

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

California State University, Fullerton

The Institutional Response Group

Gina Maisto Smith, Esq.

Leslie Gomez, Esq.

Maureen Holland, Esq.



July 17, 2023

Table of Contents

	Page
I. Introduction	1
II. Overview of Engagement	2
III. Summary of Findings and Recommendations	5
IV. Title IX and DHR Programs	7
A. The Title IX and Gender Equity Office	8
B. Infrastructure	8
C. Reporting Options	11
D. Case Processing	13
E. DHR Administrator	14
F. Infrastructure	14
G. Reporting Options	16
H. Case Processing	16
V. Core Title IX and Related Requirements	17
A. Title IX Coordinator	18
B. Notice of Non-Discrimination	22
C. Grievance Procedures	24
VI. Campus Coordination	25
A. University Police Department	26
B. Student Conduct	27
C. Provost / Academic Affairs	28
D. Human Resources Diversity and Inclusion (HRDI)	28
E. Housing and Residential Engagement	29
F. Clery Act Responsibilities	29
VII. Campus Resources for Students and Employees	30
A. Campus Confidential Advocates	30
B. Respondent Support	32
C. Counseling and Psychological Services	32
D. Health Services	33
E. Ombuds	33
F. Basic Needs Services	33

G. Behavioral Intervention Team.....	34
H. Other Programs.....	34
I. Faculty and Staff.....	34
VIII. Prevention, Education, Professional Development, Training and Awareness	35
IX. Other Conduct of Concern.....	37
X. Recommendations.....	39
A. Infrastructure and Resources.....	39
B. Strengthening Internal Protocols	40
C. Communications	45
D. Prevention, Education, Training and Awareness	46
E. Responding to Other Conduct of Concern	48
Appendix I	51
Appendix II	54
Appendix III	57

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 related concerns.

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 collaboration, information sharing, and coordination in individual cases and strategic initiatives; document and data management protocols; timeliness of case resolution, and factors impacting timely resolution; informal resolution

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).

processes; and, protocols for responding to reports of misconduct by students or employees that do not rise to the level of a policy violation;

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

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

This report outlines Cozen O'Connor's assessment of the Title IX and DHR programs at California State University, Fullerton (Fullerton Report). The Fullerton review was led by Leslie Gomez and Maureen Holland. The Fullerton 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 Fullerton 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.

Fullerton is located in Fullerton, CA. It has a student population of approximately 40,400, 4% of whom live on campus, and a workforce of approximately 3,500 staff and faculty. An overview of the university's metrics and demographics is included in Appendix I.

II. Overview of Engagement

As outlined in the Systemwide Report, our assessment included a review of written documents, as well as interviews with university Title IX and DHR professionals, administrators, students, faculty, and staff, at each university. Information gathered in our interviews is presented without personal attribution in order to ensure that administrators, students, faculty, and staff could participate openly in the assessment without fear of retaliation or other concerns that might inhibit candor. Relevant de-identified and aggregated information from the interviews is set forth in each of our reports, and Cozen

O'Connor has maintained notes of each interview as attorney work product within our confidential files; these files will not be shared with the CSU.

With respect to Fullerton, Cozen O'Connor conducted a three-day onsite campus visit from January 24 to 26, 2023, as well as multiple additional virtual follow-up meetings conducted over Zoom. In total, Cozen O'Connor conducted over 20 meetings with more than 45 Title IX and DHR professionals, administrators, and other key campus partners, some of whom we spoke to on multiple occasions. These meetings included interviews with the following offices and individuals (identified by role):

- University President
- Title IX and Gender Equity Office
 - Director/Title IX Coordinator
 - Assistant Director/Case Manager
 - Assistant Director/Investigator
- Interim DHR Administrator
- Labor and Employee Relations
 - Assistant Vice President, Labor and Employee Relations
 - Managers (2)
- Vice President for Human Resources, Diversity & Inclusion
- Provost and Vice President for Academic Affairs
- Vice President for Student Affairs
- Student Conduct
 - Senior Associate Vice President and Dean of Students
 - Director of Student Conduct
- Diversity, Inclusion & Equity Programs and Diversity Initiatives & Resource Centers
 - Interim Assistant Vice President, Diversity and Inclusion
 - Resolution Education Manager
 - Diversity Initiatives & Resources Centers
 - Associate Director, Diversity Initiatives & Resource Centers
- Campus Confidential Advocates
 - Associate Director, Health Services
 - Assistant Director, Violence Prevention & Advocacy Services
 - Campus Confidential Advocates (2)
- University Counsel
- CSUF Police Department
 - Captain
 - Lieutenant
 - Detective
 - Sergeant
- Clery Compliance Team
 - Senior Associate Vice President and Dean of Students

- Director, Title IX and Gender Equity Office/Title IX Coordinator
- Assistant Director, Title IX and Gender Equity Office/Investigator
- Records Supervisor, CSUF Police Department
- Captain, CSUF Police Department
- Executive Director, Housing and Residential Engagement/Titan Experience
- Director of Student Conduct
- Counseling and Psychological Services
 - Director, CAPS
 - Associate Director, CAPS
 - Crisis Counselor
- Health Services
 - Director
 - Chief Staff Physician
- Housing and Residential Engagement
 - Executive Director
 - Associate Director
 - Assistant Director
 - Community Coordinators (5)
- Violence Prevention and Advocacy Services
 - Assistant Director
 - Director Health Services
 - Assistant Director, TitanWell
- Athletics
 - Director of Athletics
 - Senior Associate Athletics Director/Chief Operating Officer
 - Assistant Director of Athletics/Chief Financial Officer
 - Assistant Director of Athletics/Compliance

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

During our January 2023 meeting, we met with the Academic Senate Executive Committee (11 attendees); the Council of Labor Unions (7 attendees); and ASI and CSSA Leaders, Title IX and Gender Equity Interns, and Title IX Student Ambassadors (3 attendees). We had additional follow up meetings with members of the California Faculty Association.

In December 2022, we asked each of the 23 universities to disseminate an invitation to participate in an online survey. Campus 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. At Fullerton, we received 746 responses from 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 below, our core findings and recommendations are as follows:

Strengthen Infrastructure and Internal Protocols within Title IX and Gender Equity

Office: In our review of Fullerton’s infrastructure and operations related to Title IX, we heard largely positive feedback about the Title IX and Gender Equity Office. Currently, Fullerton’s Title IX and Gender Equity Office is a standalone unit with five employees solely dedicated to the Title IX function. The Office is relatively well known, has a strong and collaborative team, and has developed positive and strong relationships between key university partners. While the Office currently functions at a high level and is better staffed than many other CSU universities, the lack of continuity in baseline funding for the Office creates concerns about sustainability and growth potential. Similarly, while the staffing level is minimally sufficient to address incoming reports and formal complaints, it limits the opportunity for development in key areas including increased outreach and awareness, improved coordination and communication, and proactive efforts. Our recommendations speak to the need for baseline funding and increased staff to enable the Office to fulfill its core responsibilities now and into the future. We also recommend revising external-facing materials including the online reporting forms; launching an awareness campaign; developing stronger internal systems for multidisciplinary coordination, communication, and tracking; and ensuring ongoing training and professional development for Title IX and DHR staff.

Combine or Realign Title IX and DHR Functions: In contrast, the DHR function is much less robust. It is housed within Human Resources, Diversity & Inclusion (HRDI) and has had recent turnover in both leadership and staff. Currently there are two employees within DHR, with a third open position. In contrast to the Title IX and Gender Equity Office, the DHR function is not well-known or visible, particularly to students. The

differing levels of resourcing and reporting and the separation between the Title IX and Gender Equity Office and DHR has led to divergent approaches to implementing the Nondiscrimination Policy. We recommend combining or realigning Title IX and DHR functions to increase resource-sharing, build awareness, and support the DHR function in adapting its communications and processes so that they are more closely aligned with those of the Title IX and Gender Equity Office.

Address the Trust Gap: Although we observed many strengths and heard largely positive feedback about the Title IX and DHR functions, we also heard directly from multiple individuals who had negative experiences with or perceptions of Title IX and DHR at the university and about the culture and climate at Fullerton more broadly. Some stakeholders, particularly faculty and staff, described a culture of fear, retaliation, and prioritization of some constituencies' needs over others. Stakeholders also described deep divisions; for example, between management personnel plan employees (MPPs) and employees, administrators and faculty, employee relations personnel and collective bargaining units, and—in some cases—between faculty and staff. Our recommendations about enhanced community engagement and communication seek to address this trust gap.

Enhance and Support the Dedicated Prevention and Education Program: At Fullerton, prevention and education programming is led by a new office, Violence Prevention and Advocacy Services, in conjunction with the Gender Equity and Title IX Office. While Fullerton has taken steps to build student prevention programming, we noted a lack of employee programming for prevention, education, professional development, training and awareness to address discrimination, harassment, retaliation, and other forms of conduct addressed by the Nondiscrimination Policy. We recommend that Fullerton support the work of the university's new Violence Prevention Educator by developing a University Prevention and Education Oversight Committee to address issues related to discrimination and harassment, including sexual and gender-based harassment and violence. We also recommend that the Violence Prevention Educator work with Title IX/DHR personnel at the Chancellor's Office, University Counsel, and the Fullerton Title IX Coordinator and DHR Administrator to develop a strategic and coordinated plan for

expanding prevention and education programming, training, professional development, and an awareness campaign.

Develop a System to Address *Other Conduct of Concern*:² Almost uniformly, employees described insufficient resources to address *other conduct of concern* which were reported to have a significant negative impact on the work environment at Fullerton. We learned that there are no consistent and formalized mechanisms for navigating these behaviors, which we refer to as *other conduct of concern*. This *other conduct of concern* is addressed in an *ad hoc* manner, leading to inconsistent responses between reports and offices. This inconsistency has contributed to a perceived lack of accountability. Historically, the Title IX Coordinator and DHR Administrator have not had full visibility into the processes of other university partner offices to whom these incidents were referred. We observed a need for enhanced responses to *other conduct of concern*, including conflict resolution, education, facilitated dialogue, and employee relations responses. We recommend that Fullerton work closely with the Chancellor's Office and CSU's Office of General Counsel to develop a formal process to address reports of conduct that are not reported to have been on the basis of protected status or that do not rise to the policy thresholds for discrimination or harassment.

IV. Title IX and DHR Programs

Each university in the CSU system has personnel responsible for implementing the Nondiscrimination Policy. At 19 of the 23 universities, those personnel are part of a unified office that addresses reports of sex and gender-based conduct (Title IX) and discrimination, harassment and retaliation on the basis of other protected classes (DHR). Fullerton is one of four universities in the CSU system with separate Title IX and DHR programs. As discussed below, due to differences in resourcing and operations of the Title IX

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.

and DHR functions, we recommend that the university either combine Title IX and DHR into a centralized office or increase resources and align operations so that the DHR program functions at the same high level as the Title IX program.

A. The Title IX and Gender Equity Office

[CSUF's Title IX and Gender Equity Office](#) is responsible for responding to reports of discrimination or harassment on the basis of sex and gender, including sexual orientation, gender identity, gender expression, sex stereotyping, pregnancy, childbirth, breastfeeding, or any related medical conditions that may violate the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence and Retaliation](#) (Nondiscrimination Policy). In addition to responding to reports, the Office provides training as required by CSU to students, faculty, and staff; develops and delivers prevention, education, and awareness programming in partnership with other units; oversees the provision of supportive measures; ensures accurate and contemporaneous documentation of communications, key decisions, and process steps in response to reports; and provides strategic leadership and subject-matter expertise on Title IX issues affecting the university community.

B. Infrastructure

The Title IX and Gender Equity Office has five employees — a Director/Title IX and Gender Equity Officer/Title IX Coordinator, an Assistant Director and Case Manager, an Assistant Director and Investigator, an Administrative Analyst, and an Administrative Support Coordinator. The Office has support and resources for a sixth staff member who would serve as a combined case manager and investigator; however, that position has not been filled. The current Title IX and Gender Equity Officer began working at Fullerton in March 2016 and has been the Title IX Coordinator since July 2018. The Case Manager has been in her role since February 2020 and the Investigator has been in her role since February 2021.

As currently structured, the Title IX and Gender Equity Officer is responsible for oversight of the Office, including supervising and managing intake, initial assessment, supportive measures, investigations, informal resolutions, hearings, and appeals processes. The Office uses an electronic case management system called Maxient that is also used by Student Conduct, Housing, and Violence Prevention and Advocacy Services. Upon receipt of a report, the Title IX and Gender Equity Office has a set of protocols

for response, and their operations are guided by the use of templates and checklists to ensure consistency across cases.

The Assistant Director/Case Manager is responsible for monitoring new reports that come in through email, phone, text message, or otherwise; sending prompt outreach to a complainant upon receipt of a report; maintaining documentation kept in the central recordkeeping system (Maxient); and conducting intake meetings. The Assistant Director/Case Manager is a former advocate who is well suited for this role. A Campus Confidential Advocate is invited to be present at all student complainant intakes – an effective practice we support and suggest as a model for other universities. The Title IX and Gender Equity Office uses consistent templates for outreach to ensure consistency across cases. All members of the Title IX and Gender Equity Office maintain case documentation in Maxient.

If a matter moves to a formal investigation, the case is assigned to an investigator – either the Assistant Director/Investigator or an external professional. This practice – separating the provision of support functions from investigative functions – is an effective practice. Combining support and investigative functions can blur the clear demarcation necessary to maintain a neutral and impartial investigation. It can also create confusion for the complainant or respondent and lead to a lack of trust in the integrity of the investigation based on a perception that the individual providing support has a bias toward one party or the other and, therefore, cannot impartially investigate the matter. To ensure the integrity of the investigation and reduce the potential for conflict, we recommend that Fullerton continue to maintain its current practice of separating the intake function from the investigative function. We further encourage Fullerton to expand its intake practice to include a designated intake meeting with respondents to ensure that they have the same access to supportive measures, resources, and options as complainants.

The Title IX and Gender Equity Office receives and addresses approximately 300 reports per year, and we expect that number will increase given the university's population size and increased efforts to provide prevention, education, and training to the university community. Of those 300 reports, approximately 4 to 5 matters proceed through the formal grievance process per year. This is a low proportion of formal grievances compared to the overall number of reports. In light of the low number of formal processes, we encourage the Title IX and Gender Equity Office to take steps to identify whether there are any systemic barriers to participation for complainants and to address any barriers identified. With respect to overall reporting, we expect the number of reports to rise as the university

builds more robust awareness, prevention, and education programs through the Title IX and Gender Equity Office and Violence Prevention & Advocacy Services.

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.

Innovation is encouraged within the Office. Recent initiatives include the development of Title IX Ambassador programs, and development of training modules for use with all students. The Title IX and Gender Equity Office has two Title IX Ambassador programs – one for employees and one for students. According to the ["Events" link on the Title IX and Gender Equity Office website](#), "The goal of the [Employee Ambassador] program is for Title IX Employee Ambassadors to feel prepared to offer accurate information to colleagues and students about everyone's rights and options at CSUF related to Title IX and Gender Equity." During our visit, we learned that the Student Ambassador program has similar goals. Several university community members shared positive impressions of the Ambassador programs. One noted that Student Ambassadors held informational tables at the start of each semester to raise awareness about Title IX resources. Another person noted that the current Student Ambassador group includes student leaders such as Resident Advisors (RAs) and fraternity and sorority members. We had the opportunity to meet with several Student Ambassadors during our visit. We learned that the Ambassadors receive training several times per semester on topics including bias, social pressure, bystander intervention, and available resources and reporting options.

In place of the online student Title IX training modules provided by a third party through the Chancellor's Office, the Title IX and Gender Equity Office developed customized training for Fullerton, which was first offered in Spring 2023. According to several university community members, the customized training has been well-received. It features members of the Fullerton community and has tailored content that speaks to the university's unique culture. The Title IX and Gender Equity Office website has a [page about the online training](#), including requirements, instructions to access the training through Canvas, and deadlines for completion. Custom-built training enables Fullerton to tailor and update training content based on trends, community concerns, and changes in personnel.

C. Reporting Options

There are multiple pathways for individuals to report to CSUF's Title IX and Gender Equity Office, including via email to titleix@fullerton.edu, via telephone, or via one of two [online incident reporting forms](#) which generate reports in Maxient.³ Individuals may also share concerns with a responsible employee who must then report all known information directly to the Title IX and Gender Equity Office via email, phone, or via the incident reporting form specifically for [Responsible Employees](#).

The Title IX and Gender Equity Office [Maxient form for complainants](#) currently contains the below wording introducing the purpose and use of the form.

Gender Discrimination, Sexual Harassment & Misconduct, Dating / Domestic Violence & Stalking Report

Please note that submissions using this form might not be reviewed outside of normal business hours. If there is an immediate risk to health or safety, please call 911 or University Police at 657-278-2515.

All Students and Employees have the right to participate fully in CSU programs, activities, and employment free from Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking and Retaliation.

This form should be used to report incidents involving discrimination based on sex, gender, or sexual orientation; harassment based on sex, gender, or sexual orientation; sexual harassment; sexual assault/misconduct; sexual exploitation; dating/domestic violence; stalking; related retaliation; and/or a prohibited consensual relationship. The [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#) includes definitions of prohibited conduct and a detailed explanation of the procedures used to address the defined prohibited conduct.

After submitting this report, you will be contacted by the Title IX and Gender Equity staff to schedule an intake meeting to discuss options for Supportive Measures and filing a Formal Complaint. This report is NOT confidential. Those seeking to discuss a concern while maintaining

³ The CSU System publishes an online Complaint Form as Attachment F of the Nondiscrimination Policy.

confidence to the greatest extent possible should not submit this form and instead contact one of the following departments/agencies.

- [The Campus Advocate](#) is a sexual assault victim advocate and a confidential reporting source for issues of sexual misconduct, dating/domestic violence and stalking. The Advocate can be reached at 657-278-3928. For more information or to set a virtual appointment, please go to the [Advocacy Intake Appointment Scheduling Form](#).
- [Counseling and Psychological Services \(CAPS\)](#) is available to currently enrolled CSUF students. CAPS is located at Titan Hall and next to the Student Health Center; CAPS can be reached at 657-278-3040. CAPS staff provide confidential counseling and other resources. Students can call 657-278-3040 after 5 p.m. on weekdays and days when campus is closed and speak to a counselor over the phone.
- [Waymakers](#): Certified Sexual Assault Counselors respond 24 hours a day, seven days a week via a rape crisis hotline, to police departments and hospitals, and through two rape crisis centers. Comprehensive and confidential services are provided to victims of rape and other sexual assaults, sexually abused children, and their family members. You can call the Waymakers 24-hour hotline at either 714-957-2737 or 949-831-9110.
- [Laura's House](#): Laura's House provides domestic violence-related services. To reach the 24-hour hotline and receive support, please call 866-498-1511.
- [Employee Assistance Program](#): CSUF employees (including student employees) have confidential access to LifeMatters by Empathia. To receive confidential services 24 hours a day, call 800-367-7474.

For questions regarding this form, please contact Title IX and Gender Equity at 657-278-2121 or email titleix@fullerton.edu.

Unlike the template form provided by the Chancellor's Office, the CSUF online reporting form does not explicitly state that users may submit information anonymously. It also does not instruct users that all information submitted will be directed to the Title IX and Gender Equity Office or that the information will not automatically trigger an investigation. As described in the Systemwide Report, the online reporting form, as written, asks for detailed information in required sections, which can be intimidating and might discourage a complainant from completing the form. While the Maxient form is just one of the reporting pathways available to individuals, the form does contain a number of fields designated as "required," which may cause confusion or create barriers to reporting for impacted parties. For example, the Maxient form requires the complainant to designate the type of reported conduct, the date of the incident, the location of the incident, a narrative description of the incident with "as much information as possible," and a description of the "specific harm suffered as a result of the incident," before complainant may submit the report. The [Responsible Employee reporting form](#) has some of the same challenges, as it requires data related to the type of reported conduct, and the date and location of the incident.

D. Case Processing

After the Title IX and Gender Equity Office receives a report, the Case Manager promptly sends email outreach to the identified complainant. This outreach is based on a template that is consistently used across cases but adapted to account for all known information and the source of the report. The outreach email includes an invitation to meet for an intake, information about reporting and resolution options, and the availability of supportive measures and resources with or without the filing of a formal complaint. Attached to the outreach email are a copy of the Nondiscrimination Policy, the applicable Procedures, and informational materials. If the report concerns sexual misconduct/sexual assault, sexual exploitation, dating violence, domestic violence, or stalking, the outreach communication also includes Attachment D, which is a CSU document titled, "Rights and Options for Victims of Sexual Misconduct/Sexual Assault, Sexual Exploitation, Dating And Domestic Violence, And Stalking." As noted above, the Campus Confidential Advocate is invited to each student complainant intake meeting.

When a report comes to the Title IX and Gender Equity Office through a third-party reporter such as a responsible employee, the Title IX and Gender Equity Office also sends an email to the third-party acknowledging their report.

If an identified complainant does not respond to the Title IX and Gender Equity Office's initial outreach, the office makes at least one additional attempt to contact the complainant through email. Depending upon the nature of the report and how it was made, the office may attempt to contact the complainant by phone or make outreach through the third-party who initially relayed the report. All outreach efforts are documented in the case file in Maxient.

The Title IX and Gender Equity Office reviews all reports and makes all required disclosures including those related to Clery and child abuse reporting laws. The Title IX and Gender Equity Office meets as needed or monthly with key partner offices including the Director of Student Conduct, a UPD Sergeant, the two Campus Confidential Advocates, and other units as necessary to discuss reports and ensure informed decision-making based upon all known and available information.

Intake meetings with complainants are generally conducted by the Case Manager. Intake meetings follow a consistent protocol to ensure coverage of all necessary topics. The Title IX and Gender Equity Office uses templates for communications, notices of investigation, no contact directives and the like. We recommend that following a notice of investigation, Fullerton adopt a practice of holding

respondent intake meetings to introduce the resolution process, answer questions, and provide access to support measures and resources. This, in addition to a dedicated respondent resource, may help a respondent identify and answer questions or concerns about the process, unearth emerging concerns about safety or wellbeing, increase the respondent's participation in the grievance process, and reduce the likelihood of ongoing prohibited conduct or retaliation.

All case information is maintained in Maxient, which is updated in real time by members of the Title IX and Gender Equity Office. Fullerton maintains oversight over all investigations and a member of the Title IX and Gender Equity Office reviews each investigation report to assess for clarity and to ensure that it contains all necessary elements. Fullerton uses external hearing officers who have contracts with the CSU system. To assess timeliness, efficiencies in process, causes of delay, and communications with parties throughout the resolution process, we reviewed a representative sample of Title IX cases provided by Fullerton.⁴ Based on those sources of information, we did not identify concerns about timeliness, responsiveness, or communications.

E. DHR Administrator

At Fullerton, the DHR Administrator is responsible for addressing reports of discrimination, harassment, or retaliation on the basis of all protected classes other than sex or gender. HRDI is the omnibus office for all HR-related functions at Fullerton, including recruitment and retention, employee benefits, workplace investigations, labor relations, faculty affairs, and academic employee relations. HRDI also includes [Diversity, Inclusion and Equity Programs \(DIEP\)](#).

F. Infrastructure

The [DHR program](#) is part of [Human Resources Diversity and Inclusion \(HRDI\)](#) and is led by a DHR Administrator who returned to the university in June 2023. At the time of our visit, DHR was led by an Interim DHR Administrator. The DHR Administrator reports to the Assistant Vice President for Diversity and Inclusion. The DHR program has two full-time staff – the DHR Administrator and a Conflict Resolution Manager who assists with intake, communications, and documentation. There is an open position for another Conflict Resolution Manager within DHR. The office does not have any dedicated

⁴ 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.

administrative support personnel. We understand that the previous Interim DHR Administrator remains available to onboard and assist the new DHR Administrator and to help the office transition to Maxient (as detailed below).

During our visit, the Interim DHR Administrator reported receiving between 5 and 15 reports per month, depending upon the time of year, and between 30-70 inquiries or requests for consultations per month. The DHR program does not currently use a case management system and, instead, stores case files on a shared drive; however, DHR is currently transitioning to using Maxient, which is the same system used by the Title IX and Gender Equity Office, Student Conduct, Housing, and Violence Prevention and Advocacy Services. The transition is expected to be complete for the Fall 2023 semester. At the time of our visit, the Interim DHR Administrator was updating workflows, templates, and processes to align with the Title IX and Gender Equity Office.

Currently, the DHR program at Fullerton is under-resourced and not well-known. The current resourcing levels impair the program's ability to raise awareness and fully meet the needs of the university community. Moreover, the current reporting structure raises concerns about accessibility, visibility to students, and potential conflicts of interest because it sits within HRDI.

For many years, the DHR program had been an office with only one employee – the DHR Administrator. Beginning in August 2021, the DHR program added a Conflict Resolution Manager which was initially conceived as an Ombuds-like position. Much of the Conflict Resolution Manager's work would typically be outside of DHR except that she has taken on a support function for the DHR Administrator due to the lack of other staff in the unit. The Conflict Resolution Manager currently spends significant time attending DHR intakes and investigations. Due to chronic understaffing and the historical lack of a records management system, DHR lacks complete and accurate records of reports and resolutions. DHR has also lacked the kind of templates, processes, and systems present in the Title IX and Gender Equity Office, although the Interim DHR Administrator has been working to build templates and processes that mirror those in Title IX and the DHR program is transitioning to Maxient. There are currently no standing meetings between DHR and Title IX and Gender Equity or between DHR and partner offices. The majority of DHR cases that have gone to a formal investigation involve employees, not students. Our recommendations speak to combining the Title IX and DHR functions or realigning practices and reporting lines to enable the DHR program to function at the same high level as the Title IX and Gender Equity program.

G. Reporting Options

As with Title IX and Gender Equity, there are email, phone and online reporting channels for individuals to raise concerns to DHR. The university's [DHR website](#) contains a clearly labeled button to submit an online reporting form. The [Discrimination, Harassment & Retaliation Misconduct Reporting Form](#) appears to require only the fields related to the reason for the complaint (discrimination, harassment, or retaliation), and the protected status implicated. While it is not clear whether the form is for complainants or Responsible Employees, the field querying "individuals involved (excluding yourself)" only has space to enter one name. While the DHR website contains a clear statement about the obligation of employees to report DHR conduct, there is no form or other information about how a Responsible Employee should make a report to DHR.

H. Case Processing

After the DHR Administrator receives a report of potential discrimination, harassment, or retaliation on the basis of a protected class, the DHR Administrator makes outreach to the complainant to ask them to meet for an intake. All DHR outreach is based on an adaptable template. We reviewed both an older version of DHR outreach and a more recent one that the Interim DHR Administrator developed. The older DHR template we reviewed included an introduction of the DHR Administrator, a description of how the report was made to DHR, and the following statement: "If you like, we can meet about this situation so I can learn more, and share possible ways to address the conduct. Please let me know if you would like to meet. If so, please suggest possible day(s) and time(s) ..." The updated DHR outreach is much more comprehensive and includes the opportunity to bring an advisor of choice, the prohibition against retaliation, and information about supportive measures. Both the former and updated outreach emails contain the Nondiscrimination Policy as an attachment.

The DHR Administrator may also ask the complainant to fill out the online Discrimination, Harassment & Retaliation Misconduct Reporting Form, and when DHR receives a direct report of conduct that may be Title IX or DHR conduct via phone, email, or walk-in, the current practice is to introduce both the Title IX and DHR programs and ask the impacted party to complete [one of the Title IX online reporting forms](#) or the [DHR online reporting form](#), depending upon the type of reported conduct. We recommend discontinuing this practice and, instead, moving directly from report to intake. Asking a complainant to complete a form can introduce a barrier to participation by placing an additional burden on the

complainant. Moreover, as discussed below, the online reporting forms themselves have several deficiencies.

If the complainant accepts the invitation for an intake, the DHR Administrator and Conflict Resolution Manager meet with the complainant to discuss the report. The DHR Administrator then conducts an initial assessment of the report, which incorporates a review of all known information including the nature and circumstances of the reported conduct. The DHR Administrator then determines whether the reported conduct constitutes a potential violation of the Nondiscrimination Policy. The Interim DHR Administrator reported that approximately 75% of DHR reports are from complainants and only 25% from Responsible Employees. The Interim DHR Administrator also reported that in approximately half of the DHR reports, the complainant does not appear or does not participate in the process. The Interim DHR Administrator indicated that the majority of DHR cases that have proceeded through the formal process involve employees and not students.

As noted above, DHR uses a shared drive to maintain files, but is in the process of transitioning to Maxient. If a DHR case is to be investigated, it will be investigated either by the DHR Administrator or an external professional. We note that we have limited data regarding DHR responses and do not, therefore, have any observations with respect to timeliness and responsiveness.

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;⁵ (ii) adopt grievance procedures that are prompt and equitable;⁶ and (iii) publish a nondiscrimination statement.⁷ 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

⁵34 C.F.R. § 106.8(a).

⁶34 C.F.R. § 106.8(b).

⁷34 C.F.R. § 106.8(c).

protected class discrimination, harassment, and retaliation,⁸ we incorporate the Title IX framework as it relates to these core requirements, because they apply equally to DHR programs.

A. Title IX Coordinator

Under the current Title IX regulations, every educational institution that receives federal funding must designate at least one employee, known as the Title IX Coordinator, to coordinate the institution’s Title IX compliance efforts.⁹ 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.¹⁰ The Title IX Coordinator’s role and responsibilities should be clearly defined, and the institution must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the institution, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.¹¹ The Title IX regulations detail the responsibilities of the Title IX Coordinator, which include, among other things:

1. Receiving reports and written complaints;¹²
2. Coordinating the effective implementation of supportive measures;¹³

⁸ These include Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975. The implementing regulations for these statutes outline some requirements that are similar or identical to certain of the “core Title IX obligations.” For instance, most of the regulatory frameworks require a notice of non-discrimination. See 34 C.F.R. § 100.6(d) (Title VI), 34 C.F.R. § 104.8 (Section 504), and 34 C.F.R. § 110.25 (Age Discrimination Act), and 28 C.F.R. § 35.106 (ADA). Furthermore, the implementing regulations for the Age Discrimination Act closely mirror the core Title IX obligations in that they require educational institutions to: (i) designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities, including investigation of complaints; (ii) notify beneficiaries of information regarding the regulations and the contact information for the responsible employee; and (iii) adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. 34 C.F.R. § 110.25.

⁹ 34 C.F.R. § 106.8(a).

¹⁰ *Id.*

¹¹ *Id.*

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

¹³ *Id.*

3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;¹⁴
4. Considering the wishes of the complainant with respect to supportive measures, explaining the process for filing a formal complaint;¹⁵
5. Attending appropriate training;¹⁶
6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;¹⁷
7. Overseeing the prompt and equitable nature of any investigation or resolution, and;¹⁸
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.¹⁹

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.²⁰ Generally,

¹⁴ 34 C.F.R. § 106.44(a)

¹⁵ *Id.*

¹⁶ 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.”)

¹⁷ 34 C.F.R. 106.45(b)(1)(iii).

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

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

²⁰ These effective practices have been articulated, among other places, in a [Dear Colleague Letter](#) from the U.S. Department of Education’s Office for Civil Rights on April 24, 2015. Although this Dear Colleague Letter has since been rescinded, the underlying concepts described in the letter are still instructive. The 2015 Dear Colleague Letter stated, “The Title IX coordinator’s role should be independent to avoid any potential conflicts of interest and the Title IX coordinator should report directly to the recipient’s senior leadership” The Letter further instructed that “the Title IX coordinator must have the authority necessary to [coordinate the recipient’s compliance with Title IX] and, in order to do so, “Title IX coordinators must have the full support of their institutions . . . [including by] making the role of the Title IX coordinator visible in the school community and ensuring that the Title IX coordinator is sufficiently knowledgeable about Title IX and the recipient’s policies and procedures.”

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

The Chancellor’s Office has published guidance regarding the role of university Title IX Coordinators. Attachment B to the Systemwide Nondiscrimination Policy mandates that university 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 university Title IX Coordinators and Deputy Title IX Coordinators be MPPs and “have the qualifications, authority and time to address all complaints throughout the campus involving Title IX issues.”²¹ Finally, Attachment B recommends that all university 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 university Title IX Coordinator was well positioned to effectively carry out their duties. As described above, this analysis consisted of assessing whether each Title IX Coordinator was appropriately positioned organizationally; sufficiently resourced; sufficiently trained; and free from conflicts of interest.

In evaluating Fullerton’s compliance with the above obligations, we note that the contact information for the current Title IX and Gender Equity Officer/Title IX Coordinator — as well as contact information for the Title IX and Gender Equity Office more broadly — is displayed in a footer on the main university website, but not on other webpages maintained by the university.²² We recommend that the university

²¹ 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.”

²² The common footer on the main website, www.fullerton.edu redirects to <http://www.fullerton.edu/titleix/> and the Title IX Coordinator’s information is available on the “Meet Our Staff” page at <https://www.fullerton.edu/titleix/about/staff.php> (both last visited July 3, 2023). Other CSUF pages do not have this footer. See e.g., <https://admissions.fullerton.edu/>, <https://police.fullerton.edu/>, <https://www.fullerton.edu/career/>, <http://www.fullerton.edu/DSS/>, <https://oet.fullerton.edu/>, and <https://www.fullertontitans.com/>.

adopt a common footer for all websites and that contact information be made available through that footer.

With respect to the positioning of the Title IX Coordinator within the university structure, we find that the Title IX Coordinator's current supervision line — reporting directly to the Vice President for Student Affairs — provides the Title IX Coordinator with sufficient visibility, authority, and autonomy to effectively carry out their responsibilities. We note, however, that this reporting structure may create a misperception that the Title IX function is solely for students and not for faculty, staff, administrators, and third parties. We did not identify any concerns with respect to conflicts of interest and note that Title IX Coordinator is dedicated to the Title IX function and has no other university responsibilities.

Regarding resourcing, we find that the Title IX and Gender Equity Office's current staffing level allows it to fulfill its core functions and is able to respond promptly and equitably to the volume of reports it receives; however, the current staffing level does not permit the outreach, training, and prevention work that the Title IX and Gender Equity Office would like to do if staffing permitted. While the staffing level is currently minimally sufficient, if underlying factors change—for example, if the office receives a higher volume of reports or takes on additional responsibilities—the current structure may be insufficient to meet core requirements. We recognize that the Title IX and Gender Equity Office has an open position for a combination Investigator and Case Manager and that the Title IX and Gender Equity Officer has been looking for the right candidate. We encourage the university to support recruitment for this position.

In terms of training, we observed that the Title IX Coordinator has a high level of substantive subject matter fluency with respect to Title IX issues. The current Title IX and Gender Equity Office staff is engaged in regular professional development. Materials used to train the Title IX and Gender Equity Office staff are linked on the Title IX and Gender Equity Office website.

Recognizing that the requirements for DHR Administrators are less prescriptive but that the same factors regarding ability to carry out responsibilities apply, we evaluated the positioning, resourcing, visibility, and authority of CSUF's DHR Administrator. In evaluating the university's communication of the DHR Administrator's identity and function, we note that the contact information for the DHR Administrator and general information about the DHR function can be found on the university's [DHR website](#) but it is difficult to find without searching. Unlike the Title IX and Gender Equity Office, which

has a standalone website, DHR exists only as a sub-page of HRDI. As noted above, HRDI is an omnibus employee resource for faculty and staff; it is not known or effectively communicated to be a student resource. Moreover, many stakeholders expressed unfamiliarity with the term “DHR” or its functions. Other stakeholders said there was occasional confusion by employees between Title IX and DHR.

With respect to the placement of the DHR Administrator, we find that the position within HRDI and the reporting line to the Interim AVP for DIEP may contribute to a perception of conflicts of interest. Some employees may be reticent to report concerns within HRDI because of HRDI’s involvement in other employment issues and their access to records unrelated to the matter being reported.

In terms of training, we observed that the Interim DHR Administrator has a high level of substantive subject matter fluency with respect to DHR issues. We have reviewed the background of the new DHR Administrator, who also appears to have a high level of subject matter knowledge and expertise.

Regarding resourcing, we find that the DHR Administrator has insufficient investigative resources to meet the needs based on current reporting. Given the concerns about barriers to reporting and lack of awareness, we expect that the volume of reports would increase if the DHR function were more widely known and if it were positioned outside of HRDI so that it was seen as a neutral university-wide resource for all constituents. If the DHR Administrator received a higher volume of reports, current staffing levels would continue to be insufficient to meet core requirements. As explained more fully below, for these and other reasons, we recommend realignment of resources to either combine Title IX and DHR functions or to more strongly align the roles, resources, procedures and practices of both offices and to elevate both as university-wide resources for all members of the CSUF community.

B. Notice of Non-Discrimination

The Title IX regulations require that institutions publish a nondiscrimination statement.²³ The statement must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and unions that:

1. The institution does not discriminate on the basis of sex in its education programs and activities, and that it is required by Title IX not to discriminate in such a manner;²⁴

²³34 C.F.R. § 106.8(b)

²⁴ *Id.*

2. The institution does not discriminate with respect to admissions or employment, and;
3. Inquiries about the policy may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights in the U.S. Department of Education's Office for Civil Rights, or both.

Along with these notification requirements, institutions must display contact information for the Title IX Coordinator on their respective websites, and in each handbook or catalog that it makes available to all stakeholders listed above.²⁵

Fullerton has a [Notice of Non-Discrimination](#), which, consistent with the Title IX regulations, states that the university does not discriminate on the basis of sex or gender, including gender identity, gender expression, sexual orientation, or sex stereotype in its education programs and activities, including employment. 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 university Title IX Coordinator and OCR, to individuals seeking to report sex discrimination.

Fullerton's Notice of Non-Discrimination is accessible on the university website for the Title IX and Gender Equity Office. Most Fullerton websites do not contain a common footer and therefore link to neither the Title IX and Gender Equity website nor the Notice of Non-Discrimination on the Basis of Gender or Sex.

The current Notice of Non-Discrimination on the Basis of Gender or Sex does not refer to discrimination or harassment on the basis of other protected classes. There is, however, broader nondiscrimination language on the DHR website that addresses age, disability (physical and mental), gender (or sex), gender identity (including transgender), gender expression, genetic information, marital status, medical condition, nationality, race or ethnicity (including color or ancestry), religion (or religious creed), sexual orientation, and veteran or military status. We recommend that the university evaluate the comprehensiveness of this nondiscrimination language and adjust it as needed. Such a Notice, 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.

²⁵ 34 C.F.R. § 106.8(b)(2).

C. Grievance Procedures

Finally, the Title IX regulations require educational institutions to “adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited [as sex discrimination under Title IX] and a grievance process that complies with [34 C.F.R. § 106.45] for formal complaints”²⁶ The regulations further require educational institutions to provide notice of the grievance procedures and process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the institution will respond to such a report or complaint.²⁷

CSU’s Chancellor’s Office maintains the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#). Consistent with its obligations under Title IX and other federal and state laws prohibiting protected 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 university constituents from every university consistently expressed to Cozen

²⁶ 34 C.F.R. § 106.8(c).

²⁷ *Id.*

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

The CSU's prohibition on certain consensual relationships is embedded within the Nondiscrimination Policy.²⁸ We learned that at many of the CSU universities, the prohibition is not adequately communicated to the 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

Through our visit and follow-up meetings, we consistently heard Title IX and DHR professionals and key administrators comment on the healthy collaboration within the Title IX and Gender Equity Office and between that Office and other partner offices such as DHR, Student Affairs, HRDI, University Counsel, Student Conduct, Housing and Residential Engagement, and UPD. We heard less about the coordination of information between DHR and partner units, which has been in transition. We learned that the Title IX and Gender Equity Office team meets internally on a regular basis to discuss new and ongoing cases, and that there is a monthly "Title IX Case Management Team" that includes the Title IX Coordinator, Title IX Investigator, Title IX Case Manager, Director of Student Conduct, UPD Sergeant, and two Campus Confidential Advocates. In terms of inter-office coordination, individuals described information flowing effectively between other offices and the Title IX and Gender Equity Office and DHR, explaining that there were open lines of communication and well-developed relationships.

Despite these open lines of communication, coordination generally occurs in an organic fashion without tools or processes to ensure consideration of a consistent set of factors or document decision-making.

²⁸ Under Article II, Section F of the [Nondiscrimination Policy](#), a "Prohibited Consensual Relationship" is defined as "a consensual sexual or romantic relationship between an Employee and any Student or Employee over whom they exercise direct or otherwise significant academic, administrative, supervisory, evaluative, counseling, or extracurricular authority."

This is of particular concern in cases involving employees. There is a strong need for more structured communications and information-sharing between Title IX, DHR, Faculty and Staff Employee and Labor Relations, University Counsel, and HRDI at the intake phase and after a finding when considering discipline involving a faculty or staff respondent. While the Title IX Case Management Team currently meets on a monthly basis, we recommend more frequent meetings that address all reports through a multidisciplinary perspective. The DHR program currently has no standing meetings with partner offices. Our recommendations speak to establishing such a multidisciplinary team for Title IX and DHR related issues.

Similarly, in terms of recordkeeping and data management across offices, we note that there are concerns about the availability and completeness of DHR's historical records, which should be mitigated by DHR's transition to Maxient, as long as that transition entails the adoption of consistent protocols for documentation and recordkeeping. Additionally, as is the case at most CSU universities, faculty records are scattered across multiple places at the university. At Fullerton, faculty Personnel Action Files are maintained within FAR in Academic Affairs, while other records related to faculty are maintained in HRDI, and yet others may be at the department or College level. Collectively, these inconsistent and decentralized recordkeeping practices make it difficult to reliably query information on a pan-institutional level and make the university reliant on the individual knowledge of longtime employees. Our recommendations speak to centralizing documentation.

A. University Police Department

The [Cal State Fullerton Police Department \(UPD\)](#) provides police services 24 hours a day, 7 days a week. Police dispatch can be reached at (657) 278-2515.

UPD is comprised of the Command Staff (Chief, Captain, and Lieutenant) and 11 units including the Communications Center, Community Service Officers, Crime Prevention, Emergency Management, Investigations, K9 Team, North County SWAT, Patrol, Professional Staff, the Records Bureau, and the Traffic Bureau. UPD consists of approximately 24 sworn police officers, approximately 10 dispatchers, 15 student Community Service Officers, 3 detectives, and a number of civilian employees. UPD has historically struggled to maintain full staffing. UPD Officers are frequently recruited away from UPD to join the Fullerton or Placentia Police Departments. UPD noted that current staffing levels may lead to delays in reviewing reports that come in over weekends, particularly if the detective assigned to the first half of the week is out sick or on vacation.

During our visit, UPD was led by an Acting Chief of Police who had been in his role since the previous Interim Chief of Police left Fullerton. As of March 1, 2023, UPD is led by a permanent Chief of Police. The Chief reports to the Vice President for Administration and Finance. UPD has primary jurisdiction on campus and has arrest powers on campus and areas adjacent to campus. UPD reportedly cooperates and communicates well with neighboring jurisdictions – Fullerton Police and Placentia Police. Local agencies including UPD, Fullerton PD, Placentia PD, Brea PD, and the Orange County Sheriff's Department participate in training together. UPD's jurisdiction is bordered on three sides by Fullerton PD and on one side by Placentia PD. Fullerton PD and UPD have entered into a Memorandum of Understanding (MOU); UPD does not have an MOU with Placentia PD.

UPD investigates reports of sexual assault, dating or domestic violence, and other sex crimes that are alleged to have occurred on campus and in the jurisdictional areas defined in its MOU with Fullerton PD. UPD officers are trained to provide to complainants information regarding medical care and survivor advocate resources. UPD receives training from the Title IX and Gender Equity Officer. UPD shares information with the Title IX and Gender Equity Office when given permission to do so by the complainant. Pursuant to California Penal Code 293, UPD will honor a complainant's request not to have their name shared with the Title IX Coordinator but will share information about the incident, including the respondent's information, upon a request from Title IX to the UPD Records Supervisor. UPD officers are trained to explain to complainants the purpose and role of the Title IX and Gender Equity Office.

B. Student Conduct

[CSUF Student Conduct](#) is part of the Division of Student Affairs. Student Conduct addresses academic integrity, student rights and responsibilities, and standards of conduct issues. Except in cases involving potential suspension or expulsion which are addressed by Student Conduct, Housing and Residential Life maintains a separate conduct system for incidents that occur within campus housing. Most of the Student Conduct cases are reportedly involving academic integrity.

In cases alleging sexual harassment, sexual assault, dating violence, domestic violence, and stalking against a student respondent, the Title IX Hearing Officer is responsible for determining whether the respondent has violated the Nondiscrimination Policy. If there is a finding of responsibility, the Director of Student Conduct, in conjunction with the Title IX Coordinator, is responsible for recommending a sanction to the Hearing Officer. After observing the hearing, the Director of Student Conduct and the Title IX Coordinator confer on the sanction and provide a recommendation to the Hearing Officer.

C. Provost / Academic Affairs

[CSUF's Provost and Vice President for Academic Affairs](#) is the chief academic officer for the university and provides leadership for the planning and management of academic and instructional resources that support the teaching, scholarship and research mission of Cal State Fullerton. [Faculty Affairs and Records](#) (FAR), within the Division of Academic Affairs, provides support to faculty, administrators, and staff on the implementation of university policies and procedures for the evaluation of academic employees. FAR maintains the official repository of Personnel Action Files for full-time faculty. FAR works collaboratively with HRDI.

D. Human Resources Diversity and Inclusion (HRDI)

At Fullerton, [Human Resources Diversity and Inclusion \(HRDI\)](#) is the omnibus office for all HR-related functions for all employees, including staff and faculty. HRDI oversees talent acquisition/recruitment, benefits and retirement services, compensation services, payroll services, employee assistance program, organizational development, professional development, ADA accommodations for employees, faculty benefits and leaves, workers' compensation, faculty and staff labor relations, faculty and staff employee relations, DHR, student employment, compliance, risk management, document retention and management, international visa and permanent residencies, volunteers, HR data analytics, and diversity and equity. HRDI also addresses [Whistleblower and Whistleblower Retaliation](#) complaints.

As described above, the DHR Administrator, who reports up through HRDI, is responsible for addressing all reports of discrimination, harassment, and retaliation the basis of protected classes other than sex, gender, sexual orientation, gender identity, and sex stereotype for all complainants and respondents including students, faculty, and staff. HRDI also receives all employee-related complaints and grievances including reports of unprofessional conduct and non-protected-class misconduct.

In accordance with the current collective bargaining agreement (CBA) between the California Faculty Association (CFA) and the CSU, when the Title IX and Gender Equity Office or the DHR Administrator is investigating conduct that could be discrimination or harassment on the basis of a protected class, all CBA-related grievance procedures are held in abeyance until the Title IX or DHR investigation is fully completed.²⁹

²⁹ [Collective Bargaining Agreement](#) Between CFA and the Board of Trustees of CSU; Unit 3: Faculty; Article 10.7

E. Housing and Residential Engagement

[Housing and Residential Engagement](#) consists of approximately 50 full-time employees (not including the 46 student RAs). The full-time staff include an Executive Director; Associate Director for Residential Engagement; Associate Director for Administration and Conference Services; Director for Residential Facilities Operations; Assistant Directors for Administration and Conference Services, Residential Engagement, Social Justice Initiatives, and Residential Conduct and Care; five Community Coordinators; four Coordinators over areas including Events, Technology, Business Operations, and Administrative Support; approximately 20 facilities staff; a Graduate Assistant; Faculty in Residence; Office Assistants; and student assistants in marketing and technology.

Housing and Residential Engagement staff are trained to immediately report all known information about potential sexual assault, sexual harassment, dating violence, domestic violence, stalking, and protected class discrimination or harassment via Maxient. If a student Resident Advisor (RA) receives a report of potential Title IX or DHR conduct, they are trained to coordinate with the professional staff on call. Reports are routed to the Title IX and Gender Equity Office via Maxient. Reports of conduct that do not implicate the Nondiscrimination Policy but represent other potential policy violations are generally routed to Student Conduct and/or addressed within Housing and Residential Engagement.

Housing and Residential Engagement has reportedly requested additional training and tools to equip professional staff and RAs to assist student complainants and respondents. We recommend that the Title IX and Gender Equity Office and the DHR Administrator continue to work closely with Housing and Residential Engagement on training materials and handouts with visuals or a QR code that guides users to dynamic resources on the Title IX and DHR websites.

F. Clery Act Responsibilities

At the time of our visit, the Senior Associate Vice President and Dean of Students was serving as the [Clery Coordinator](#) for CSUF. Due to a reorganization and an investment by the campus in this work, the Clery function is now led by an Interim Clery Coordinator who has substantial experience on the campus in related functions. The Coordinator reports to Risk Management in HRDI. The Clery Act website contains information about identification of campus security authorities (CSAs), Clery geography, Clery crimes, and links to the [Annual Security Report](#) and Annual Fire Safety Report (required under Clery and the Higher Education Act Fire Safety Regulations, respectively). UPD maintains the [daily crime log](#) and

the [Annual Campus Safety Plan](#) and [Systemwide Hate Incidents Report](#) (as required by the California Education Code). UPD works with the Clery Coordinator to assess whether a timely warning should be issued to the university community.

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

A. Campus Confidential Advocates³⁰

Fullerton has two full-time dedicated university employees designated as Campus Confidential Advocates. They are available to serve students, faculty, and staff. One of the current Campus Confidential Advocates has been in her role for approximately three years and the other has been in her role for a year and a half. Both Campus Confidential Advocates have strong backgrounds and extensive experience in survivor advocacy, having previously worked in local rape crisis and domestic violence victims' advocacy agencies.

The [Campus Confidential Advocate's website](#) contains the following description of services:

Mission Statement

- Our Campus Confidential Advocates strive to foster a safe and confidential space where Titans can feel heard, validated, and empowered. Our approach focuses on fulfilling individual needs as we work together on their healing journey to restore safety and well-being. Our focus is to preserve and enhance every Titan's potential for academic, professional, and personal development. We believe in the strength and resiliency of our Titans.
- When working with a Campus Confidential Advocate, anything shared regarding having experienced sexual violence will be held in confidentiality. Advocates are not required to report disclosures by students, faculty, or staff to law enforcement or campus entities such as Title IX or Dean of Students regardless of when or where the assault occurred.
- All our services are free of cost.

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

Services

- Emotional support, crisis intervention, and safety planning
- Assist with supportive measure requests such as academics, housing, or basic needs
- Education on administrative or legal reporting options
- Accompaniment to medical exams, law enforcement interviews, Title IX meetings or hearings, court hearings, and other campus-based processes
- Accompaniment to legal, medical, and admin appointments, on and off campus
- Referrals to on-campus and community-based resources for ongoing support, aftercare, and fulfillment of basic needs

The [Title IX and Gender Equity Office website](#) provides the following information about the Campus Confidential Advocates:

The Campus Confidential Advocate is a confidential reporting source for issues of sexual assault/misconduct, dating violence, domestic violence and stalking. A Campus Confidential Advocate can assist with crisis support and safety planning; accompaniment to medical exams, law enforcement interviews, and court or campus hearings; and referrals to campus and community resources for support or aftercare.

The Campus Confidential Advocates currently use Maxient as a records management system but are planning to transition to Osnum to maintain confidentiality of their records. Although the Campus Confidential Advocates' office is located in the Student Wellness Center, they are available to meet with individuals via Zoom, phone, or in person. The Campus Confidential Advocates report to the Assistant Director for Sexual Violence Prevention & Advocacy Services, who in turn reports up through Health Services. The [Campus Confidential Advocates' website](#) provides information about how to schedule an appointment online or via email or phone.

During our visit, we received feedback regarding the lack of formal training for Campus Confidential Advocates and their supervisors about the Title IX/DHR processes. We recommend that Fullerton develop a process for delivering consistent and comprehensive training to Campus Confidential Advocates and their supervisors regarding the Title IX and Gender Equity Office's policies, procedures, practices, staff, and roles; available supportive measures; the process for requesting supportive measures; the role of the Campus Confidential Advocate in the grievance process; and related topics.

B. Respondent Support

Like most other universities in the CSU system, Fullerton does not have any dedicated resources for respondents, such as a dedicated support person for respondents or a respondent advisor program. CSUF's Title IX and Gender Equity Office does offer [Process Advisors](#) who are available to meet individually with complainants or respondents or to attend interviews and meetings with the Title IX and Gender Equity Office. 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 Fullerton identify and train a dedicated resource to address the unique needs of respondents in the grievance process.

C. Counseling and Psychological Services

Counseling and Psychological Services (CAPS) offers free counseling for all Fullerton students. CAPS offers services related to stress management, depression, anxiety, self-esteem, body image, concerns related to cultural background or identity, and concerns about family, romantic, or interpersonal relationships. The [CAPS website](#) contains information about the CAPS care model, upcoming workshops and events, and how to make an appointment.

CAPS offers crisis services, including a CAPS and University Police Department (UPD) mobile crisis team. CAPS also offers psychiatry, short-term and single session therapy, initial consultations, psychotherapy groups, case management, wellness coaching, drop-in groups, wellness workshops, yoga, a wellness room, outreach events, mindfulness activities, and a number of online resources for students to learn and connect at their own pace. Many of the therapists at CAPS are trained in responding to trauma through Cognitive Behavioral Therapy, Dialectical Behavioral Therapy, Cognitive Processing Therapy, or Eye Movement Desensitization and Reprocessing (EMDR). Fullerton students are able to access 6 or more sessions per year, depending upon clinical need. For students needing longer-term or weekly counseling, CAPS makes referrals to providers in the community. Depending upon need, CAPS providers may also continue to see long-term patients. Wait times for initial appointments varies throughout the year but averages around 10 days, with crisis and emergency appointments available same-day.

CAPS has two locations on campus – one in Titan Hall and another in the Student Health & Counseling Center East. The "Meet the Staff" webpage on the CAPS website lists 27 staff members including a

Director, 2 Associate Directors, a Training Coordinator, and Assistant to the Director, and 22 clinical staff. The Director of CAPS has been at CSUF since 2015 and in the Director role since 2017.

In addition to services provided by CAPS, the website directs students to a mental health self-screening tool, a list of on-campus resources, resources for Black students and communities, a list of off-campus resources including counseling services in the community, and a telephone suicide and crisis lifeline, available by dialing 211. The CAPS website also contains information about several other programs: the Fullerton.ThrivingCampus.com program, which is an online directory listing available mental health providers in the local community; “YOU.Fullerton.edu,” which is an app-based resource with tips and tools for mental health, physical health, and managing stress and anxiety; and “COMPASS.fullerton.edu,” which is an online tool designed to assist students in identifying on- and off-campus resources. The CAPS website also refers students to an internal 24-hour crisis line at 657-278-3040.

D. Health Services

[CSUF Health Services](#) is an accredited medical facility located in the Student Health & Counseling Center West. The Health Center offers primary medical care, sexual and reproductive health services, laboratory testing, pharmacy services, physical examinations, physical rehabilitation services, optometry, psychiatry, travel and voluntary immunizations and testing, and radiology. Health Services has a chaperone policy for sensitive examinations.

[TitanWell](#), housed within Health Services, is the Health Promotion Services of Student Wellness. TitanWell offers individual counseling, group presentations, outreach events, and peer-to-peer education on alcohol, marijuana, and other drugs; nutrition and active lifestyle, and sexual health awareness. TitanWell has approximately 10 Peer Educators who offer programming to support the well-being of Fullerton students. The program has had up to 20 Peer Educators in past years.

E. Ombuds

Fullerton does not currently have an ombuds.

F. Basic Needs Services

CSUF Basic Needs Services provides comprehensive programs and support to students who experience unforeseen hardships that often result in food, housing, and financial insecurity. The Basic

Needs Center is located in McCarthy Hall. The Center administers a food assistance program that connects eligible students with up to 2 donated meals per week through Gastronome, immediate notification of available food on campus after catered events through Titan Bites, guest services cards that can be redeemed at most on-campus dining locations, and referrals and assistance signing up for CalFresh nutrition assistance and the Associated Students, Inc. food pantry. Basic Needs Services also assists eligible students who are unexpectedly homeless or who lack stable, regular or adequate housing to find housing or financial resources to pay for existing options. A complete list of services through [Basic Needs Services](#) is available on their website.

G. Behavioral Intervention Team

Fullerton's [Behavioral Intervention Team \(BIT\)](#) is a multidisciplinary team that serves as the centralized body for discussion and coordinated action regarding disruptive, problematic, or concerning student behavior. The BIT responds to non-emergency concerns and uses a proactive approach to discuss potential problems, intervene early, and develop appropriate courses of action for referred students. The goal is to support students who may be in distress or whose behavior is of concern to others before they rise to crisis levels. The team has representation from CAPS, the Dean of Students Office, CSUF Cares, Student Conduct, Disability Support Services, University Counsel, and UPD.

H. Other Programs

The [Diversity Initiatives and Resource Centers](#) house 6 identity-based resource centers, 5 of which are located in Pollack Library South – the African American Resource Center, the Asian Pacific American Resource Center, the Latinx Community Resource Center, the LGBT Pride Resource Center, and the Titan Dreamers Resource Center. The Women's Resource Center is temporarily located in Langsdorf Hall.

I. Faculty and Staff

Fullerton faculty and staff have access to an [Employee Assistance Program \(EAP\)](#) through LifeMatters by Empathia. The EAP provides confidential services to employees and their household members. Most services are provided free of charge.

Many collective bargaining units also offer resources, support, and accompaniment to members navigating Title IX or DHR processes.

In addition to resources provided by Fullerton, the university's Title IX and Gender Equity Office website contains information about off-campus [resources](#) available to all members of the CSUF community, including employees.

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

Under the Nondiscrimination Policy, the Title IX Coordinator is responsible for “coordinating training, education, and preventive measures,” which may be delegated to a Deputy Title IX Coordinator.³² Even if responsibilities are shared with a Confidential Advocate, the Title IX Coordinator “remains primarily responsible for all campus-based prevention and awareness activities.”³³ The Nondiscrimination Policy further provides: Confidential Advocates may serve on campus-based task force committees/teams to provide general advice and consulting, participate in prevention and awareness activities and programs, and play an active role in assisting, coordinating, and collaborating with the Title IX Coordinator in developing and providing campus-wide awareness and outreach activities, possibly including prevention activities.³⁴ This level of coordination and oversight is not occurring at Fullerton, nor at most universities across the system.

We recognize that Fullerton has invested in building its prevention, education, and training programs. For example, The Title IX and Gender Equity Office built a customized, Fullerton-specific online training module for students in lieu of the third-party module made available through the Chancellor's Office. As another example, beginning in Fall 2022, the university established Violence Prevention and Advocacy Services within Student Wellness. That team, which is currently comprised of five employees, is currently building a robust prevention and education program for the university. As a further example, the Dean of Students has tasked the Title IX Coordinator with forming a committee of every leader or coordinator who does sexual violence prevention work to ensure coordination in programming moving toward. These existing and future efforts are promising; however, we recommend several additional

³¹ The legal and regulatory framework, which sets forth requirements under federal and state law, is outlined in Section VII.B.2. of the Systemwide Report, Legal Framework re: Prevention and Education.

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

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

³⁴ *Id.* Under Attachment C, all awareness outreach activities must “comply and be consistent with university policies” and the Advocate is required to “partner and collaborate with the Title IX Coordinator to ensure the activities comply with CSU policy and are consistent with campus-based practices.”

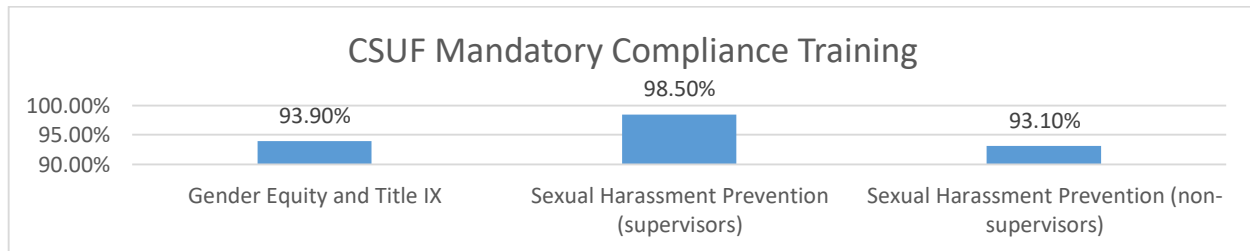
steps to ensure the effective provision of prevention, education, professional development, and training across all audiences.

Previously, the Women's Center hosted a robust prevention and education program. When the Women's Center underwent reorganization, prevention programming shifted to Student Wellness. In Fall 2022, Fullerton hired an Assistant Director and Coordinator for Violence Prevention and, in Spring 2023, welcomed a full-time dedicated Violence Prevention Educator. While the Violence Prevention program was in its nascency in 2021-2022, the Title IX and Gender Equity Office engaged in its own prevention education programming to fill the gap. Currently, prevention programming for students is delivered through Violence Prevention and Advocacy Services, an *ad hoc* group of university personnel who engage in programming, and through the custom online module developed by the Title IX and Gender Equity Office. Our recommendations speak to the need to coordinate and align efforts and to support those efforts with a cross-disciplinary Prevention and Education Oversight Committee.

Although the university has filled gaps in student programming, we noted marked gaps in prevention, education, professional development, training and awareness for employees. Employees receive training through the online modules offered through the CSU system. Currently, faculty do not receive any in-person prevention and education training, such as at new faculty orientation. In addition, part-time faculty, who teach 40-50% of classes, receive insufficient training and information about reporting, resources, policies and processes. Several university stakeholders reported a general lack of understanding of reporting responsibilities and confusion about reporting responsibilities. Managers, Deans, department chairs and other supervisors do not receive professional development training designed to equip them to identify issues, report concerns, or solve problems. There is a generally low level of awareness of DHR as a resource for the entire university community. Our recommendations identify the need for additional planning and coordination to ensure that all constituents receive training and professional development in these important areas.

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

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



Currently, the Title IX and Gender Equity Officer tracks completion of the online training for students and supervisors and Employee and Labor Relations tracks completion of the online training for non-supervisors.

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

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.

Currently, the Title IX and Gender Equity Office and the DHR Administrator review all reports of conduct that may violate the Nondiscrimination Policy to assess whether or not the report should be addressed

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

through one of their offices or if it should be referred to a partner office. If the conduct is not alleged to be based on protected class — for example, if it is a complaint of unprofessionalism, inappropriate supervisory practices, or mistreatment directed at others regardless of identity — then the conduct may be referred to the supervisory/disciplinary unit for the respondent based on their role as student, faculty, or staff. Reports of *other conduct of concern* involving student respondents are referred to Student Conduct or, if they occur in the Residence Hall, to Housing and Residential Engagement. Reports of *other conduct of concern* involving employees are referred to HRDI, the individual’s supervisor, and/or the dean or department chair for faculty. Other than the definitions in the Nondiscrimination Policy, there are currently no written criteria to guide the Title IX and Gender Equity Officer or the DHR Administrator in evaluating whether conduct constitutes discrimination or harassment on the basis of protected class. If the conduct is because of a person’s protected class but, upon further evaluation through an investigation, is found not to be sufficiently severe, pervasive, and objectively offensive such that it constituted sexual harassment (the Title IX regulatory definition used in Track 1 cases) or found not to be sufficiently severe or pervasive such that it constituted harassment; and/or not sufficiently severe, persistent, or pervasive such that it constituted sexual harassment (the broader definitions used in Track 2 and 3 cases), then there is no consistent established process for an institutional response.

In stakeholder interviews, many individuals, including faculty, staff, and students, highlighted the need for university-wide tools and processes to address harmful conduct that did not constitute a Nondiscrimination Policy violation. Those individuals highlighted concerns about and experiences of unprofessionalism, antagonistic behavior, peer-to-peer bullying, and abuse of power by those in positions of authority.

We understand that the AVP for Diversity and Inclusion recently presented a model, to be implemented in Fall 2023, that will bring together a multidisciplinary group of university personnel to collaborate and respond to issues impacting culture and climate. As expressed below, we recommend implementing a structure to evaluate reports, identify appropriate resolution pathways, and provide impacted parties and university community members with options through use of a suite of tools and services designed to address *other conduct of concern*.

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
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. Combine the Title IX and Gender Equity Office and the DHR function, which can occur in a number of ways:
 - 5.1. Consider creating a consolidated office with a reporting line to the President, another Vice President, or a shared reporting line to the VP of Student Affairs, the VP of HRDI, and the Provost/VP of Academic Affairs

- 5.2. If maintaining separate offices, resource and support the DHR function in growing university awareness, providing additional reporting pathways, adapting communications and processes so that they are more closely aligned with those of the Title IX and Gender Equity Office, and realigning the reporting line so that DHR is not seen as an employee-only resource
6. Work with the Chancellor's Office to implement an enterprise-level case management system and develop protocols for consistent collection and retention of data
 - 6.1. While DHR transitions to Maxient, DHR should evaluate the need for external tracking tools to monitor initial outreach, ongoing communications, reasonably prompt timeframes in investigations and informal resolutions, patterns and trends across cases, and delays and communications about good cause reasons for any extensions or delays during the grievance process
 - 6.2. Undertake an evaluation of recordkeeping systems in each department that maintains conduct records, including understanding where records are kept; how they are secured; whether there is a records retention policy and, if so, who oversees compliance; whether records are kept in paper or electronic form; how records are organized; and whether records are indexed/searchable. This is a particular priority for faculty personnel records which are maintained in different places including within FAR and HRDI and, potentially, at the department and college level
7. Ensure an adequate supervisory model that includes a routine cadence of supervisory meetings, guidance about how to ensure effective oversight and accountability measures, an appropriate level of detail for review, development, integration and tracking of decision-making frameworks, and balancing implementers' independence and autonomy with the need to identify and elevate critical issues and concerns about safety/risk
8. Commit to the consistent investment in professional development and continuous learning for Title IX and DHR professionals and senior leaders who oversee the Title IX/DHR program (CLEs, conferences, system training, etc.)
9. Identify a sustainable model to provide respondent support services

B. Strengthening Internal Protocols

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

1. 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 a process for holding respondent intake meetings at or after the time of providing notice to a respondent, which will serve as an important opportunity to explain the availability of supportive measures and resources, to discuss resolution pathways, and to ensure understanding on the part of the respondent about the policy and process to be followed
 - 1.2.4. Develop protocols for notifying and coordinating with the confidential advocate at the intake meeting, if possible
 - 1.2.5. 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
 - 1.2.6. Create a feedback loop to acknowledge responsible employee reports and confirm receipt of the report and next steps
 - 1.2.7. 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 a checklist of factors to consider in determining whether to move forward without a complainant or whether informal resolution is appropriate and ensure sufficient documentation of the determination
- 1.3.13. Provide a written statement of concern at the conclusion of the initial assessment to ensure that the complainant (and as appropriate, the respondent) have a clear understanding of the nature of the report and the proposed resolution path
- 1.4. Separate support/advocacy functions from investigation to avoid role confusion and ensure clear demarcation between the individuals who provide supportive measures to a complainant, respondent or other individual in need of assistance, and the investigator
- 1.5. Strengthen campus collaboration and information-sharing through a multidisciplinary team (MDT) model
 - 1.5.1. The Title IX Coordinator/DHR Administrator, in conjunction with the Chancellor's Office, should identify essential university partners to serve on the MDT and set standards for meeting goals and sharing real time information. MDT members may include representatives from Student Affairs/Student Conduct, Faculty/Academic Affairs, Human Resources, UPD, Title IX Coordinator, DHR Administrator, Clery Coordinator, and University Counsel

- 1.5.2. The MDT should meet regularly and at a minimum, weekly, to review all new reports
 - 1.5.3. The MDT should ensure that all known and available information about the parties and the reported incident is shared with TIX/DHR to inform TIX/DHR's initial assessment and any steps it determines to take in response (including information maintained outside of Title IX/DHR's recordkeeping systems and information that may only be known to another unit or individual)
 - 1.5.4. The Title IX Coordinator/DHR Administrator should follow a protocol for securely sharing parties' university ID numbers or names and basic information about the reported incident in advance of MDT meetings to enable all participants to query their records systems and bring forward any relevant information
 - 1.5.5. The Title IX Coordinator/DHR Administrator should ensure that the multidisciplinary team is trained to treat information confidentially, with sensitivity, and consistent with state and federal privacy laws
 - 1.5.6. The MDT should engage in consultation to inform decisions, including those about emergency removal, administrative leave, the reasonable availability of supportive measures, and questions about the scope of the university's education program or activity
 - 1.5.7. The MDT meetings should serve as natural opportunities for documenting the factors considered in reaching key decisions and documenting what information was known, when it was known, by whom it was known, and what impact it had on the Title IX Coordinator/DHR Administrator's analysis
 - 1.5.8. The MDT should facilitate the development of shared fluency and knowledge among key university partners related to the legal and regulatory requirements, policy frameworks, and considerations related to care and informed and equitable processes
- 1.6. Develop tools for consistent, informed, effective documentation and case management
 - 1.6.1. For quality control, develop a case opening and closing checklist to ensure that all relevant documents, correspondence, and information are captured and preserved electronically
 - 1.6.2. To the extent feasible, seek to maintain data in a usable and searchable electronic format for efficient decision making, analysis and review
 - 1.6.3. Migrate all historical DHR reports and Title IX reports into the enterprise-level case management system, if not already included
 - 1.6.4. Develop periodic reviews for quality assurance
 - 1.7. Oversee investigations for quality and consistency of prompt and equitable processes

- 1.7.1. Establish a protocol to ensure the timeliness of investigations, with routine quality control mechanisms throughout investigation process
- 1.7.2. Develop quality control processes for monitoring active investigations for thoroughness and timeliness and ensure timely communications to parties throughout the investigative process (e.g., calendar internal 30-day, 60-day and 90-day alerts to prompt the investigator or case manager to make outreach to the parties)
- 1.7.3. Ensure each report has sufficient review by the Title IX Coordinator/DHR Administrator and University Counsel (for legal review of sufficiency and adherence to policy)
2. Continue to evaluate barriers to reporting and engagement at the university level, with aggregation of data and advice and guidance by the Chancellor's Office
3. Review and revise tone, content, and format of reporting forms and other template communications
 - 3.1. Update the existing [Title IX complainant reporting form](#), [Title IX Responsible Employee reporting form](#), and [DHR online reporting form](#)
 - 3.1.1. Consider creating a single form that can be used for either Title IX or DHR reports and either third-party or direct reports
 - 3.1.2. On the Title IX complainant form and DHR form, revise language regarding the non-confidentiality of reporting to capture the difference between confidentiality and privacy and to accurately describe the Title IX and DHR Offices' roles as resources that, while not confidential, maintain privacy and treat all information with sensitivity and care
 - 3.1.3. On the form itself, insert a reminder that any person (student, staff, faculty, or third-party) may report directly via email, phone call, appointment, walk-in, or incident reporting form and that they may fill out as much of the reporting form as they would like
 - 3.1.4. Remove the "required" designation for all fields or add a caveat so that, for example, a person is not discouraged from reporting if they do not know the date of the incident
 - 3.1.5. Add instructions for Responsible Employees who use the online form to make reports, noting that the Responsible Employee must input all known information including the identity of the Complainant, the nature of the reported conduct, and the date and location, if known
4. Review the current post-Title IX/DHR disciplinary processes for faculty and staff to ensure promptness, equity, and informed communication
 - 4.1. Ensure the Title IX Coordinator/DHR Administrator remains engaged in any disciplinary processes, including sanctions and appeals, until final
 - 4.2. Ensure that decisions about negotiated settlements are supported by a careful and coordinated review by all relevant campus and system level administrators

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

C. Communications

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

1. Ensure distribution of a clear and consistent communication plan each semester that includes, at a minimum:
 - 1.1. Dissemination of the Notice of Non-Discrimination
 - 1.2. Dissemination of the Nondiscrimination Policy
 - 1.3. Information about reporting and resources
2. Develop an intentional marketing campaign to raise awareness about the role of the Title IX/DHR program, available resources, and resolution options
 - 2.1. Prioritize the messages of care, supportive measures, and resources
 - 2.2. Differentiate and educate about the difference between confidential resources and reporting options
 - 2.3. Partner with campus communications professionals to create and promote effective marketing materials, including through the use of professional branding that can be used across platforms (print, web, social media, imprinted on giveaway products)
 - 2.4. Develop several stock presentation types to enable the new DHR Administrator to deliver presentations with handouts and slide decks. The presentation types would include separate full-length training programs for students, staff, faculty, and administrators, and shorter “press tour” awareness presentations designed to introduce DHR to key groups
 - 2.5. Create a series of videos for the website and/or social media, including DHR staff discussing their work, first-person accounts from students about inclusion and belonging, first-person accounts from faculty and staff about the importance of preventing discrimination and harassment, and the like
3. Improve the Title IX/DHR website and other external-facing communications
 - 3.1. Review and revise web content, across all relevant webpages, for clarity, accuracy, and accessibility
 - 3.2. Ensure that web content includes: photographs and contact information for Title IX/DHR staff, Notice of Non-Discrimination, a link to the Nondiscrimination Policy, an overview of procedural and resolution options (with accessible graphics), how to make a report (to Title IX/DHR or UPD), on and off campus confidential resources, the difference between confidentiality and

privacy, supportive measures, employee reporting responsibilities, an FAQ, prevention and education programming

- 3.3. Gather, evaluate, and update all existing informational materials, web resources, posters/flyers, social media information, and other public-facing communications about the Title IX/DHR program to ensure that those materials:
 - 3.3.1. Reflect the current staffing and structure of the office, the current CSU Nondiscrimination Policy and resolution processes, and current information about on- and off-campus resources including confidential resources
 - 3.3.2. Are written in clear language, accessible (from both a disability perspective and a reading comprehension perspective), and consider strategic placement of newly developed print materials in areas frequented by students, staff, and faculty
- 3.4. Use standardized email addresses and/or materials that are able to be updated quickly (e.g., use of QR codes that point to dynamic webpages that can be updated; using, for example, "TitleIX@[name of university].edu," so that print materials do not become outdated if there is a personnel change, etc.)
4. Develop an expanded annual report with meaningful information/data
5. Develop standing committee of representative student, faculty and staff ambassadors to support and facilitate institutional efforts to more effectively communicate with campus constituents
 - 5.1. Consider forming DHR or civil rights ambassadors, including students, staff, and faculty who wish to undergo additional training about DHR and its functions
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 monitoring participation levels and measuring learning outcomes
5. With assistance from the Chancellor's Office, develop a strategic plan for university programming that identifies all training requirements under federal and state law and CSU policy, all constituencies and constituent groups in need of training, and all potential university partners that can collaborate to deliver content
 - 5.1. Constituent groups subject to required training should include students (undergraduate and graduate); targeted student populations (athletes, fraternity and sorority life, residential students, residence life student staff, international students, student leaders); senior leadership; faculty (deans, department chairs, leads, lecturers); staff (managers, supervisors); and campus partners who assist in the implementation of Title IX/DHR
 - 5.2. Identify all university partners who provide programming, including affinity and identity-based centers and student affairs personnel
 - 5.3. Identify opportunities for virtual and in-person engagement
 - 5.4. Develop core principles and standards for content development
 - 5.5. Build a university calendar that includes online modules, social norm campaigns, orientation for students and employees, recurring opportunities for programming, and awareness events
6. Facilitate a consistent communication plan each semester that includes dissemination of the policy, Notice of Non-Discrimination, reporting options and resources
7. Ensure that programming is coordinated, communicated and tracked

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

E. Responding to Other Conduct of Concern

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

1. In conjunction with the Chancellor's Office and CSU's Office of General Counsel, develop a written policy, document, or statement by senior leadership to establish expectations, guidelines, and/or definitions of conduct

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

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

Appendix I
Metrics: Campus Demographics and Population³⁶

The below chart reflects key metrics and demographic information for Cal State Fullerton:

California State University Fullerton			
Location Information			
Location: Fullerton, CA (pop. 141,874) ³⁷	County: Orange County (pop. 3,161,005) ³⁸	Locale Classification: Large Suburb ³⁹	
University Information			
President: Framroze Virjee (January 2018-July 2023) Sylvia A. Alva, Ph.D. (Interim; from August 2023)			
Designations: Hispanic Serving Institution (HSI) ⁴⁰ Asian American and Native American Pacific Islander-Serving Institution (AANAPISI) ⁴¹			
Students – Enrollment Data ⁴²			
Total Number of Students		40,386	
State-Supported		Self-Supported	
Undergraduates	34,781	Undergraduates	458
Grad & Post Bac Students	4948	Grad & Post Bac Students	199
Student Ethnicity ⁴³			
Overall (includes State- and Self-Supported)			
Hispanic / Latino		50%	
Asian		22%	
White		16%	
Two or More Races		4%	

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

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

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

³⁹ Defined as a territory outside a Principal City and inside an Urbanized Area with population of 250,000 or more. See National Center for Education Statistics, <https://nces.ed.gov/programs/edge/Geographic/LocaleBoundaries> and <https://nces.ed.gov/surveys/annualreports/topical-studies/locale/definitions>.

⁴⁰ 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/ldues/eligibility.html>

⁴¹ 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>

⁴² California State University Enrollment Data, Fall 2022, Cal State Fullerton: 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.

⁴³ *Id.* This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

International Student	3%		
Race and Ethnicity Unknown	2%		
Black / African American	2%		
Native Hawaiian / Other Pacific Islander	<1%		
American Indian / Alaska Native	<1%		
State-Supported (39,729 students)		Self-Supported (657 students)	
Hispanic / Latino	50%	Hispanic / Latino	41%
Asian	22%	White	27%
White	16%	Asian	16%
Two or More Races	4%	International Student	5%
International Student	3%	Race and Ethnicity Unknown	5%
Race and Ethnicity Unknown	2%	Two or More Races	3%
Black / African American	2%	Black / African American	2%
Native Hawaiian / Other Pacific Islander	<1%	American Indian / Alaska Native	<1%
American Indian / Alaska Native	<1%	Native Hawaiian / Other Pacific Islander	<1%
Other Student Demographics⁴⁴			
Overall (includes State- and Self-Supported)			
First in Family to Attend College	32%		
% students who are traditionally underrepresented ⁴⁵	53%		
% of undergrads who were Pell Grant recipients ⁴⁶	48%		
% of students who live on campus ⁴⁷	4%		
% undergrads who are in a fraternity or sorority ⁴⁸	4%		
4-year graduation rate for first-time FT freshmen ⁴⁹	39.0%		
State-Supported (39,729 students)		Self-Supported (657 students)	
Average Age	23	Average Age	32
Sex ⁵⁰	58% F; 42% M	Sex ⁵¹	63%F; 37% M
First in Family to Attend College	32%	First in Family to Attend College	32%
% traditionally underrepresented ⁵²	53%	% traditionally underrepresented ⁵³	44%
Instructional Faculty⁵⁴			
Total # of faculty	2043		
Tenure-track	41%		
Lecturer	59%		

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

⁴⁵ For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

⁴⁶ 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.

⁴⁷ 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>

⁴⁸ <http://www.fullerton.edu/sll/fslife/members.php#:~:text=Fraternity%20and%20Sorority%20Life%20represents,of%20the%20CSUF%20student%20population> (last visited May 17, 2023).

⁴⁹ California State University, Graduation & Success Dashboards, with link to Graduation Dashboard, selecting the Summary Overview tab, and with Cal State Fullerton 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 CSUF during the Fall 2018 (most recent complete 4-year term available).

⁵⁰ Data does not capture number of students who do not identify on the sex/gender binary.

⁵¹ *Id.*

⁵² For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

⁵³ *Id.*

⁵⁴ California State University, CSU Faculty, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-faculty>, except where noted otherwise.

% full-time ⁵⁵	52%
% part-time	48%
Leadership body	Academic Senate ⁵⁶
Staff⁵⁷	
Total # of staff	1460
% full-time	98%
% part-time	2%
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)
Athletics⁵⁸	
NCAA Division	I
NCAA Conference	Big West ⁵⁹
Number of sponsored sports for '22-'23 academic year	18
Number of student athletes ⁶⁰	397

⁵⁵ 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.

⁵⁶ Cal State Fullerton Academic Senate. See <https://www.fullerton.edu/senate/>

⁵⁷ 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.

⁵⁸ NCAA Directory, <https://web3.ncaa.org/directory/orgDetail?id=97>, except where noted otherwise.

⁵⁹ All sports are in the Big West Conference except Men's and Women's Indoor Track, which are part of the Mountain Pacific Sports Federation.

⁶⁰ See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for California State University Fullerton. 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.
- Training Programs. Survey respondents were asked to rate the quality of the training programs provided by the university.
- Interactions with Title IX/ DHR. We asked survey respondents to describe their interactions with Title IX and DHR, address whether complaints were handled properly, and to provide any recommendations they had as community members for fostering reporting and building trust in these resources.
- Barriers to Reporting. Finally, we asked survey respondents about their inclinations to use university confidential resources, and whether any barriers existed to their reporting, such as

fear of retaliation, concern regarding reactions to complaints, or ineffective investigative procedures.

At Cal State Fullerton, we received 746 responses⁶¹ from students, faculty, staff, administrators, and others as follows:

Constituency	Number of Responses
Undergraduate Student	496
Graduate Student	83
Staff	76
Faculty	75
Administrator or Manager	29
Other	11

An important part of this engagement was to provide the opportunity for community voices to be heard, as is, and we share that aggregate feedback here. We recognize that the information, perceptions, and insights shared by university constituents and stakeholders reflect individual perspectives and experiences that may not be universally held, or in some instances, supported by objective review of specific cases or incidents. We accept those perceptions as valid and do not seek to test the foundation of the perceptions. Our goal in seeking broad feedback was to identify aggregate themes by synthesizing information gathered, which we could then review and factor into the context of our own observations of policies, procedures and practices. The aggregate themes from the survey are as follows:

- Unaddressed racism on campus. Many survey respondents noted that there had been hate incidents on campus, including anti-Semitic graffiti, which had not been addressed.
- Parking lot crime. Most survey respondents noted that there had been a significant number of crimes committed in parking structures, including car theft.
- Perception of dampening of academic freedoms and viewpoint discrimination. Many survey respondents stated that they experienced discrimination on the basis of holding conservative political views.
- Disability accommodations and inclusion. A number of survey respondents stated that they had experienced discrimination or failure to accommodate on the basis of disability.
- Reporting to department chairs. Survey respondents described reporting Title IX matters to their department chairs, rather than to the appropriate offices.

⁶¹ Some survey respondents identified as belonging to multiple constituencies; hence, the number listed here is smaller than the sum total in the chart below.

- Microaggressions and other concerns. Several survey respondents noted that bullying and other inappropriate conduct was not addressed by the university's policies and procedures.
- Positive feedback for Title IX Coordinator. Survey respondents described the Title IX Coordinator as helpful and caring, and some noted that she did not have adequate staff or support.

Appendix III Title IX Metrics (Title IX Annual Reports)

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

As part of our review of the Title IX program at CSU Fullerton, we reviewed the University's annual Title IX reports for years 2018-2019 through 2021-2022. These annual reports are posted online on CSU Fullerton's Title IX and Gender Equity Office website.⁶² The annual reports provide data regarding the reports of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, Stalking, and – in 2021-2022, Sexual Exploitation and Sexual Harassment – made to the Title IX and Gender Equity Office each year. The annual reports reflect the number of reports received, disaggregated by the type of conduct and whether the respondent was a student, employee, or third-party, unknown, or unidentified. Beginning in 2019-2020, the annual reports also reflect procedural outcomes, including:

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

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

II. Caveats Regarding Interpretation of Data

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

⁶² <https://www.fullerton.edu/titleix/policies/other.php> (last visited May 11, 2023).

the universities do not use consistent documentation and recordkeeping systems and practices to maintain their university's data; the structure and questions posed by the Chancellor's Office to request data for the annual Title IX report have changed over time and not all universities use the same report structure; some data requests and questions may be unclear and therefore subject to interpretation; and the annual Title IX reports do not capture foundational data that would enable an informed comparison between 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 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 partner offices; 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 institutions from the data alone. That being said, we have confidence that the data, while imperfect, provides sufficient reliability to extrapolate key themes and observations.

In presenting the below data, we note that some universities identified challenges with accuracy or completeness in their data. We have attempted to reconcile that data where possible, recognizing that some CSU institutions have provided data prepared by individuals who are no longer employed by the institution. Before publishing this report, we sent outreach to all Title IX Coordinators to request that they verify the accuracy of their 2021-2022 annual Title IX report. CSUF verified the accuracy of the 2021-2022 annual Title IX report via email on April 26, 2023. CSUF provided additional details about the 3 open matters open as of June 30, 2022, including that all were investigated.

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

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

III. Historical Data: Annual Title IX Reports (2018-2019 through 2021-2022)

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

A. Types of Reported Conduct⁶³

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	Data not available	50	37	63
Reports of Dating/Domestic Violence		42	23	47
Reports of Stalking		43	28	66
Sexual Exploitation*		-	-	5
Sexual Harassment*		-	-	135
Total # of Reports in Above Categories	172	135⁶⁴	88	316
* This data was not requested by the Chancellor’s Office prior to the 2021-2022 academic year.				

⁶³ This data does not include reports of incidents that fail to meet the threshold of Title IX misconduct.

⁶⁴ The annual report includes a larger number of complaints than it does types of respondents below. This discrepancy is not explained in the annual report, but may be the result of multi-allegation complaints against single respondents.

B. Respondents' Roles⁶⁵

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

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Respondent is a student	59	50	29 ⁶⁶	106
Reports in which the Respondent is an employee	9	6	4	51
Reports in which the Respondent is a third-party	11	4	7 ⁶⁷	21
Reports in which the Respondent is unknown	93	64	43 ⁶⁸	22
Reports in which the Respondent is unidentified	-			111
Total # of Reports in Above Categories	172	124	83⁶⁹	311⁷⁰

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

⁶⁶ This number includes 1 report received with 2 different allegations against a single respondent.

⁶⁷ This number includes 2 reports received where each respondent had 2 allegations.

⁶⁸ This number includes 2 reports received where each respondent had 2 allegations.

⁶⁹ Because some respondents are the subject of more than one complaint, the number of respondents is smaller than the number of complaints.

⁷⁰ Because some respondents are the subject of more than one complaint, the number of respondents is smaller than the number of complaints.

C. Case Outcomes⁷¹

The below data reflect the collective outcomes of reports to the Title IX and Gender Equity Office.⁷²

	2018-2019	2019-2020	2020-2021⁷³	2021-2022
Reports in which the Complainant did not respond to outreach and there was insufficient information to move forward	161	79	30	97
Reports in which the Complainant’s identity was unknown to the Title IX Office		0	0	13
Reports in which the Complainant requested supportive measures or resources only		15	25	49
Reports that resulted in other outcomes (except formal investigation)		37	33	106
Reports that resulted in a formal investigation*	11	9	2	0
* 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. Except in 2018-2019, when CSUF’s annual Title IX report captured the number of pending cases and informal resolutions, 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.				

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

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

⁷³ We note that the number of resolution types exceeds the number of total complaints received. While no explanation for this discrepancy is included in the annual report, this may be the result of complaints resolved prior to the conclusion of a formal resolution for more than one reason, such as where a complainant requests supportive measures only and where allegations fell outside the scope of the university’s Title IX Policy.