

AGENDA

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Meeting: 2:50 p.m., Wednesday, January 29, 2025
Glenn S. Dumke Conference Center

Wenda Fong, Chair
Lillian Kimbell, Vice Chair
Larry L. Adamson
Diego Arambula
Raji Kaur Brar
Jean Picker Firstenberg
Julia I. Lopez
Sam Nejabat

- Consent** 1. Approval of Minutes, *Action*
Discussion 2. Update on Civil Rights (Title IX and Other Nondiscrimination) Programs and Services, *Information*

**MINUTES OF THE MEETING OF THE
COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL**

Trustees of The California State University
Office of the Chancellor
Glenn S. Dumke Conference Center
401 Golden Shore
Long Beach, California

November 21, 2024

Members Present

Wenda Fong, Chair
Larry L. Adamson
Raji Kaur Brar
Jean Picker Firstenberg
Julia I. Lopez
Sam Nejabat

Mildred García, Chancellor
Jack B. Clarke, Jr., Chair of the Board

Trustee Wenda Fong called the meeting to order.

Consent Agenda

The minutes of the September 25, 2024 meeting of the Committee on University and Faculty Personnel were approved as submitted.

Item 2, Annual Report on Outside Employment for Senior Management Employees, was approved as submitted (RUF 11-24-17).

Item 3, Annual Report on Vice President Compensation and Executive Relocation, was submitted for information.

Discussion Agenda

Item 4 – Annual Report on Executive Transition Assignments

Chancellor Mildred García provided a brief overview of the executive transition programs available to CSU executives (the Executive Consulting program and the Executive Transition II program).

She explained that the governing policies require that transition assignments be reported on the board's discussion agenda at the time they occur and annually. This item presented the annual status report.

The chancellor reported that for the 2023-2024 fiscal year no former executives were in the Executive Consulting program and two former presidents (Thomas Cropper and Framroze Virjee) concluded their assignments in the Transition II program.

(Note that one former president [Tom Jackson Jr.] entered the Transition II program as reported to the board in September 2024.)

Chancellor García's update included remarks on the contributions of Presidents Emeriti Cropper and Virjee during their transition assignments. In addition to supporting their successors to ensure a smooth transition at their respective campus, the former presidents supported the Chancellor's Office with systemwide policy-related matters.

Specifically, President Emeritus Thomas Cropper continued work that he began as a member of the Chancellor's Faculty and Staff Excellence Workgroup to examine strategies to create affordable on-campus housing options. He also assisted in a comprehensive analysis aimed at addressing housing affordability for university employees. His efforts contributed to identifying areas for staff to explore, including: the California Dream For All Shared Appreciation Loan Program; initiatives targeted at providing mortgage assistance, as well as salary and down-payment support; and affordable housing development opportunities.

President Emeritus Fram Virjee played an important role in assisting the Chancellor's Office during his transition program. He conducted extensive research on issues related to human resources focusing on employment policies that would enhance the university's competitiveness. He also met with legal experts and human resources professionals while researching best practices from other institutions and industries. Staff was presented with recommendations to consider that emphasized the value of flexible employment practices to attract top talent and the need for clear guidelines and mechanisms to manage today's complex regulations and employment practices.

President Emeritus Cropper concluded his transition program in June 2024 and President Emeritus Virjee in August 2024. Chancellor García expressed her gratitude for their contributions. Trustee Wenda Fong and Chair Jack Clarke appreciated the chancellor's detailed report and the outcome of the transition assignments.

Item 5 – Update on Civil Rights (Title IX and Other Nondiscrimination) Programs and Services

Interim Vice Chancellor for Human Resources Albert Liddicoat introduced the item which he noted would highlight the ongoing collaboration between the civil rights teams and university partners across the CSU. As previously requested by the board, a session on the rights and options of the parties involved in civil rights cases would follow the regular report.

Associate Vice Chancellor for Civil Rights Programming and Services Hayley Schwartzkopf reported on feedback received from the California State Student Association plenary meeting that took place at Cal State Monterey Bay on October 19-20. The session provided valuable insights into students' experiences and focused on four key areas: 1) Student annual training: Students advocated for an earlier deadline for annual Title IX and gender equity training, as the current timeline misses opportunities to address conduct that occurs early in the semester. 2) Respondent's Advisors: Students strongly supported having dedicated confidential advisors for respondents on each campus. 3) Visibility of Title IX Coordinator and DHR Administrator: Students highlighted the need for more visible and current information about civil rights offices on campus websites. AVC Schwartzkopf reported that the Chancellor's Office has partnered with Strategic Communications to create short videos featuring civil rights practitioners at each university. 4) Location of Title IX and DHR office: Student feedback revealed that locating civil rights offices within administrative or human resources buildings can feel like these services are not student centered or focused.

AVC Schwartzkopf noted that the plenary session reinforced the value of the partnership and collaboration with students. Their feedback informed strategies to improve student support in civil rights processes. She next highlighted the CSU's prevention education and awareness events in October for Domestic Violence Awareness Month. These initiatives fostered collaboration among university civil rights teams, campus stakeholders, and community organizations.

AVC Schwartzkopf reminded trustees that the Chancellor's Office developed a new approach to addressing unprofessional behaviors that disrupt the CSU's living, learning, and working environments – referred to as "Other Conduct of Concern." Dr. Sarah Fried-Gintis, Senior Systemwide Director of Academic and Staff Human Resources, provided a brief update.

Dr. Fried-Gintis reported on progress since the board was last updated in May 2024. A key update is the extensive community engagement by the Chancellor's Office with 14 stakeholder groups and 9 trainings. Additionally, misconduct at CSU is now categorized into three types: violations of nondiscrimination policies, violations of other policies, and Other Conduct of Concern.

The updated guidance on Other Conduct of Concern adopts a people-centric approach with accessible language and reinforces CSU's commitment to equity, inclusion, and accountability. Additionally, the guidance reinforces it will not jeopardize core tenets of academic life such as rights of faculty to exercise Academic Freedom and the rights of all to freedom of speech and expression. The guidance establishes clear expectations for university actions, highlights the importance of training on performance and conflict management, and navigating difficult conversations. These changes aim to foster a supportive and equitable environment across the CSU system.

Next steps include final revisions by December 2024, followed by distribution to the community and CSU universities by early January 2025 and to the California State Auditor by the end of January 2025. Implementation will involve outreach, awareness, training, and ongoing refinement, with progress updates to follow.

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Interim Vice Chancellor Liddicoat and Associate Vice Chancellor Schwartzkopf presented a high-level training session on the rights and options of the parties in civil rights cases. The session emphasized key support mechanisms, such as confidential advocates and respondent advisors, as well as procedures that are available within the CSU system.

The complete report presented to the board is available on the CSU's Civil Rights Status Updates web page at:

<https://www.calstate.edu/csu-system/administration/systemwide-human-resources/civil-rights/Pages/status-update.aspx>

Following the presentation, trustees posed questions and provided feedback. The session highlighted progress in CSU's civil rights initiatives while reinforcing the commitment to fostering safety, equity, and humanity across all campuses. The meeting concluded with positive feedback on the ongoing efforts and their integration into CSU's broader mission.

Trustee Wenda Fong adjourned the meeting of the Committee on University and Faculty Personnel.

COMMITTEE ON UNIVERSITY AND FACULTY PERSONNEL

Update on Civil Rights (Title IX and Other Nondiscrimination) Programs and Services

Presentation By

Albert A. Liddicoat
Interim Vice Chancellor
Human Resources

Hayley Schwartzkopf
Associate Vice Chancellor
Civil Rights Programming and Services

Summary

In furtherance of the commitment to the CSU's transformation of its civil rights programming and services, this report provides the status and progress of the critical civil rights work being undertaken at the Chancellor's Office and across the CSU.

Civil Rights Program Reviews

The California State University (CSU) promotes a safe learning, living, and working environment through educational programming and systemwide policies and procedures. To help measure our success in these areas, the Chancellor's Office regularly reviews the civil rights¹ programs of each university campus. Five university campuses underwent a program review in the Fall 2024 semester: Chico State, Cal Maritime, CSU Bakersfield, Cal Poly Pomona, and Cal State Long Beach.

The objective of a program review is to determine whether the university's practices are in alignment with the Nondiscrimination Policy, state and federal law, and best practices for identifying, preventing, and addressing Discrimination and Harassment, including Sex-based Harassment and misconduct. Additionally, the reviews provide the Chancellor's Office with insight into areas where university campuses may benefit from additional guidance or support. The reviews also highlight the strengths, achievements, and positive strides made by university campuses with respect to their civil rights programs and services and provide an opportunity for the Chancellor's Office to share best practices adopted by university campuses across the entire CSU system.

¹ Title IX and Discrimination, Harassment, and Retaliation (DHR)

In June 2024, the Chancellor's Office updated the CSU Nondiscrimination Policy to outline the process and procedures for conducting Civil Rights Program Reviews (See Attachment 1). Civil Rights Program Reviews include the completion of a self-assessment survey; review of the university implementation plan, Title IX/DHR webpage, and prevention education and training materials; evaluation of case files from the evaluation period reflecting various forms of resolution; submission of written information and documents to the Chancellor's Office; an on-site visit; and interviews with a variety of university stakeholders, including students, staff and faculty.

To further our efforts of transparency and accountability, information from the reviews will be aggregated into a systemwide report that will be publicly posted on the Chancellor's Office website.

During the Spring 2025 semester, an additional five university campuses will undergo a Civil Rights Program Review. This cycle will repeat until every campus has completed at least one review within a three-year period.

California State Audit: January 2025 Recommendations

In the July 2023 California State Audit report, there were three recommendations with a requested completion date of January 2025, including:

1. A requirement to update the CSU Nondiscrimination Policy to require regular, written status updates to the parties;
2. The issuance of written guidance on Other Conduct of Concern; and
3. The revision of the CSU's Prevention Policy to align with specific best practices.

The first recommendation to provide regular, written status updates to the parties has been fully implemented. This recommendation was incorporated into the revised Nondiscrimination Policy that was issued on August 1, 2024, requiring written status updates every 30-days. The language in the Nondiscrimination Policy also aligns with a new legal requirement ([AB 2987](#)) to provide written status updates to the parties in sex discrimination cases every 30-days beginning January 1, 2025. The CSU's language goes beyond these minimum requirements to provide status updates to all parties in any discrimination, harassment or retaliation case.

The second recommendation to issue guidance related to Other Conduct of Concern has also been fully implemented. Previous versions of this guidance have been shared with the Board of Trustees. The Chancellor's Office incorporated feedback from stakeholders, the Chancellor's Office Civil Rights Oversight Committee, and the Board of Trustees, and is expected to timely issue the guidance this month.

Finally, the third recommendation is to update the Systemwide Prevention Policy, which is an attachment to the Nondiscrimination Policy. The California State Auditor requested that the

Chancellor's Office incorporate specific best practices into the policy. The best practices required to be included in the policy are:

- How campuses should maintain accessible options for reporting sexual harassment.
- How campuses can widely disseminate information about their sexual harassment reporting options and related processes through methods such as campuswide emails, social media platforms, on campus postings, and student handbooks.
- How campuses can develop and distribute streamlined informational materials that explain key aspects of their processes related to sexual harassment.
- How campuses can monitor whether students and employees have completed the required training.
- How campuses can most effectively make use of climate surveys through steps such as surveying both students and employees, designing surveys to assess the effectiveness of their sexual harassment prevention and education efforts, and establishing a documented process for taking action in response to survey findings.

While the California State Audit requirements are specifically focused on sexual harassment complaints and investigations, the CSU went beyond these requirements to incorporate these best practices into the Systemwide Prevention Policy to cover all forms of discrimination, harassment and retaliation. The policy has been reviewed by various stakeholder groups, including the Nondiscrimination Policy workgroup. The revised Prevention Policy was updated in early January 2025 and aligned with the California State Auditor's recommendations.

The Chancellor's Office will submit a status report to the California State Auditor in February 2025 on our progress.

The final recommendation related to the unified case management system has a recommended completion date of July 2026 and the Chancellor's Office remains on track to timely implement that recommendation as well.

Annual Report Survey

The Annual Report Survey collects standardized data from all university campuses on items such as the number of cases reported, types of cases reported, number of complaints and investigations, and timeline for completion. Each university was required to submit data for 2023–2024 to the Chancellor's Office on October 1, 2024. A summary data sheet is included as Attachment 2 to this update.

The Annual Report Survey provides the Chancellor's Office with critical data necessary to inform decisions related to additional guidance needed for civil rights practitioners, identifying and tracking emerging patterns and trends, and highlighting opportunities for additional prevention education and training. The CSU received 4,530 reports of conduct that could fall under the Nondiscrimination Policy systemwide, including both Title IX and DHR cases. 725 of the reports resulted in a formal complaint, while 433 moved forward to an investigation process. This means that approximately 16% of all reported conduct resulted in a formal complaint under the Nondiscrimination Policy and 60% of those formal complaints moved forward to investigation. Other complaints may have been withdrawn, resolved through an early resolution process such as mediation, or referred to another office after further assessment and inquiry.

In addition, Civil Rights Offices also received reports on 2,428 matters that were later referred to other university offices and campus partners. This "Other Conduct of Concern" represents a large volume of work undertaken and assessed by civil rights practitioners, even if those matters are ultimately referred elsewhere for further review and action.

Context is important to understand these numbers, including the number of reports and those which move forward to formal complaints and investigations. The CSU routinely trains its students and employees to report *any* conduct that could fall under the Nondiscrimination Policy. This includes situations in which the impacted person may not want the university to take any action or provide further support. For example, a report may include information about a situation that was witnessed or overheard on campus, even when the reporting party may not know or be unable to obtain the name of the student or employee in need of support. Nonetheless, we request that this information be reported because the civil rights teams are sometimes able to piece together multiple reports to obtain necessary information to conduct outreach.

In addition, employees are required to report any information related to Title IX or discrimination, harassment, or retaliation to the Civil Rights Office at the university, so that the impacted person can receive support, resources, and information about their rights and options. Following the receipt of a report, the Civil Rights Office will immediately begin outreach efforts. Approximately 60% of reports result in a response from the impacted person, while the remaining reports either did not have enough information to outreach or the Civil Rights Office did not receive a response to their outreach efforts. Outreach includes multiple forms of communication, including emails, phone calls and text messages to inform the impacted party about their rights, options, and supportive services available to them. An impacted party may not respond to this outreach for a variety of reasons including fear, shame, trauma, lack of support, cultural or social norms, or relationship dynamics.

In terms of looking for patterns and trends, there are five specific areas that the CSU collects data on: fraternities and sororities, student clubs and organizations, athletics, conduct that occurred within a specific program or department, and on-campus housing. The largest number of reports received by Civil Rights Offices come from on-campus housing and conduct within specific programs or departments. The Office for Civil Rights Programming & Services has created publicly available dashboards to share the outcomes across the CSU system.

CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation

Revised June 10, 2024

Attachment H: CSU Title IX / DHR Program Compliance Reviews

The California State University (CSU) promotes a safe living, learning, and working environment through systemwide policies, procedures, and educational programming. The CSU prohibits all forms of Discrimination and Harassment, including Sex-based Harassment and misconduct, in accordance with the Nondiscrimination Policy.

To ensure compliance with the Nondiscrimination Policy, the Chancellor's Office will conduct regular compliance reviews of the Title IX / DHR programs of each university campus. These reviews will be conducted in partnership with the university campus under review and completed at least once every three years.

Review Objectives

The objective of a compliance review is to determine whether the university campuses' practices are in alignment with Nondiscrimination Policy, state and federal law, and best practices for identifying, preventing, and addressing Discrimination and Harassment, including Sex-based Harassment and misconduct. Reviews will also provide the Chancellor's Office with insight into areas where university campuses may benefit from additional guidance or support. While reviews provide an opportunity to identify areas where there is a need for increased compliance or oversight, there will also be a focus on strengths, achievements, and positive strides made by university campuses with respect to their Title IX / DHR programs.

Review Criteria

Reviews will evaluate Title IX / DHR program effectiveness relevant to the Nondiscrimination Policy using a defined set of criteria that provide a benchmark for measuring progress over time (maturity indicators) in the following areas:

- 1) Leadership and Oversight
- 2) Policies and Procedures
- 3) Training and Education
- 4) Reporting Protocols or Mechanisms
- 5) Resolution and Discipline
- 6) Monitoring, Response, and Prevention

At the conclusion of the review process, the assigned Systemwide Director for the university campus will complete a memorandum that identifies areas of strength, as well as opportunities for improvement in Title IX / DHR program compliance.

Review Method

Review activities will generally consist of the following:

- Completion of a self-assessment document by the university campus.
- A pre-review meeting with the Systemwide Director assigned to complete the review to discuss the self-assessment document and the most recent compliance review completed for the university campus.
- Review of a sample of case files reflecting various forms of resolution (e.g., investigation with findings, informal resolution, referrals to other units).
- Review of a sample of prevention education and training materials.
- Review of any resource documents/guides provided by the Title IX / DHR office to the campus community.
- Review of campus Title IX webpage.
- Interviews with individuals from the university campus who are directly responsible for Title IX / DHR oversight and compliance. Other relevant stakeholders, students, faculty, or staff may also be interviewed as appropriate.
- Additional on-site or remote activities as proposed by the university campus or Chancellor's Office in the self-assessment document, pre-review meeting, or compliance review process.

Notice of Review

Notice of a Title IX / DHR program compliance review will be provided by letter to the university president and Title IX Coordinator / DHR Administrator with at least 60-days' advance notice. The letter will include information about the compliance review process, including a copy of the self-assessment document and identity of individuals by name or title who may be asked to provide information during the review process. The Chancellor's Office will coordinate with the university campus to schedule the dates of the review, including the pre-review meeting.

Review Memorandum and Closing Meeting

The Chancellor's Office will prepare a review memorandum detailing the observations and findings from the compliance review, including any recommended action items and proposed timeline for completion. The assigned Systemwide Director, Civil Rights Attorney, and University Counsel will review this document with the Title IX Coordinator / DHR Administrator and university president during a closing meeting to discuss the observations and findings from the review. The President may designate others to participate in this closing meeting.

Review Timing

This process is intended to ensure that each university campus undergoes a compliance review at least once every three years. Beginning in Fall 2024, four to five university campuses will be reviewed in each of the next five consecutive semesters. The sixth consecutive semester will be used by the Chancellor's Office to write a comprehensive, systemwide report of the findings from the compliance review cycle.

Publication of Comprehensive Report

Upon completion of the compliance review process, the Chancellor's Office shall create a comprehensive report of the aggregate results to be published online, while maintaining appropriate

confidentiality and privacy. The report will include any identified action items or steps taken to address identified areas of concern.

CIVIL RIGHTS PROGRAMMING & SERVICES

2023-2024 ANNUAL SURVEY

4,530 TOTAL REPORTS → **725** COMPLAINTS → **433** INVESTIGATIONS



2428
Concerns received that were referred to other departments



60%
of all complaints move to investigation

REPORTS AND PENDING REPORTS

40%

Complainant did not respond to outreach or insufficient information to move forward

21%

Requested supportive measures only

32%

of all Protected Status reports were related to race or ethnicity

31%

of all Sexual-in-Nature conduct reports were related to Sexual Harassment - Hostile Environment

76%

Reports received where complainant was a student

REPORTS WHERE COMPLAINANT OR RESPONDENT WAS AFFILIATED WITH:

On-Campus Housing	830
Program or Department	668
Athletics	151
Student Club or Organization	118
Fraternity or Sorority Life	94