to secure confidential information pertaining to Title IX complaints and investigations.

- Management and oversight mechanisms to monitor gender equity in intercollegiate athletics.

- Accuracy of information reported in the EADA and the CSU VSM reports.

- Campus controls to provide reasonable assurance that athletic participation opportunities, financial aid, and locker rooms and facilities are provided in an equitable manner.
OBSERVATIONS, RECOMMENDATIONS, AND CAMPUS RESPONSES

GENERAL ENVIRONMENT

Campus delegations of authority were not always documented.

We found that written delegation letters were not available for the following roles related to Title IX:

- The individual responsible for the development and implementation of campus nondiscrimination policies.
- The campus administrator responsible for implementing systemwide policy prohibiting harassment in employment and retaliation for reporting harassment or participating in a harassment investigation.
- The individuals responsible for receiving and investigating harassment complaints from employees.
- The management personnel plan employee responsible for implementation of, and compliance with, California State University (CSU) discrimination, harassment, and retaliation policies for students and applicants.
- The employees designated to receive discrimination, harassment, and retaliation complaints from students and applicants.

Executive Order (EO) 883, *Systemwide Guidelines for Nondiscrimination and Affirmative Action Programs in Employment*, dated October 31, 2003, states that the president or his/her designee at each campus shall be responsible for the development and implementation of the campus’ nondiscrimination policies and affirmative action programs.

EO 927, *Systemwide Policy Prohibiting Harassment in Employment and Retaliation for Reporting Harassment or Participation in a Harassment Investigation*, dated January 6, 2005, states that the president or designee shall be responsible for implementing this systemwide policy at each campus. It further states that the president or designee shall designate the individuals responsible for receiving and investigating complaints of harassment on the campus.

EO 1045, *Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Applicants for Admission and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students and Applicants for Admission Against the CSU and/or CSU Employees*, dated January 27, 2010, states that each campus president shall designate a management personnel plan employee who shall be responsible for the implementation of, and compliance with, this EO. It further states that each campus shall designate specific employees to receive complaints filed against the CSU and/or CSU employees under this EO.

The vice president for business and finance stated that although these roles were properly assigned, the campus had not interpreted the EOs to require written delegations of authority.
Failure to maintain complete and current delegations of authority relating to Title IX duties increases the risk that personnel lacking the proper qualifications will perform sensitive tasks relating to complaints and investigations, as well as the risk of misunderstandings in expectations and responsibilities relating to these tasks.

**Recommendation 1**

We recommend that the campus document delegation of authority for:

a. The individual responsible for the development and implementation of campus nondiscrimination policies.

b. The campus administrator responsible for implementing systemwide policy prohibiting harassment in employment and retaliation for reporting harassment or participating in a harassment investigation.

c. The individuals responsible for receiving and investigating harassment complaints from employees.

d. The management personnel plan employee responsible for implementation of, and compliance with, CSU discrimination, harassment, and retaliation policies for students and applicants.

e. The employees designated to receive discrimination, harassment, and retaliation complaints from students and applicants.

**Campus Response**

We concur with the recommendation. The campus will document delegation of authority for the individuals responsible for items a. through e.

Completion date: August 31, 2012

**COMPLAINTS PROCESS**

Documentation of informal and formal student complaints was not always complete.

We reviewed 15 student complaints, and we noted that:

- Student judicial affairs had no method to identify Title IX student complaints, and there was no documentation to demonstrate that the Title IX coordinator was made aware of the Title IX complaints.

- Ten of the 15 files did not contain sufficient documentation, such as Notice of Inquiry forms or formal complaint forms (as applicable), to determine whether campus policies were being followed.
Nine of the 15 files did not contain documentation showing that both parties were notified in writing of the outcome of the complaint.

Code of Federal Regulations Title 34, Part 106.8(a), *Nondiscrimination on the Basis of Sex in Education Programs or Activates Receiving Federal Financial Assistance*, states that each recipient shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under this part, including any investigation of any complaint communicated to such recipient alleging its noncompliance with this part or alleging any actions which would be prohibited by this part.

EO 1045, *Systemwide Policy Prohibiting Discrimination, Harassment and Retaliation Against Students and Applicants for Admission and Systemwide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students and Applicants for Admission Against the CSU and/or CSU Employees*, dated January 27, 2010, states that if a resolution is reached by informal means, a record of the resolution will be memorialized in a written document and signed by the student/applicant. If a resolution is not reached by informal means the student/applicant shall file a written complaint. The management personnel plan employee responsible for implementing the order will notify the student/applicant of the outcome in writing of the campus investigation.

EO 1043, *Student Conduct Procedures*, dated August 3, 2009, states that the student conduct administrator holds a conference with the student charged and obtains his or her response to the alleged misconduct. If agreement can be reached as to an appropriate disposition of the matter, it will be closed and the terms of the disposition shall be put in writing and signed by the student charged and the student conduct administrator. The EO further states that in cases involving a “crime of violence” the university may notify the alleged victim(s) of the final results of a hearing as it relates to those charges regardless of whether or not the charges are sustained. If the alleged victim of a “crime of violence” makes a written request for the results of the proceeding, the university must provide the outcome of the proceeding related to that charge. Similarly, where the charge relates to a sexual assault, the university must notify the alleged victim of the outcome of the proceeding.

Executive Memorandum 05-010, *Revisions to Student Grievance Procedures*, dated May 25, 2005, states that a Notice of Inquiry must be filed with the director within 30 instructional days after the student has discovered or reasonably should have discovered the grievable action. If an informal resolution cannot be attained, the affected student must complete the Request for a Formal Student Grievance Hearing form. After receiving the written grievance request, the dean must notify the director in writing within five instructional days whether all informal means for resolving the complaint have been exhausted.

The associate vice president for student affairs and Title IX coordinator stated that the lack of documentation was due to employee turnover in the student judicial affairs department and the fact that the scanning recordkeeping system used in the past was different from the one currently in use. He further stated that the new staff may not have known how to locate all of the documents needed.

Failure to identify and communicate Title IX complaints to the Title IX coordinator increases the risk that the Title IX coordinator will be unaware of discrimination, harassment, or retaliation incidents occurring on campus, and failure to maintain documentation of the student complaints process.
increases the risk of misunderstandings and inconsistencies in compliance with campus and CSU policies.

**Recommendation 2**

We recommend that the campus:

a. Develop a method to identify Title IX student complaints, and document the communication of these complaints to the Title IX coordinator.

b. Ensure that student complaint files contain the documentation required by campus and CSU policies.

**Campus Response**

We concur with the recommendations.

a. The campus has developed a method to identify Title IX student complaints using our case management software, Advocate. Additionally, Student Judicial Affairs will provide the Title IX coordinator with regular case status reports.

   Completion date: August 31, 2012

b. The campus will ensure that student complaint files contain the documentation required by campus and CSU policies. Staff will be made aware of pertinent policies and protocols for collecting and retaining documents.

   Completion date: August 31, 2012
### APPENDIX A:
#### PERSONNEL CONTACTED

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paul J. Zingg</td>
<td>President</td>
</tr>
<tr>
<td>Sharyn Abernatha</td>
<td>Assistant Vice President for Staff Human Resources</td>
</tr>
<tr>
<td>Anita Barker</td>
<td>Athletic Director</td>
</tr>
<tr>
<td>Maurice Bryan</td>
<td>Associate Director of Student Judicial Affairs</td>
</tr>
<tr>
<td>Pedro Douglas</td>
<td>Associate Vice President for Student Affairs and Title IX Coordinator</td>
</tr>
<tr>
<td>Dawn Frank</td>
<td>Director, Safe Place</td>
</tr>
<tr>
<td>Beverly Gentry</td>
<td>Manager, Staff Human Resources</td>
</tr>
<tr>
<td>Robyn Hearne</td>
<td>Chief of Police</td>
</tr>
<tr>
<td>Lori Hoffman</td>
<td>Vice President for Business and Finance</td>
</tr>
<tr>
<td>Jeni Kitchell</td>
<td>Manager of Internal Audits</td>
</tr>
<tr>
<td>Lisa Root</td>
<td>Director, Student Judicial Affairs</td>
</tr>
<tr>
<td>David Stephen</td>
<td>Director, University Housing and Food Service</td>
</tr>
<tr>
<td>Margie Wilson</td>
<td>Administrative Analyst, Athletics</td>
</tr>
<tr>
<td>Karla Zimmerlee</td>
<td>Chief of Staff and Executive Assistant to the President</td>
</tr>
</tbody>
</table>
June 25, 2012

Mr. Larry Mandel
University Auditor
The California State University
401 Golden Shore, 4th Floor
Long Beach, CA 90802-4210

Subject: Title IX Compliance, Audit Report 12-19
California State University, Chico

Dear Mr. Mandel:

We have reviewed the Office of the University Auditor Report 12-19, Title IX Compliance at California State University, Chico. Please find enclosed our response to the audit recommendations 1 and 2. Upon acceptance of our response, the campus will submit documentation evidencing implementation of the recommendations.

If you have any questions or require additional information, please contact Jeni Kitchell at 530-898-8910 or jkitchell@csuchico.edu. Thank you.

Sincerely,

Lorraine Hoffman
Vice President for Business and Finance

Enclosure

cc: Paul Zingg, President, CSU Chico
Pedro Douglas, AVP for Student Affairs, CSU Chico
Jeni Kitchell, CSU Chico
GENERAL ENVIRONMENT

Recommendation 1

We recommend that the campus document delegation of authority for:

a. The individual responsible for the development and implementation of campus nondiscrimination policies.

b. The campus administrator responsible for implementing systemwide policy prohibiting harassment in employment and retaliation for reporting harassment or participating in a harassment investigation.

c. The individuals responsible for receiving and investigating harassment complaints from employees.

d. The management personnel plan employee responsible for implementation of, and compliance with, CSU discrimination, harassment, and retaliation policies for students and applicants.

e. The employees designated to receive discrimination, harassment, and retaliation complaints from students and applicants.

Campus Response

We concur with the recommendation. The campus will document delegation of authority for the individuals responsible for items a. through e.

Completion Date: August 31, 2012

COMPLAINTS PROCESS

Recommendation 2

We recommend that the campus:

a. Develop a method to identify Title IX student complaints, and document the communication of these complaints to the Title IX coordinator.

b. Ensure that student complaint files contain the documentation required by campus and CSU policies.
Campus Response

a. We concur with the recommendation. The campus has developed a method to identify Title IX student complaints using our case management software, Advocate. Additionally, Student Judicial Affairs will provide the Title IX coordinator with regular case status reports.

Completion Date: August 31, 2012

b. We concur with the recommendation. The campus will ensure that student complaint files contain the documentation required by campus and CSU policies. Staff will be made aware of pertinent policies and protocols for collecting and retaining documents.

Completion Date: August 31, 2012
July 12, 2012

MEMORANDUM

TO: Mr. Larry Mandel
   University Auditor

FROM: Charles B. Reed
       Chancellor

SUBJECT: Draft Final Report 12-19 on Title IX Compliance,
         California State University, Chico

In response to your memorandum of July 12, 2012, I accept the response as submitted with the draft final report on Title IX Compliance, California State University, Chico.

CBR/amd