

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

California State Polytechnic University, Humboldt

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I. Introduction

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

Our work involved a comprehensive assessment of infrastructure and implementation of CSU policies and procedures at the system and each university. We evaluated the coordination of information and personnel, communications, record keeping and data management, and all other aspects relevant to ensuring effective and legally compliant responses to sexual and gender-based harassment and violence, protected status discrimination and harassment, and *other conduct of concern*.

We assessed the strengths, challenges, and resources at each of the 23 universities within the CSU and the Chancellor's Office headquarters, and identified opportunities for systemwide coordination, alignment, oversight, and efficiency to support effective implementation. Specifically, the review included the assessment of:

- Infrastructure and resources at each CSU university and the systemwide Title IX and DHR offices;
- Training, education, and prevention programming for students, staff, and faculty at each university, the Chancellor's Office, and members of the Board of Trustees;
- The availability of confidential or other resources dedicated to supporting complainants, respondents, and witnesses;
- The life span of a Title IX or DHR report, from intake to resolution, including intake; outreach and support protocols; case management systems and protocols; staffing and models for investigations, hearings, sanctioning/discipline, grievance, and appeal processes; investigative and hearing protocols; inter-departmental campus collaboration, information sharing, and coordination in individual cases and strategic initiatives; document and data management protocols; timeliness of case resolution, and factors impacting timely resolution; informal

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).

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

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

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

This report outlines Cozen O'Connor's assessment of the Title IX and DHR programs at California State Polytechnic University Humboldt (Cal Poly Humboldt Report). The Cal Poly Humboldt review was led by Maureen Holland and Cara Sawyer. The Cal Poly Humboldt 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 Cal Poly Humboldt 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.

Cal Poly Humboldt is located in Arcata, CA. It has a student population of approximately 6,026, 24% of whom live on campus, and a workforce of approximately 1,107 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 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 Cal Poly Humboldt, Cozen O'Connor conducted a three-day in-person visit on December 6, 7 and 8, 2022. We also held additional meetings via Zoom. In total, Cozen O'Connor conducted meetings with 40 Title IX and DHR professionals, administrators, and other stakeholders from December 2022 through February 2023. These meetings included interviews with the following individuals and departments (identified by role):

- University President
- Title IX & Discrimination, Harassment, and Retaliation Prevention Office
 - Title IX Coordinator/DHR Administrator
 - Title IX Investigator and Clery Director
 - Title IX and DHR Prevention Program Analyst
- University Counsel
- Vice President for Administration and Finance
- The Office of Student Rights & Responsibilities (OSSR)
 - Interim Dean of Students
 - Associate Dean of Students and Lead Conduct Administrator for Non-Housing Cases
- Sexual Assault Prevention Committee (SAPC) / North Coast Rape Crisis Center / Health Education
 - Co-Chair of SAPC
 - Executive Director of North Coast Rape Crisis Center
 - Student Health & Wellbeing Lead for Health Education and Medical Clinic Support Services
- Human Resources
 - Interim Associate Vice President of Human Resources
- Academic Personnel Services (APS)
 - Interim Associate Vice President for Faculty Affairs
- Provost/Vice President for Academic Affairs
- University Police
 - Interim Chief, University Police
 - Lieutenant, University Police
- Athletics
 - Executive Director of Intercollegiate Athletics & Recreational Sports
 - Associate Athletics Director for External Relations / Senior Woman Administrator
- Clery
 - Director (also Title IX Investigator)
- Health Services / Counseling and Psychological Services (CAPS)
 - Director of CAPS, Interim Executive Director of Health Services (including CAPS, Health Center, Health Education)
 - Interim Associate Director at CAPS
- Housing and Residence Life

- Associate Vice President of Student Success,² Executive Director of Housing and University Services
- Senior Director for Housing and Residence Life
- Office of Diversity, Equity and Inclusion (ODEI)
 - Interim AVP for ODEI
 - Administrative Support Coordinator for ODEI
- Student Activities / Identity Centers and Affinity Group Directors
 - Director of the Student Activities Center
 - Coordinator for the Indian Tribal & Educational Personnel Program (ITEPP) Native American Center for Academic Excellence
 - Coordinator for the Umoja Center for Pan African Student Excellence
 - Coordinator for El Centro – the Latinx Center for Academic Excellence
 - Coordinator for the Social Justice, Equity and Inclusion Center
- Chief of Staff / University Advancement
 - Chief of Staff to the President
 - Vice President, University Advancement

In addition to these meetings with administrators and campus partners, Cozen O'Connor sought feedback from students, staff and faculty through a variety of modalities, including in-person engagement, through a systemwide survey, through a dedicated email address (calstatereview@cozen.com) (19 outreaches received, 10 meetings held), as well as individual meetings via Zoom.

During our visit, the university held an open forum for faculty and an open forum for students. Both were well-attended with over 30 attendees in each forum.

In December 2022, we asked each of the 23 universities to disseminate an invitation to participate in an online survey. University presidents and the Chancellor's Office communicated the availability of the survey to all faculty, staff, and students at the university. The survey was open from December 2022 through February 2023. In total, we received 562 responses to the survey from Cal Poly Humboldt students, faculty, staff, and administrators. A summary of the survey response rate and data is included in Appendix II.

² Cal Poly Humboldt has since hired a new Associate Vice President for Student Success. His tenure began on May 1, 2023.

III. Summary of Findings and Recommendations

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

Insufficient Infrastructure, Communications Challenges, and Trust Gap: Cal Poly Humboldt's Title IX/DHR Office is generally regarded as responsive and helpful; however, campus partners and constituents expressed concern about the office's resourcing, communications, or operations. We recommend improvements in the following areas: 1) additional staff to support investigations and allow for the separation of the outreach, intake, and supportive measures function from the neutral investigative function, 2) review of communications practices and templates to capture nuances related to complainant non-responsiveness, availability of supportive measures, initial assessments, and responses to third-party reporters; 3) ongoing professional development, training, and facilitated dialogue to ensure functioning relationships between key university partners including the Title IX/DHR Office and the Sexual Assault Prevention Committee (SAPC), and 4) creation of a multidisciplinary team (MDT) to strengthen collaboration and information sharing.

Prevention and Education: Cal Poly Humboldt has a wide variety of prevention and education programs led by various university partners including the SAPC, the Title IX/DHR Office, and the Campus Advocate Team (CAT) through the North Coast Rape Crisis Team; however, given staffing challenges and resource limitations, the approach to programming has been *ad hoc*, rather than strategic, coordinated, and cross-marketed. We recommend that Cal Poly Humboldt build a formal prevention and education program led by a dedicated prevention coordinator and expanded Prevention and Education Oversight Committee, to address issues related to discrimination and harassment, including sexual and gender-based harassment and violence.

Responding to *Other Conduct of Concern*:³ As with other CSU universities, Cal Poly Humboldt struggles in its response to conduct issues that may not fall under the Nondiscrimination Policy, but are nonetheless disruptive to the living, learning, and working environment. While individual administrators seek to address reports related to *other conduct of concern*, Cal Poly Humboldt has no consistent and formalized mechanism for responding to and navigating these behaviors. As a result, the university triages these behaviors in an *ad hoc* manner, leading to inconsistent responses, which have led to perceptions by students, staff, and faculty that there is a lack of accountability. We recommend that Cal Poly Humboldt work closely with the Chancellor’s Office to develop a formal process to address reports of *other conduct of concern*.

IV. Title IX & Discrimination, Harassment & Retaliation Prevention Office

A. Infrastructure

Cal Poly Humboldt’s Title IX & Discrimination, Harassment & Retaliation Prevention Office ([Title IX/DHR Office](#)) is responsible for responding to reports of conduct that may violate the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#). In addition to responding to reports, the Title IX/DHR Office is also tasked with providing training as required by CSU policy to students, faculty, and staff, as well as overseeing prevention, education and awareness programming.

The Title IX/DHR Office currently has three staff, as follows: 1) a Title IX Coordinator and DHR Prevention Administrator, 2) a Title IX Investigator/Clery Director, and 3) a Title IX and DHR Prevention Program Analyst (Program Analyst). The Title IX Coordinator/DHR Administrator began in his role in 2019; the Investigator/Clery Director began as a staff member in Residence Life at the university in 2016, and then

³ We use the term *other conduct of concern* to refer to conduct that may not rise to the level of protected status discrimination or harassment, but may nonetheless violate other university policies or be disruptive to the learning, living, or working environment. This includes, for example:

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

transitioned to the Title IX Office in 2021; and the Program Analyst joined the Title IX/DHR Office in October 2022, after serving for 8 years in Student Support Services and the Learning Center. The Title IX Coordinator/DHR Administrator currently reports to the Vice President of Administration and Finance. We learned that the Title IX/DHR Office plans to hire another person to serve as an investigator and to address and refer reports of *other conduct of concern*.

Under the office's current structure, the Program Analyst sends outreach using customizable templates, the Title IX Coordinator/DHR Administrator conducts intake meetings, and both the Title IX Coordinator/DHR Administrator and the Title IX Investigator conduct investigations. For reports of *other conduct of concern* that the Title IX Coordinator/DHR Administrator may receive, the Title IX Coordinator/DHR Administrator currently addresses those reports through providing supportive measures or having educational conversations with individuals who have been reported to the office, but whose conduct did not meet the criteria for an investigation. The Title IX Coordinator/DHR Administrator will refer those reports out to the relevant departments to be addressed further, as appropriate. The Program Analyst is responsible for entering information into Maxient and tracking training, professional development, and campus coordination efforts. The Title IX Investigator/Clery Director is responsible for all Clery Act compliance. She has also taken the lead in keeping the Title IX/DHR Office's website updated.

The Title IX/DHR Office receives and processes a significant volume of cases. In 2021-2022, there were approximately 87 Title IX reports received by the office.⁴ The prior fiscal year, notwithstanding the COVID-19 pandemic, the office received 30 reports.

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

B. Visibility and Community Awareness of the Title IX and DHR Prevention Office

Cal Poly Humboldt students have a high level of awareness and interest in the Title IX and DHR programs. Across the university, there is significant activism around issues related to diversity, equity, inclusion, and accessibility. During our time on campus and in meetings with other university constituents, we received

⁴ These reports do not include those that do not meet the threshold for Title IX or DHR.

strongly positive feedback about Cal Poly Humboldt's current Title IX Coordinator/DHR Administrator and current Title IX Investigator/Clery Director related to their energy, enthusiasm, and relationship-building efforts. We note, as we have elsewhere, that leadership has invested in the addition of full-time employees, even during enrollment downturns. This has positioned the office to meet its compliance functions and to develop positive relationships with campus partners.

The Title IX/DHR Office is tracking its awareness-building efforts and is making a concerted effort to meet with other departments and groups to build relationships. We learned that, in 2021-2022, the Title IX/DHR Office spent almost 200 hours meeting with departments, groups and committees to discuss shared responsibilities in supporting students, improving and updating processes and communication procedures, and establishing positive working relationships. The Vice President for Administration and Finance has strongly supported the growth and functioning of the TIX/DHR Office and initiated the engagement of a marketing and communications professional to develop informational materials. Those materials explain the Nondiscrimination Policy's grievance process in clear language and with graphics that make the complex process more accessible and understandable.

[The Title IX Annual Report](#) created by the Title IX/DHR Office goes above and beyond what is required by the CSU. The report is a 14-page document, written in clear language, that highlights the TIX/DHR Office's efforts throughout the year, including biographies of all Title IX/DHR personnel, goals for the upcoming year, training undertaken by the TIX team, information about core partners to the TIX/DHR office, outreach efforts, links to resources, and numbers of reports and resolutions for both the TIX/DHR Office and numbers of individuals supported by the CAT team. The report stands as an example to other CSU institutions.

We find that, generally, communications coming from the Title IX/DHR Office are clear and reflect care, sensitivity, and neutrality. We did observe some gaps in understanding across the campus population that could be addressed through more or better communication. First, we observed a misperception that a person must file a formal complaint in order to receive supportive measures. We note that the existing Maxient form makes clear that supportive measures are always available, but it may be helpful to reinforce this concept in marketing, outreach and awareness campaigns. Second, as addressed below, the office's current practice of sending a "sunset" communication may create a misperception of a time limit for a complainant. Again, even though the template email itself is clear that a complainant may reengage at any time, that nuance may be lost on a complainant who reads the message as foreclosing the

opportunity to move forward after a specified time. Third, we learned that there is a perception that the crime prevention tips included in Clery timely warnings may be received by some as victim-blaming in nature. We recommend that stock crime prevention tips be reviewed and vetted by the Title IX Coordinator/DHR Administrator and SAPC, and that any new tips be reviewed for sensitivity prior to sending out to the university community.

Our recommendations speak to the need for open communication, feedback, and continued improvement. We note that in our many conversations, the Title IX Coordinator/DHR Administrator demonstrated amenability to feedback and a willingness to evolve practices and communications to best serve the campus.

C. Website

Since visiting Cal Poly Humboldt's campus in December 2022, we note that the university's website has undergone updates in its design. The Title IX/DHR Office [website](#) has useful information, and links to information such as the Nondiscrimination Policy, and other documents that explain rights and resources for those who may need them. We noted a [broken link](#) when clicking on the office contact information link under "Definitions" on the [DHR webpage](#). The broken link still contains the contact information for the office, although it does not contain other information. We find the quick links on the right-hand side of the Title IX/DHR website to be very helpful in directing users to important information quickly.

D. Reporting Options

Reports of prohibited conduct based on protected statuses, including discrimination, harassment, and retaliation, may be made to the Title IX/DHR Prevention Office in person or via email, telephone, or an [online reporting form](#) that is accessible on [the office's website](#).⁵

The online reporting form explicitly states that users may submit information anonymously, and notes that the university may be limited in its ability to respond to reports that are anonymous. The form also notes, "While anonymous reports are accepted, you are STRONGLY encouraged to provide your name and contact information in order to allow us to most effectively address the concerning behavior." The form instructs users that all information submitted will be directed to the Title IX/DHR Prevention Office, but

⁵ The CSU System publishes an online Complaint Form as Attachment F of the Nondiscrimination Policy.

that the information will not automatically initiate 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. For example, Cal Poly Humboldt's online reporting form requires users to input the date of the incident, the nature of the report, the location of the incident, a description of what occurred, and to signify whether the conduct was a single incident or ongoing. If these fields are not completed, the form cannot be submitted.

E. Case Processing

The Title IX/DHR Prevention Office receives reports through the Maxient online reporting form, phone calls, emails, or office walk-ins. Upon receiving an incident report, the Program Analyst enters the information into Maxient and sends an initial outreach email via Maxient to the complainant using a consistent template. Following initial outreach, either the Title IX Coordinator/DHR Administrator or the Title IX Investigator makes additional outreach (if needed) and conducts an intake with the complainant. The Title IX Investigator or the Title IX Coordinator/DHR Administrator conducts the investigation if the complainant requests an investigation.

If a complainant does not respond to outreach, the Title IX Coordinator/DHR Administrator or Title IX Investigator sends additional outreach including, as discussed above, a "sunset" email indicating that the case will be closed if the complainant does not respond. Generally, the Title IX/DHR Office makes three attempts at outreach, sometimes using different modalities depending upon the nature of the reported information.

Currently, the outreach, intake, and supportive measures functions are initially addressed by the Program Analyst and then become the responsibility of the person assigned as the investigator, whether that is the Title IX Coordinator/DHR Administrator or the Title IX Investigator. The Title IX Coordinator/DHR Administrator also conducts informal resolution meetings with parties if they choose that option. As noted below in our recommendations, we suggest that the office realign personnel to separate the outreach, intake, and supportive measures functions from the investigative function. This is challenging when the office has so few personnel, but could be accomplished more easily with the addition of a fourth staff member, or with the outsourcing of the investigation to a centralized resource through the Chancellor's Office. To function at optimal levels, the Title IX/DHR Office would benefit from additional staff members

to serve as a programming/training coordinator, an intake and outreach coordinator, and an additional investigator.

We observed the following additional issues that we recommend addressing through training and ongoing professional development:

Consistent with our observations at many universities in the CSU system, we learned that there is an outside focus on the need for complainants to fill out the Maxient reporting form, even if those complainants have made or plan to make a report via phone, walk-in, or email. Our recommendations speak to building out a robust intake function that does not require individuals to fill out forms but, instead, holds open the form as one possible pathway into the office.

As noted above, the Title IX/DHR Office has a practice of sending “sunset” emails to indicate that the Title IX/DHR Office will “close” the case because the complainant has not responded. We have concerns about communicating closure when, in fact, there is no date by which a person must decide whether or not to move forward. Instead of achieving the goals of the sunset email – which, as we understand it are prompting an interested complainant to respond and indicating openness to moving forward in the future – the sunset email as written may actually have the opposite effect. A complainant may believe that they have missed the timeframe to initiate a complaint, when in fact the ability to move forward is open-ended. This is a small but important change in approach to communicating with individuals who may have experienced discrimination, harassment, or interpersonal violence, as delayed or tentative reporting, gradual processing, and prevarication are the norm.

We also noted some gaps in consistently reflecting when a complainant asks for a particular supportive measure, and it is *not* provided. Similarly, the office would benefit from using “memory markers” – a follow up email provided after a meeting that summarizes the discussion and agreed upon next steps to ensure that there is a mutual understanding and the timely opportunity to clear up any miscommunication.

F. Review of Case Files⁶

At Cozen O'Connor's request, the Title IX/DHR Office provided a sample of ten recent investigation reports, comprising three DHR cases and seven Title IX cases. All the investigation reports received were from 2020, 2021, and 2022. All the investigations were completed by Cal Poly Humboldt employees. We note that one investigation was begun by an employee of the Title IX/DHR Office who left the university, and completed by another employee who is now no longer with the university. Another investigation was also conducted by an employee of the Title IX/DHR Office who left the university prior to the hearing. In terms of substance, we found that, with one exception, the investigation reports reflected a thorough and impartial collection of evidence. The reports themselves were well-written and clear. In one DHR investigation we reviewed, the Chancellor's Office remanded the matter for further investigation following an appeal. In this case, we found the underlying investigation report lacking in thoroughness and understand the reason for the Chancellor's Office remand for further fact-gathering. While we found the reports fairly clear and consistent in terms of their writing and reasoning, we note timing concerns in four of the ten investigations. Our recommendations speak to suggested process improvements to tend to timeliness concerns and communications to the parties when there are delays.

G. Community Feedback about the Title IX and DHR Prevention Office

In our visit to Cal Poly Humboldt, we were struck by the high level of subject-matter fluency, interest, and energy surrounding efforts to prevent and address sexual and gender-based harassment, interpersonal violence, discrimination, and bias among faculty, staff and – most particularly – students. During our visit, faculty and students each organized open forums which were well-attended and deeply impactful. At the student open forum, we were presented with an envelope of previously prepared written accounts from students who did not feel comfortable sharing their perspectives with us in person. Toward the end of our visit, students held a speak out near the Title IX/DHR Office where we conducted our meetings. After our visit, we continued to hear from students, faculty, and staff who shared their experiences, hopes, fears, and ongoing concerns. All of these profoundly personal accounts helped us to understand the depth

⁶ 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.

of hurt and the depth of hope for a better Cal Poly Humboldt. We thank those who shared their experiences with us. They have made this work possible.

Based on our community engagement during the 2022-2023 academic year, we observed that the university community's perception of Title IX and DHR programs at Cal Poly Humboldt has been impacted by a range of factors including the lack of a coordinated system to identify and address *other conduct of concern*, historical instability in leadership of the Title IX/DHR Office, impaired relationships between key partners including the Title IX/DHR Office and the Sexual Assault Prevention Committee (SAPC), the perception of shifting university priorities in light of the recent recognition of the university as a polytechnic university,⁷ the recent retreat of a former dean to the Cal Poly Humboldt faculty after a sexual harassment finding, and recent comments by the University President about the privacy of the Title IX process which was perceived by some as encouraging silence.

While we understood some university community members to be skeptical of the Title IX/DHR functions, others expressed having positive experiences, improved communication, and well-functioning systems. We heard particularly positive feedback about the Vice President for Administration and Finance who oversees the Title IX/DHR Office and has been instrumental in helping the office better communicate about its programs. In evaluating the Title IX/DHR Office, we find it is generally organized, responsive, and nearly adequately staffed; however, there are opportunities for training and professional development that would improve the office's functioning, strengthen relationships with key partners, and improve the experience of those who seek services from the office.

We observed mutual respect and generally good communication between the Title IX/DHR Office and other partner offices; however, communication was generally organic and *ad hoc* as opposed to being supported by intentional tools for collaboration and coordination of information. This was true for reports of potential violations of the Nondiscrimination Policy as well as for reports of *other conduct of concern*. In both instances, we observed the need for stronger and more formalized systems for collaboration across partner offices.

⁷ In January 2022, the university transitioned from California State University Humboldt or "Humboldt State," to California State Polytechnic University Humboldt. Public media sources have reported that Cal Poly Humboldt plans to double its enrollment over the seven years from 2022 to 2029. Some stakeholders expressed anxiety about the university's growth plans and what impacts growth would have on existing programs, students, and employees.

V. Core Title IX and Related Requirements

In evaluating legal compliance and effectiveness based on the observations described above, we reviewed Title IX's implementing regulations as the legal framework. Title IX's implementing regulations, amended most recently in May 2020, require that educational institutions (i) appoint a Title IX coordinator;⁸ (ii) adopt grievance procedures that are prompt and equitable;⁹ and (iii) publish a non-discrimination statement.¹⁰ In the sections below, we describe our observations of the University's compliance with each of these core Title IX obligations. Although the implementing regulations and regulatory frameworks are not as prescriptive under other federal and state laws that address all other protected status discrimination, harassment, and retaliation,¹¹ we incorporate the Title IX framework as it relates to these core requirements, because they apply equally to DHR programs.

A. Title IX Coordinator

In evaluating legal compliance and effectiveness based on the observations described above, we reviewed Title IX's implementing regulations as the legal framework. Under the current Title IX regulations, every educational institution that receives federal funding must designate at least one employee, known as the Title IX Coordinator, to coordinate the institution's Title IX compliance efforts.¹² In this role, the Title IX Coordinator is designated as the university official responsible for receiving and coordinating reports of

⁸34 C.F.R. § 106.8(a).

⁹34 C.F.R. § 106.8(b).

¹⁰34 C.F.R. § 106.8(c).

¹¹ These include Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975. The implementing regulations for these statutes outline some requirements that are similar or identical to certain of the "core Title IX obligations." For instance, most of the regulatory frameworks require a notice of 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.

¹² 34 C.F.R. § 106.8(a).

sex discrimination, including sexual harassment, made by any person.¹³ The Title IX Coordinator's role and responsibilities should be clearly defined, and the institution must notify applicants for admission and employment, students, 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.¹⁴ The Title IX regulations detail the responsibilities of the Title IX Coordinator, which include, among other things:

1. Receiving reports and written complaints;¹⁵
2. Coordinating the effective implementation of supportive measures;¹⁶
3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;¹⁷
4. Considering the wishes of the complainant with respect to supportive measures, explaining the process for filing a formal complaint;¹⁸
5. Attending appropriate training;¹⁹
6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;²⁰

¹³ Id.

¹⁴ Id.

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

¹⁶ Id.

¹⁷ 34 C.F.R. § 106.44(a)

¹⁸ Id.

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

²⁰ 34 C.F.R. 106.45(b)(1)(iii).

7. Overseeing the prompt and equitable nature of any investigation or resolution, and²¹
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.²²

Under the Title IX regulations, guidance documents issued by the U.S. Department of Education, Office for Civil Rights (OCR), and effective practices, the Title IX Coordinator should be sufficiently positioned within the institutional organizational structure, sufficiently resourced to carry out care and compliance responsibilities, sufficiently trained and experienced, and free from conflicts of interest.²³ Generally, Title IX Coordinators and DHR Administrators should be positioned to operate with appropriate independence and autonomy, have sufficient supervision and oversight, and have direct or dotted reporting lines to senior leadership.

The Chancellor's Office has published guidance regarding the role of campus Title IX Coordinators. Attachment B to the Systemwide Nondiscrimination Policy mandates that campus Title IX Coordinators "shall have authority across **all** campus-based divisions and programs (e.g., Human Resources, Academic Affairs, Student Affairs, Athletics, Housing, University Police, etc.) to monitor, supervise, oversee, and ensure implementation of [the Nondiscrimination Policy] in all areas" (emphasis in original) Attachment B further requires that all campus Title IX Coordinators and Deputy Title IX Coordinators be Management Personnel Plan employees (MPPs) and "have the qualifications, authority and time to address all complaints throughout the campus involving Title IX issues."²⁴ Finally, Attachment B

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

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

²³ These effective practices have been articulated, among other places, in a [Dear Colleague Letter](#) from the U.S. Department of Education's Office for Civil Rights on April 24, 2015. Although this Dear Colleague Letter has since been rescinded, the underlying concepts described in the letter are still instructive. 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."

²⁴ The [Nondiscrimination Policy](#) similarly defines campus DHR Administrators as "the [MPP] Employee at each campus who is designated to administer this Nondiscrimination Policy and coordinate compliance with the laws prohibiting Discrimination, Harassment and Retaliation." The Nondiscrimination Policy states that the DHR

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

In addition to reviewing these written guidelines applicable to the system as a whole, Cozen O'Connor evaluated whether, in practice, each campus Title IX Coordinator and DHR Administrator was well positioned to effectively carry out their duties. As described above, this analysis consisted of assessing whether each Title IX Coordinator/DHR Administrator was appropriately positioned organizationally; sufficiently resourced; sufficiently trained; and free from conflicts of interest. Here, we find that the Title IX function is insufficiently resourced, that personnel are appropriately trained (with the exception of a few areas where additional training is needed, which we address below), and the function is appropriately positioned within the university.

The university's current Title IX Coordinator and DHR Prevention Administrator has served in his position since 2019. His contact information — as well as contact information for the Title IX/DHR Office more broadly — is displayed on a university [website](#). We find that the Title IX Coordinator/DHR Administrator is appropriately positioned organizationally, as he reports to the Vice President for Administration and Finance.

In terms of resources, the Title IX function currently has 3 employees (consisting of the Title IX Coordinator/DHR Administrator, the Title IX investigator & Clery Director, and the Program Analyst). While the office is staffed by dedicated and hard-working personnel, we note that the current staffing level is not quite sufficient to meet demand. We applaud the commitment of the university to staffing the office at 3 (and as we understand it, soon to be 4) full-time employees (FTEs) including investing in 2 FTEs during an enrollment downturn. We understand the decision was made in the wake of discovering significant deficiencies in the office's Title IX and DHR recordkeeping and case management. As noted above, we understand that the Title IX Investigator/Clery Director may be shifting to focus more exclusively on Clery, a shift we support given the myriad Clery responsibilities. The office is already in need of an additional investigator, and would almost certainly need 2 if the current Title IX Investigator leaves, unless investigations are outsourced to a centralized pool through the Chancellor's Office. This Investigator is

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.”

reported to be particularly good at outreach and case management in addition to investigations. As noted below and in our recommendations, we suggest that the office realign personnel to separate the outreach, intake, and supportive measures functions from the investigative function. We also recommend that the Title IX/DHR Office identify physical office space separate from Human Resources to reinforce the availability of the office to students and faculty.

In terms of training, we observed that the Title IX Office supports professional development for staff internally but would benefit from additional training on intake, initial assessments, and communications.

Finally, we did not observe any concerns about potential bias or conflict of interest based on the positioning of the Title IX/DHR Office.

B. Notice of Non-Discrimination

The Title IX regulations require that institutions publish a non-discrimination statement.²⁵ The statement must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and unions that:

1. The institution does not discriminate on the basis of sex in its education programs and activities, and that it is required by Title IX not to discriminate in such a manner;²⁶
2. The institution does not discriminate with respect to admissions or employment, and;
3. Inquiries about the policy may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights in the U.S. Department of Education's Office for Civil Rights, or both.

Along with these notification requirements, institutions must display contact information for the Title IX coordinator on their respective websites, and in each handbook or catalog that it makes available to all stakeholders listed above.²⁷

²⁵34 C.F.R. § 106.8(b)

²⁶ Id.

²⁷ 34 C.F.R. § 106.8(b)(2).

Cal Poly Humboldt has a [Notice of Non-Discrimination on the Basis of Gender or Sex](#)²⁸, which states that the university does not discriminate on the basis of gender, which includes sex and gender identity or gender expression, or sexual orientation, in its education programs or activities, including admissions. According to the Notice, this prohibition on discrimination extends to sex discrimination, which includes sexual harassment and sexual violence. The Notice provides the required contact information for the campus Title IX Coordinator and for OCR. Cal Poly Humboldt's Notice is accessible on the university's Compliance tab on its Title IX home page. While the Notice is not listed on their Athletics page, under the [Cal Poly Humboldt Athletics Social Equity & Accountability Committee](#), there is a link to report Title IX matters and information outlining both on- and off-campus resources.

Cal Poly Humboldt's Notice does not include a broader notice of Nondiscrimination on the basis of other protected statuses aside from sex, gender, and sexual orientation. 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 status discrimination, harassment, and retaliation.

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”²⁹ 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.³⁰

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

²⁸ <https://titleix.humboldt.edu/compliance>

²⁹ 34 C.F.R. § 106.8(c).

³⁰ *Id.*

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

This Nondiscrimination Policy, which applies to all 23 CSU universities, is an omnibus policy document that maps the complex and overlapping procedural requirements mandated by several federal and state frameworks, including the federal Title IX regulations, California state law relating to sex discrimination and sexual harassment in higher education, California case law relating to due process, and other federal and state laws relating to discrimination based on other protected statuses. Although the Nondiscrimination Policy is consistent with the legal requirements of Title IX and the related federal framework for discrimination and harassment on the basis of protected statuses, Title IX/DHR professionals and campus constituents from every university consistently expressed to Cozen O'Connor that the Nondiscrimination Policy was impenetrable in practice; that it was dense, lengthy, and difficult to navigate; and, that it bred confusion. We heard a strong desire for the Chancellor's Office to simplify its procedures, and were optimistic that the forthcoming amendments to the federal Title IX regulations, expected to be released by the U.S. Department of Education in the fall of 2023, would provide the impetus for the Chancellor's Office to do so.

The CSU's prohibition against certain consensual relationships is embedded within the Nondiscrimination Policy.³¹ 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

³¹ 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 prohibition. We recommend that training on this section of the policy be incorporated into required training and education. On many campuses, this was an issue of significant concern for faculty and staff.

VI. Campus Coordination

We observed that the Title IX/DHR Office works well with other offices at the university but that the information-sharing only works because the individuals have developed good professional relationships and communicate with one another routinely. The university would benefit from a more structured and formalized multidisciplinary team (MDT) to ensure that communications occur on a regular basis with all the necessary parties present. We note one important exception regarding positive relationships. The Title IX/DHR Office and the Sexual Assault Prevention Committee (SAPC) reportedly have a strained relationship, which has resulted in the Title IX Coordinator/DHR Administrator no longer attending SAPC meetings (the Title IX Investigator attends instead). The relationship between the Title IX Coordinator/DHR Administrator and SAPC may benefit from facilitated dialogue or mediation and/or engaging in direct conversation about how SAPC, Title IX/DHR, the Campus Advocate Team (CAT) and other key partners can best work together. It is critical that the Title IX Coordinator/DHR Administrator and SAPC have a functional relationship marked by mutual respect. The current state of the relationship causes harm to SAPC, Title IX/DHR, and university constituents.

At almost every university in the CSU system, we have noted deficiencies in documentation and recordkeeping related to Title IX and DHR matters and *other conduct of concern*. Cal Poly Humboldt is no exception. In the absence of a unified records management system across all offices, effective coordination requires offices to consistently query their records systems, communicate the findings, and maintain documentation regarding what systems were searched and by whom. This is made more difficult when, as at Cal Poly Humboldt, some records are kept in Maxient, other records are kept in other electronic systems, and still others are maintained unofficially or in paper form. Speaking about the current state of recordkeeping, as an administrator stated to us, "It is hard to have confidence that we have the universe of information." Our recommendations speak to the need for consistent documentation and recordkeeping practices.

We observed good working relationships between the TIX/DHR Office and other key partners. First, with respect to the relationship between CAT and Title IX, we note a healthy communication and willingness to disagree in order to ensure that needs are being met for the community. We heard from an

administrator, in regard to CAT, “They show up, they’re very responsive. They advocate, even after ‘normal business hours,’ which is often when our students need them the most.” Second, UPD and the Title IX/DHR Office appear to have a good working partnership, and we note that UPD shares records when necessary in order to ensure the provision of resources and support to impacted individuals. Lastly, we note that the Title IX/DHR Office has no concerns about receiving reports from Housing and Residence Life, the Office of Student Rights and Responsibilities, Academic Personnel Services or Human Resources. Many of these key partner offices are described more fully below.

We also observed that the Title IX/DHR Office is willing to shift approaches when appropriate. For example, we learned that the Sexual Assault Prevention Committee (SAPC) suggested that for dating/domestic violence cases, it may not be safe to make outreach to the complainant via email or phone as their partner may have access to their email or phone. The SAPC suggested that, if the complainant is a student, another administrator can make an alternative outreach which would not trigger concern. Then, a soft in-person hand-off to Title IX Coordinator/DHR Administrator can happen. We were told that this works well and has stood as an example of the value of collaboration between the Title IX/DHR Office and the SAPC.

We did learn that communications could be improved in order to further develop trust and working relationships. For example, from an administrator we learned that there is a perceived “black hole” around Title IX/DHR when a responsible employee makes a report to the office. Another administrator told us, “It’s hard to reassure others that the process works if you don’t know if or how it does.” We note the need to develop and consistently send a communication to third-party reporters, so they know the report has been received. The communication should include the following information from the Title IX/DHR Office: the third-party reporter will not get updates from the office; they may continue to communicate with and support the student themselves if they wish; the student will be given an option to have a support person throughout the process; and if the third-party reporter has questions about the process, they may reach out to Title IX/DHR. These communications will go a long way towards building trust and understanding in the Title IX/DHR process from administrators, staff, and faculty that work with students.

A. University Police Department

The [University Police Department](#) (UPD) website includes an online [Crime Reporting form](#), the UPD [Crime Map/Crime Bulletin](#), and Police Services, including the [campus safety plan](#), the [Clery Act](#), [Jacks Safety Escort](#), [Training](#), and more. The current UPD staff includes a Chief of Police, a Chief's Assistant/Budget Analyst, two Records Coordinators/Dispatchers, two part-time Dispatchers, three Sergeants, four full-time officers, and two part-time officers. When we visited campus in December 2022, the UPD was headed by an Interim Police Chief, and the university had recently failed in its search for a chief. We learned that recruitment has historically been difficult which was why, at the time of our visit, the department had only 6 sworn officers, when they had budgeted for 12. We understand that recruitment is made more difficult because of concerns about pay and retirement benefits in comparison to other law enforcement agencies in the area.

We asked UPD about its approach to California Penal Code 293 – the state statute which provides that a law enforcement agency must inform a victim of a sex offense that their name will become a matter of public record unless they request otherwise, and further, that the law enforcement agency may not disclose their name to other persons except where authorized or required by law, if the victim has chosen to exercise their right to maintain their name as private. We learned that, at Cal Poly Humboldt, UPD will grant a complainant's request to remain confidential, but that UPD attempts to differentiate between confidentiality writ large and confidentiality that still allows UPD to share the victim's name and contact information with the Title IX Coordinator/DHR Administrator. Based on our conversations with administrators and leaders in UPD and Title IX, we understand that UPD is almost always in a position to share complainants' names with Title IX. We also heard that UPD and Title IX have a positive working relationship. UPD shared that the training and collaboration with the Title IX office has been beneficial. UPD works with Title IX on the Annual Security Report. UPD meets with Title IX every month to go over the crime statistics to ensure that the report is correct and accurate.

B. Office of Student Rights & Responsibilities

The [Office of Student Rights & Responsibilities](#) (OSRR) supports the education and character development of students and is responsible for the investigation and adjudication of violations of the [Student Code of Conduct](#). The website includes [frequently asked questions](#) and how to [report students of concern](#). The website also includes reporting forms for Academic Misconduct (for faculty), Behavioral Misconduct, CARE

Student Self Referrals, CARE Referrals from Faculty/Staff and Off-Campus Community, Hazing, Discrimination and Sexual Misconduct, and Student Conduct Record Request.

We observed a generally well-functioning working relationship between OSRR and the Title IX/DHR Office. OSRR often receives referrals from the Title IX/DHR Office after a determination that the reported conduct does not constitute a potential violation of the Nondiscrimination Policy. One administrator described an “area of struggle” when conduct is deemed to “not meet the level.” Our recommendations address the concerns about communication between the offices and to the parties when referrals between OSSR and Title IX/DHR occur. We also note the need to “close the loop” for responsible employees or others who have made a report as an important step. This is an improvement that can greatly enhance coordination and communication across the campus.

C. Housing & Residence Life

The [Department of Housing & Residence Life](#) (Housing) has approximately 60 staff total including student Residence Advisors (RAs) and facilities staff. According to the website, Housing aims to enhance the academic mission of the university by providing residents with facilities, programs and services that support and promote learning, personal growth, service, environmental consciousness and social justice advocacy. The website includes information for staff resources, including an [Incident Reporting Form](#). Additional resources include the [Housing Fire Report](#), Residential Resources such as [Community Guidelines](#), [Resident Support](#), [Safety Guide](#), and more. The website includes information on cost and housing options, the application process, dining, and off-campus housing resources.

The [Residence Hall Association](#) (RHA) is the governing body for students living in the residence halls, overseeing the other councils and committees. The RHA is dedicated to serving the residence hall community with leadership and education. As the representatives of Cal Poly Humboldt students living on campus, they provide programs of general interest for the residents of all living communities, as well as input and feedback to Housing on policies and housing-wide initiatives.

We learned that the demand for on-campus housing has increased in the past several years, despite enrollment downturns. One of the reasons for this increase is the lack of off-campus housing in the area. We heard about students living in their vehicles, and paying homeowners or renters for the use of their bathrooms and kitchens. The university has had to expand housing into other neighborhoods by utilizing

blocks of rooms or entire hotels. The university has a plan to build more housing units, but these are not scheduled to be complete in time for the start of fall 2023 classes.

We learned that the RAs and the Residence Life Coordinators (RLCs) each receive a yearly cohort training from Title IX. According to administrators who work with students living on campus, the students do not understand what Title IX is. We heard from an administrator that, as to Title IX, many students know that it has something to do with sex, but that they do not know what constitutes a potential policy violation.

D. Human Resources & Academic Personnel Services

[Human Resources](#) (HR) at Cal Poly Humboldt includes human resources management, employment services, benefits administration, and training and professional development for non-faculty employees. When we were at the university in December 2022, HR was led by an external professional serving in the role of Interim Associate Vice President of Human Resources. As of May 29, 2023, a new AVP & Chief Human Resources Officer began at the university. HR Staff also includes a Director of Employee Services, an Associate Director of Campus HR Services, a Learning Technology Specialist, two HR Partners, an Office Manager/COVID Coordinator, two HR Generalists, and a Director of Employee and Labor Relations.

We learned that with the university's expansion to a polytechnical university, the needs for HR are also changing. The university will be expanding its footprint in many ways, including new systems and classifications that will impact HR. We also learned from administrators and faculty about how difficult it is to recruit for positions in this area of the state. We heard that finding housing as an employee is particularly challenging given the lack of inventory and commensurate rises in price given demand. The costs of renting and purchasing a home near Cal Poly Humboldt are reportedly nearly as high as the Bay Area, but the pay scale is lower.

[Academic Personnel Services](#) (APS) is led by the Interim Associate Vice President for Faculty Affairs who has been in the position since August of 2022. The APS team provides guidance and leadership for faculty affairs including retention, tenure, and promotion; faculty recruitment; faculty leaves; academic student employees; temporary faculty assignments; and labor relations for faculty. On the website, the available Academic Personnel Services include [Collective Bargaining Agreements](#), Leave of Absence, Faculty Evaluations, and more.

APS and the Title IX/DHR Office work well together around matters that fall within the parameters of the Nondiscrimination policy. The issues are more complex when it relates to conduct that does not rise to the level of a policy violation. As is the case at other universities in the CSU system, communications and decisions around what can and cannot be placed in a faculty personnel file are complex and involve navigating the terms of the collective bargaining agreement. The Interim AVP has a background in faculty professional development, and was an equity and diversity fellow. Using this background, she has worked with faculty in the past to adopt an inclusive pedagogy in their teaching. The Interim AVP has also used that relevant background to help new faculty to develop a sense of belonging. We heard that the area of labor relations has unique challenges, particularly regarding Title IX issues.

E. Provost's Office/Academic Affairs

[Academic Affairs](#) at Cal Poly Humboldt is led by the Provost & Vice President for Academic Affairs (Provost). The Provost oversees all of the university's individual colleges, the faculty, and the curriculum, as well as the Library, Information Technology Services, Office of Research, Economic and Community Development, College of Extended Education and Global Engagement, Diversity, Equity & Inclusion, and Institutional Research, Analytics, and Reporting. The Academic Affairs website states that the Division promotes an infrastructure and culture of transformative teaching, research, creative activity, and service while supporting faculty and staff in their pursuit of excellence. The website includes information and links to resources such as policies and guidelines, Executive Orders, and Academic Affairs Resources. The staff includes a Provost's Leadership Team of 12 who advise and assist the Provost in the determination of funds and personnel allocations and other administrative matters for the academic sector.

Based on conversations during and after our visit, we noted challenged relationships between the faculty and administrators generally, including with the Provost as a cabinet member and administrator. Many faculty tied their distrust to recent events, including the retreat of a previous dean to the faculty, Presidential public statements, or the university's response to concerns about student basic needs. What emerged was – as one person put it – a sense of “deep pain in the community” that neither the faculty or the administration could heal without the other. In our conversations with university stakeholders, we observed a desire for more collaboration, communication, and engagement between the Provost and faculty.

F. Clery Act Responsibilities

At Cal Poly Humboldt, the Clery Director is also the Title IX Investigator, who works within the Title IX Office. The Clery Director works to identify all campus security authorities (CSAs), and then assigns required CSA training to them. The Clery Director also works closely with UPD to review reports and ensure that they are referred to UPD for entry into the daily crime log. The Clery Director reviews Maxient incident reports coming from Housing, Title IX/DHR, and the OSRR. The Clery Director periodically reconciles data with each of the partner offices who receive reports and works closely with UPD in gathering data to ensure accuracy in preparing the [Annual Security Report](#). When a timely warning may be appropriate, the Clery Director works with the Chief of University Police to review the report, using consistent templates and checklists to make sure they are documenting the process as well as drafting the appropriate warning, if warranted. During our campus visit, we heard feedback from a group of stakeholders including representatives from CAT, SAPC, Humboldt Domestic Violence Services, the Dean of Students office, and the Clery Director, who shared their concerns about evolving timely warning prevention language to ensure it is informed, sensitive, and appropriately cautionary without placing blame on potential victims. We understand that the current Clery Director spends approximately 70% of her time on Clery and 30% of her time on Title IX. We also understand that Cal Poly Humboldt is considering creating a standalone Clery Director position outside of the Title IX/DHR Office and that the current Clery Director may move to the [Risk Management & Safety Services Office](#) to assume the full-time Clery Director role. We support this elevation of the Clery Director to a full-time position.

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. Cal Poly Humboldt provides the following resources dedicated to supporting student and employee well-being.

A. Confidential Campus Advocate³²

The [Campus Advocate Team](#) (CAT) is available 24/7. The CAT consists of members of the [North Coast Rape Crisis Team](#) and provides free and confidential support and services to Cal Poly Humboldt students, staff

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

and faculty who have been affected by sexual assault, dating or domestic violence, stalking, or sexual harassment. Services through their offices, both on-and off-campus, include individual counseling, assistance in securing supportive measures, advocacy and accompaniment during the university reporting or investigative process, advocacy and accompaniment to law enforcement, court, medical, appointments, and information and resources. We note that the contract that Cal Poly Humboldt has with the CAT is unique. The contract provides for 24/7 coverage for the university, and there are approximately 6-8 advocates who work to ensure that there is always someone available when needed.

The CAT website has links for additional [confidential support](#), the [CSU Cozen O'Connor Assessment website](#), forms for filing a [Title IX/DHR report](#), or [other reports](#), and information about [supportive measures](#).

B. Respondent Support

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

We do note that the Cal Poly Humboldt Title IX/DHR Office website has a link for [Respondent Information](#). The website suggests that respondents contact the Title IX Coordinator/DHR Administrator to discuss options and resources. During our visit to Cal Poly Humboldt, we learned that the Title IX Coordinator/DHR Administrator often assists respondents in identifying support persons or advisors by calling on colleagues from other CSU universities. We learned that the Title IX Coordinator/DHR Administrator has asked Title IX professionals from other CSU institutions to serve as advisors for respondents. This may present a potential or perceived conflict of interest. This practice reinforces the need for a dedicated respondent resource at Cal Poly Humboldt.

C. Counseling Services

[Counseling and Psychological Services](#) (CAPS) promotes the wellbeing of Cal Poly Humboldt students through outreach, consultation, educational and counseling services. Services are provided free of charge to all Cal Poly Humboldt students. CAPS has two physical locations on campus and is also available to meet with students via Zoom.

The CAPS website provides links to 24/7 care through [Timely Care](#) and the [Student Health Portal](#). During our visit to Cal Poly Humboldt, we learned that CAPS has 10 full-time licensed counselors and one psychiatrist who is on campus 4 days per week. The current level of staffing is reportedly insufficient to meet demand. According to CAPS staff, Cal Poly Humboldt is highly residential and has a higher rate of students who seek services at CAPS, making staffing leaner than it appears. We learned that CAPS is using Timely Care as a backup due to the existing waitlist for students to see a counselor. Based on conversations with staff at Cal Poly Humboldt, we understand that the university's relatively rural location makes it difficult to recruit full-time clinical staff and difficult to find local partners for off-campus referrals. CAPS and Timely Care each limit the number of sessions a student may attend per year. If a student uses both CAPS and Timely Care, they can access 24 total sessions (12 each from CAPS and Timely Care).

D. Student Health Services

[Student Health Services](#) provides a range of medical, laboratory, and pharmacy services for students at Cal Poly Humboldt. Services are available through telehealth and in-person. Basic Health Services are available free of charge; additional are provided subject to a fee schedule. Student Health Services medical staff consists of four medical assistants, four registered nurses, three nurse practitioners, one physician assistant and five physicians. Student Health Services also has on staff, four health educators, a health informatics analyst/programmer, a pharmacist, three clinical lab staff, a radiology technician, two administrators, and eight administrative support staff.

During our visit to Cal Poly Humboldt, we learned that Student Health Services has a [Sensitive Examinations Policy](#) which provides for the presence of a chaperone. Student Health Services provides gynecological services, pregnancy testing, STI screening, testing and treatment, and contraceptive and family planning resources.

E. Ombuds

The [Cal Poly Humboldt Ombuds](#) serves all students, faculty, and staff. Cal Poly Humboldt has two Ombuds,³³ both of whom are full professors who receive a 4-unit course release to enable them to serve in the Ombuds capacity. Under the general supervision of the President, the University Ombuds provides confidential, informal mediation and conflict resolution services to students, faculty and staff, with a primary focus on student concerns. The Ombuds does not work with individuals who are seeking help related to union contract or bargaining.

The Ombuds treat all inquiries as confidential, except as required by law or where there appears to be imminent risk of serious harm. The Cal Poly Humboldt Ombuds are not listed as confidential resources on the Title IX/DHR Office website. Each year, the Ombuds provide an annual confidential report to the President and a verbal report to the University Leadership Council. One of the current Ombuds has served in her role for 9 years. The second Ombuds was recently appointed to his role and will begin his service in August 2023.

F. Additional Resources for Students

Students at Cal Poly Humboldt have access to a host of student support services. In addition to those discussed above ([Counseling and Psychological Services](#), [Housing and Residence Life](#)) there are various other resources available such as, [Student Disability Resource Center](#), [Clubs and Organizations](#), [Social Justice, Equity, and Inclusion Center](#), [Office of Diversity, Equity, and Inclusion](#), [Women’s Resource Center](#), the [Academic and Career Advising Center](#), [Financial Aid](#), and more. A few relevant resources are summarized below.

- At Cal Poly Humboldt, the [Campus Assistance, Response, and Engagement Program \(CARE Program\)](#) has a mission to support the wellbeing and success of Cal Poly Humboldt students by facilitating referrals, support, and advocacy through non-clinical interventions. The CARE Program is a trusted campus resource for students who are overcoming extenuating circumstances. CARE Program services include referrals for students to basic needs resources and related services on- and off-campus, academic accommodations/advocacy including notifying professors regarding missed classes, dropping a course, and withdrawing from a course due to extenuating circumstances, help with navigating and explaining university policies and procedures, and more. Services are available by appointment to matriculated Cal Poly Humboldt Students in person on campus, virtually, and by phone. Students may also submit a [CARE self-referral form](#) and someone

³³ We note that as of July 16, 2023, the Ombuds website lists three names under “Current Ombuds.”

from the CARE Program will reach out to offer a meeting. Staff and faculty submitting a referral for a student of concern can also use the [CARE referral form](#). CARE Program staff includes a Services Coordinator, a CARE Case Manager, and a CARE Basic Needs Coordinator.

During our visit to Cal Poly Humboldt, we learned that CARE is often the first point of contact for students who are pregnant or parenting. We also learned that the CARE Program uses Maxient, which allows it to coordinate with other partner offices more seamlessly. If a student working with the CARE Program needs Title IX-related supportive measures, CARE makes the referral to the Title IX/DHR Office and the Title IX/DHR Office will then work with the CARE Program on implementing measures. In conversations with stakeholders at Cal Poly Humboldt, we heard consistently positive remarks about the CARE Program, including about their care-forward approach and the consistency of their follow-up and follow through for students in crisis.

- The Cal Poly Humboldt [Basic Needs](#) website provides information about campus and community resources to help Cal Poly Humboldt students meet their basic needs, such as housing, food, and other necessary resources. The website includes links to help students with: [Childcare and Parenting](#), [Disability Resources](#), [Food Resources](#), [Housing](#), [Mental Health](#), [Physical Health and Hygiene](#), [Safety](#), and more. For students seeking assistance with basic needs concerns, they can fill out a [referral form](#).
- [Student Support Services Program \(SSS Program\)](#) helps students reach their academic, personal, and career goals. The Student Support Services Program is funded by the U. S. Department of Education and was established for the purpose of improving the retention and graduation rates of low-income and first-generation college students. The SSS Program also provides support and encouragement for program students to continue into graduate and professional schools at the post baccalaureate level. The SSS Program provides academic, financial aid, advising, mentoring, and career support services to program students.

G. Additional Resources for Employees

Cal Poly Humboldt faculty and staff have access to the [Employee Assistance Program](#), which is a free and confidential service that provides up to 8 sessions of individual counseling, financial consultation, legal consultation, eldercare and childcare resources, and more. A counselor from the EAP can be reached 24/7. Additional faculty and staff resources include off-campus partners such as the [North Coast Association of Mental Health Professionals](#). Cal Poly Humboldt's CAPS website lists available mental health-related trainings for faculty and staff, information for [dealing with disruptive students](#), a [report link](#) for concerns to the Dean of Students Office, and more. As noted above, faculty and staff also have access to the Ombuds.

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

Under the Nondiscrimination Policy, the Title IX Coordinator is responsible for “coordinating training, education, and preventive measures,” which may be delegated to a Deputy Title IX Coordinator.³⁵ Even if responsibilities are shared with a Confidential Advocate, the Title IX Coordinator “remains primarily responsible for all campus-based prevention and awareness activities.”³⁶ The Nondiscrimination Policy further provides: Confidential Advocates may serve on campus-based task force committees/teams to provide general advice and consulting, participate in prevention and awareness activities and programs, and play an active role in assisting, coordinating, and collaborating with the Title IX Coordinator in developing and providing campus-wide awareness and outreach activities, possibly including prevention activities.³⁷

This level of coordination and oversight is not occurring at Cal Poly Humboldt, nor at most universities across the system.

Cal Poly Humboldt’s primary and ongoing prevention and awareness programming, as well as bystander intervention programming, required by the Violence Against Women Reauthorization Act of 2013 (VAWA), which amended the Clery Act, is offered by different offices and departments on campus. We received highly positive feedback across the campus about prevention and education efforts at Cal Poly Humboldt, and we note that these programs go far beyond what we have seen at other universities within the CSU. While these efforts exceed the level of programming at most universities, these initiatives are in need of reliable and consistent funding, better coordination and tracking, and leadership and oversight by a prevention coordinator and broader prevention coordination team.

³⁴ The legal and regulatory framework, which sets forth requirements under federal and state law, is outlined in Section VII.B.2. of the Systemwide Report, Legal Framework re: Prevention and Education.

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

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

³⁷ *Id.* Under Attachment C, all awareness outreach activities must “comply and be consistent with University policies” and the Advocate is required to “partner and collaborate with the Title IX Coordinator to ensure the activities comply with CSU policy and are consistent with campus-based practices.”

A. Students

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

Prevention and education efforts at Cal Poly Humboldt go beyond the online modules provided by the CSU. Cal Poly Humboldt’s SAPC conducts a regular customized survey to measure prevalence rates, barriers to reporting, and student intervention efforts; a student learning community for incoming first-year students called “Students For Violence Prevention;” a course offered called “Act to End Sexualized Violence;” a one-hour program at new student orientation by the Title IX/DHR Office, OSRR, and CAT through the North Coast Rape Crisis Team; and additional annual training for every recreational sport member, fraternity/sorority member, student-athlete, and president and treasurer for each registered student organization. Despite these robust offerings, these trainings and prevention efforts are not aligned and organized under one campus initiative. In order to do so, these efforts require more reliable and consistent funding, better coordination, and stronger oversight through a designated prevention coordinator and expanded Prevention and Education Oversight Committee.

“Check-It” is a Cal Poly Humboldt-created consent, bystander intervention, and healthy relationships program for the entire campus community. It is nationally-recognized, well-received, and widely seen as engaging, effective, and culturally relevant. It was honored by then-Vice President Joe Biden at the White House in 2016. However, for the past 2 years, the program has not had a dedicated, full-time leader. The current Check-It leader has other significant university responsibilities, including managing the food pantry.

SAPC’s 2020 Safer Campus Survey (released in 2022) suggests that there are a significant number of students impacted by sexual assault, dating violence, sexual harassment, and stalking who are not

reporting their concerns to the university.³⁸ In addition to 2020, SAPC conducted surveys in 2013 and 2016. According to the resulting report, “The Safer Campus Survey 2020 aims to learn about student experiences of reporting these forms of harm, barriers to reporting, and gauge student awareness about these types of violence in our campus community. In addition, the survey has inquired whether students see themselves as having a role in preventing or ending sexualized violence.” Some meaningful data taken from the results include: 669 students participated in the survey – of those, 60% were cisgender women, 19% were cisgender men, 14.5% were transgender men or women, and 6.5% did not specify their gender. Sixty-nine percent of people who reported experiencing harm did not report it. The results showed that a higher percentage of transgender students reported experiencing almost all forms of conduct including sexual assault (36%, compared to 17% of cisgender women and 13% of cisgender men), intimate partner violence (25%, compared to 18% of cisgender women and 17% of cisgender men), and sexual harassment (54%, compared to 34% of cisgender women and 18% of cisgender men). Thirty percent of students reported witnessing one or more instances of harm and, of those, 67% say they intervened.

Cal Poly Humboldt has other cross-campus efforts aimed at sexual violence prevention, such as the SAPC’s Take Back the Night event, Sexual Assault Awareness Month events, and the Consent Project. The university also has RAMP (Retention through Academic Mentoring Program) mentors who are student-employees assigned to first generation students in their freshman year. RAMP mentors educate their mentees about confidential resources, supportive measures, and accountability processes, among other topics.

While the SAPC is an active group, it may need to benefit from expansion to address prevention writ large. As noted above, it is also critically important that the SAPC and the Title IX Coordinator/DHR Administrator find ways to improve their working relationship. With training, additional resources, and attention to strained relationships, the SAPC is positioned to play a key role in prevention and education at the university. Currently, prevention and education efforts are distributed across units with no dedicated person or coordinating committee to drive programming. The current prevention and education system at Cal Poly Humboldt takes more of an *ad hoc*, diffuse approach, rather than a coordinated and intentional one. Members of the SAPC noted that they “go where [they are] invited.” SAPC reportedly created a class

³⁸ SAPC’s full 2020 Safer Campus Survey results and interpretation can be found [here](#).

called “Act to End Sexualized Violence,” but had no guarantee that it would be taught each year. These issues evidence the need for better coordination.

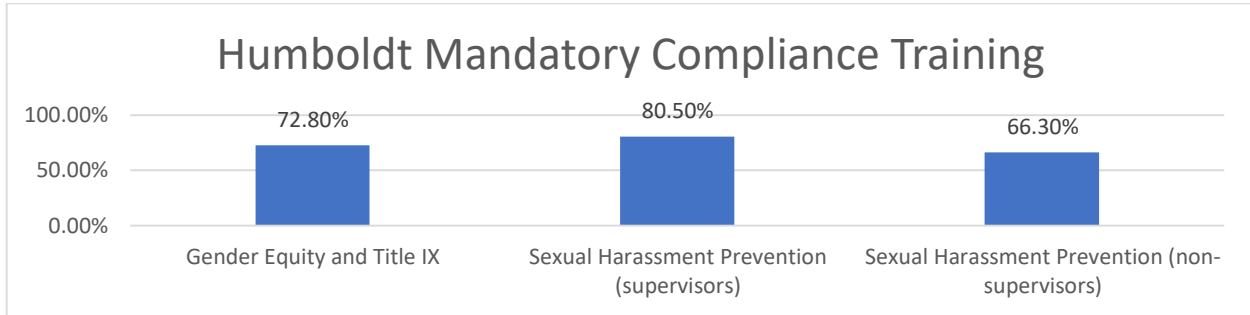
The perception is that there is a high level of awareness of Title IX/DHR conduct on campus and a high demand for prevention and education efforts. This was reflected in our visit. While we were on campus, students held a public speak-out about Title IX issues and the student newspaper wrote about our visit. We attended a faculty open forum and a student forum – both of which were well-attended and deeply impactful. As noted above, at the start of the student forum, we were presented with an envelope full of written accounts of individuals who did not feel comfortable appearing publicly, but who wanted us to understand their experiences. We are profoundly appreciative of each of these opportunities to hear individuals’ perspectives, experiences, hopes, and fears. These perspectives shaped this report and our recommendations for Cal Poly Humboldt and other campuses in the CSU system.

B. Employees

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

The systemwide Learning and Development Office in the Chancellor’s Office hosts these online modules, which are provided by an external vendor, on its systemwide employee learning management system. The Learning and Development Office tracks employee completion of these required programs. The below chart, provided by the Chancellor’s Office, shows the completion percentage for Cal Poly Humboldt for the 2022 calendar year:³⁹

³⁹ These percentages have been validated by each campus. Please note employees designated by their campus as "on leave" were removed from these final percentages.



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

C. Coordination

As we mentioned above, the array and volume of offerings in the prevention and education space at Cal Poly Humboldt is impressive. However, we note that these initiatives are in need of reliable and consistent funding, better coordination and tracking, and leadership and oversight by a prevention coordinator and broader prevention coordination team. Our recommendations provide additional opportunities to track and plan for training and prevention programming and collaborate with campus partners.

IX. Other Conduct of Concern

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

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

Like universities across the system, Cal Poly Humboldt has struggled to identify a response mechanism for addressing issues relating to civility, bullying, protected speech that negatively impacts individuals or communities, and actions and words that may constitute misconduct or unprofessionalism but that do not relate to protected status or do not rise to the level of being sufficiently persistent, severe, and/or pervasive.

As with other CSU universities, at Cal Poly Humboldt, *other conduct of concern* impacts the campus' culture and climate. Unprofessional behavior, bias incidents, microaggressions, bullying and other conduct, left unaddressed, contribute to a lack of accountability – both perceived and actual. Failing to confront and address *other conduct of concern* ultimately undermines the burgeoning effectiveness of the TIX/DHR Office. In well-attended open sessions and in many individual conversations, the Cal Poly Humboldt community shared the deep impacts of bullying, unprofessional conduct not based on a protected status, and conduct that *may* be based on protected status but was deemed not sufficiently severe, persistent, or pervasive as to qualify as a violation of the Nondiscrimination Policy.

We note that there is a high level of interest among administrators in responding to *other conduct of concern*. Administrators recognized the harms caused by bullying and unprofessional conduct not based on protected status and the effect of conduct that *may* be based on protected status but is not sufficiently severe, persistent, or pervasive. Across university constituencies, we observed a widely shared interest in developing tools and skills to address those harms, and for developing communications that set expectations regarding institutional responses. Currently, all reports of conduct that potentially implicate protected status go first to the Title IX/DHR Office. If the office determines that the conduct does not constitute a potential violation of the Nondiscrimination Policy, the matter is referred to the investigatory/disciplinary unit that applies to the respondent – OSSR for students, Human Resources for staff, or APS for faculty. The eventual goal (as articulated by the Title IX/DHR Office, University Counsel, and other partner offices) is to develop a process that addresses reports closer to real-time and without having to refer complainants to other offices.

Many stakeholders recounted that, approximately 10 years ago, Cal Poly Humboldt had a Bias Incident Response Team. Stakeholders told us that it was disbanded because it was seen as posing legal risks. Currently, the university website for the Office of Diversity, Equity, and Inclusion (ODEI) has a link titled [“If You’ve Experienced Bias at Cal Poly Humboldt.”](#) We understand that that link may be a vestige of the former Bias Incident Response Team. Now the link simply redirects to the Title IX/DHR Office.

In the absence of a formal system, the university has defaulted to a system of referrals to other offices that also lack tools to address *other conduct of concern*. There is no mechanism for centrally documenting and maintaining records of responses, and no process to ensure that any procedural steps comply with bargained-for or contractual rights. There is no coordinated or consistent system for responding to workplace climate and culture concerns and no mechanisms for identifying patterns to determine if a

single instance is part of a broader set of behaviors or incidents. Since the disbanding of the Bias Incident Response Team, there has not been another dedicated reporting mechanism for *other conduct of concern*.

We observed that the university as a whole, and Title IX/DHR in particular, are aware and attentive to the need to better address these non-Title IX/DHR matters. The office has a goal of identifying and training an administrator who can seamlessly transition non-TIX/DHR matters to the appropriate unit. And while the idea of a referral coordinator is a step in the right direction, it does not go far enough to address the complex needs that arise from *other conduct of concern*. Our recommendations speak to developing systems and tools to address *other conduct of concern*.

A related issue occurs when conduct is committed by an unknown doer, such as vandalism using a slur or remark directed toward a particular person or group. In addressing those instances, we received feedback that the Title IX/DHR Office may begin by evaluating whether the conduct constitutes protected speech to determine scope and jurisdiction. We suggest a slight shift in approach that prioritizes the provision of supportive measures and the conducting of an investigation to the extent possible. Ultimately, it may be impossible to determine who engaged in the conduct, which will foreclose the possibility of any disciplinary process; however, an investigation may uncover the identity of the doer and details that impact the analysis of whether the conduct constitutes a potential violation of the Nondiscrimination Policy. For example, an investigation may unearth facts that support that the conduct was part of a course of conduct directed at a specific person, in which case it may constitute a report of stalking.

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 promote accountability and strengthen internal protocols within the Title IX/DHR program:

1. Coordinate with the Regional Director, Systemwide Title IX/Civil Rights Division, and subject matter experts to:
 - 1.1. Map the case resolution process from reporting and intake through to investigation and resolution process.
 - 1.1.1. Compare the current process against standard practices and identify any concerns related to timeliness, conflicts, gaps in communication, or gaps in consistent process.
 - 1.1.2. Identify, map, and reconcile intersections with faculty/staff grievance and disciplinary processes.
 - 1.2. Develop robust intake, outreach, and case management protocols for supportive measures and resources
 - 1.2.1. Develop internal protocols and written tools (e.g., templates and checklists) for intake and outreach, oversight of supportive measures, and decision-making regarding emergency removal or administrative leave
 - 1.2.2. Seek to hold an intake meeting with all individuals who make a report of conduct that would potentially violate the Nondiscrimination Policy
 - 1.2.3. Develop protocols for notifying and coordinating with the confidential advocate at the intake meeting, if possible
 - 1.2.4. Develop or update protocols for information sharing to ensure that the Title IX/DHR Office can fulfill its responsibility of documenting all supportive measures offered, requested, implemented, and if denied, the reasons for the denial
 - 1.2.5. Create a feedback loop to acknowledge responsible employee reports and confirm receipt of the report and next steps
 - 1.2.6. Establish standardized protocols for outreach to complainants that involve multiple modalities, systems to document outreach, and a protocol for how and when to make additional outreach in cases with non-responsive complainants, including the potential for outreach through a third-party or a responsible employee
 - 1.3. Develop integrated, written processes for initial assessment designed to evaluate known facts and circumstances, assess and implement supportive measures, facilitate compliance with Title IX and Clery responsibilities, and identify the appropriate institutional response after triaging the available and relevant information; as part of the initial assessment, the Title IX Coordinator/DHR Administrator should:
 - 1.3.1. Take steps to respond to any immediate health or safety concerns raised by the report

- 1.3.2. Assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation and the appropriate manner of resolution under the Nondiscrimination Policy
- 1.3.3. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness and/or any other individual with knowledge of the reported incident
- 1.3.4. Provide the complainant with both oral and written information about on- and off-campus resources (including confidential resources), supportive measures, the right to contact (or decline to contact) law enforcement or seek a civil protection order, the right to seek medical treatment, the importance of preservation of evidence, the right to be accompanied at any meeting by an advisor of choice, and an explanation of the procedural options available
- 1.3.5. Refer the report to appropriate campus officials to assess the reported conduct and determine the need for a timely warning or other action under the Clery Act
- 1.3.6. Assess the available information for any pattern of conduct by respondent
- 1.3.7. Discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns)
- 1.3.8. Explain the policy prohibiting retaliation and how to report acts of retaliation
- 1.3.9. Determine the age of the complainant, and if the complainant is a minor, make the appropriate report of suspected abuse consistent with state law
- 1.3.10. Evaluate other external reporting requirements under federal or state law or memoranda of understanding
- 1.3.11. Develop, and follow, a comprehensive written checklist/form to ensure that all required actions are taken under state and federal law
- 1.3.12. Develop checklist of factors to consider in determining whether to move forward without a complainant or whether informal resolution is appropriate and ensure sufficient documentation of the determination
- 1.3.13. Provide a written statement of concern at the conclusion of the initial assessment to ensure that the complainant (and as appropriate, the respondent) have a clear understanding of the nature of the report and the proposed resolution path
- 1.4. Separate support/advocacy functions from investigation to avoid role confusion and ensure clear demarcation between the individuals who provide supportive measures to a complainant, respondent or other individual in need of assistance, and the investigator
- 1.5. Strengthen campus collaboration and information-sharing through a multidisciplinary team (MDT) model
 - 1.5.1. The Title IX Coordinator/DHR Administrator, in conjunction with the Chancellor's Office, should identify essential university partners to serve on the MDT and set standards for meeting goals and sharing real time information. MDT members may include

representatives from the OSSR, Human Resources & Academic Personnel Services, UPD, the 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. Reconsider the current practice of sending a "sunset" communication. This communication is sent to inform a complainant that the office will be closing their case if the complainant does not respond or file a complaint within a period of time. We suggest leaving the correspondence open-ended to reflect the care and support role of the office.
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
6. Establish the expectation that any concerns observed by campus partners be addressed directly with responsible administrators and systemwide subject matter experts to facilitate collaborative efforts to improve the overall institutional response

B. 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 Nondiscrimination
 - 1.2. Dissemination of the Nondiscrimination Policy
 - 1.3. Information about reporting and resources
2. Develop an intentional marketing campaign to raise awareness about the role of the Title IX/DHR program, available resources, and resolution options, in order to enhance visibility and counter some of the negative community perspective precipitated by recent events, as well as historical instability in the Title IX/DHR Office leadership

- 2.1. Prioritize the messages of care, supportive measures, and resources
- 2.2. Differentiate and educate about the difference between confidential resources and reporting options
- 2.3. Partner with campus communications professionals to create and promote effective marketing materials, including through the use of professional branding that can be used across platforms (print, web, social media, imprinted on giveaway products)
3. Improve the Title IX/DHR website and other external-facing communications
 - 3.1. Review and revise web content, across all relevant webpages, for clarity, accuracy, and accessibility
 - 3.2. Update and enhance the Title IX/DHR Office's website and ensure that it generally 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, and information about prevention and education programming. As described in this report, opportunities for enhancement include, but are not limited to:
 - 3.2.1. Fixing the [broken link](#) when clicking on the office contact information link under "Definitions" on the [DHR webpage](#). The link provides the contact information for the Title IX/DHR Office
 - 3.2.2. Include information about the availability of supportive measures, regardless of whether a potential complainant wishes to pursue a resolution, and provide examples of potential supportive measures
 - 3.2.3. Include a broader Notice of Nondiscrimination on the basis of protected statuses other than sex/gender
 - 3.2.4. Include information about the Title IX/DHR resolution process, including general information about available resolution pathways (e.g., a step-by-step guide, flowchart, etc. for the formal resolution process)
 - 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
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);

C. 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. Expand the current SAPC and develop a university-wide Prevention and Education Oversight Committee to coordinate and align programming across the university
 - 4.1. The Committee should include all departments who provide training, prevention and education, including, at a minimum, representatives from the Title IX/DHR program, the confidential advocate, student affairs, student health, counseling, UPD, athletics, fraternity and sorority life, residential life, human resources and employee labor relations, academic/faculty affairs, DEI professionals, identity-based affinity centers, university subject-matter experts, and staff, faculty, and student representatives
 - 4.2. The Committee should include subcommittees, as determined by the Committee. Committees may focus on the needs of various constituencies (undergraduate students, graduate students, staff, administrators, and faculty) or the types of programming (compliance, professional development, prevention and education, bystander intervention, etc.)
 - 4.3. The Committee should be charged with reviewing prevention program content, evaluating proposed programming or speakers, ensuring that prevention-related communications are

reaching all constituents, and developing and implementing a mechanism for assessing effectiveness including by monitoring participation levels and measuring learning outcomes

5. With assistance from the Chancellor's Office, develop a strategic plan for university programming that identifies all training requirements under federal and state law and CSU policy, all constituencies and constituent groups in need of training, and all potential university partners that can collaborate to deliver content
 - 5.1. Constituent groups subject to required training should include students (undergraduate and graduate); targeted student populations (athletes, fraternity and sorority life, residential students, residence life student staff, international students, student leaders); senior leadership; faculty (deans, department chairs, leads, lecturers); staff (managers, supervisors); and campus partners who assist in the implementation of Title IX/DHR
 - 5.2. 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 nondiscrimination, reporting options and resources
7. Ensure that programming is coordinated, communicated and tracked
8. Develop a university website dedicated to prevention and campus programming that is kept current, facilitates distribution of prevention and education materials, and incorporates the opportunity for feedback and recommendations
9. Identify social media platforms and other vehicles for distributing programming information on a regular basis
10. In conjunction with the Chancellor's Office, expand professional development and training for faculty and staff, including senior leadership, deans, department chairs, managers and leads on Title IX and DHR; respectful and inclusive environments; conflict resolution; bystander intervention strategies; effective leadership and supervision; and, reporting responsibilities under Title IX, the Clery Act, and CANRA
 - 10.1. Ensure the training includes information about prohibited consensual relationships given the significant overlap of prohibited consensual relationships with Title IX, DHR and *other conduct of concern*
11. Create routine training, education, and professional development opportunities to cultivate competencies in navigating difficult conversations, bridging differences, and modeling respect and civility
12. Evaluate the potential opportunities for curricular or course-based programming credential-based options

13. Incorporate information about the Nondiscrimination Policy, reporting options, and confidential resources in syllabi statements
14. Commit to providing programming regarding bystander engagement through consistent and dedicated funding and personnel for the Check-It program
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

D. Responding to Other Conduct of Concern

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

1. In conjunction with the Chancellor's Office and CSU's Office of General Counsel, develop a written policy, document, or statement by senior leadership to establish expectations, guidelines, and/or definitions of conduct
 - 1.1. The written framework should address unprofessional conduct, abusive conduct, microaggressions, acts of intolerance, and other disruptive behavior in the living, learning and working environment
 - 1.2. The written framework must also address intersections with free speech and academic freedom, including the explicit recognition that the CSU cannot discipline for protected speech
2. Reinforce CSU values and expectations about respect, tolerance, and professionalism through programming and opportunities for in-person engagement
3. Strengthen and expand available competencies regarding conflict resolution, navigating interpersonal conflict, restorative justice, and other forms of remedial responses
 - 3.1. Strengthen traditional employee relations functions within human resources to assist in responding to concerns involving faculty and staff
 - 3.2. Strengthen competencies of managers, supervisors, deans and department chairs by providing expanded training and professional development to meet the needs of assigned roles
 - 3.3. Consider the need for additional personnel, such as an ombudsperson or a conflict resolution professional, including those with expertise in restorative justice and mediation
 - 3.4. Develop communications competencies to embrace the tension of difficult issues including the intersections of speech in the contexts of politically and socially-charged events and issues

- 3.5. Communicate the new and available conflict resolution suite of resources through web content, annual training, and awareness campaigns
- 3.6. Invest in education and training about conflict resolution
4. Create a centralized reporting mechanism that includes the option for online and anonymous reporting
 - 4.1. Ensure that the landing page for the anonymous reporting option includes appropriate caveats about the university's limited ability to respond to an anonymous report
5. Build a triage model/review process to ensure that all reports are assessed by Title IX and DHR professionals (and a subset of the Title IX/DHR MDT) and evaluate potential avenues for resolution that include the following:
 - 5.1. Identify potential policy violation and investigative response, if any
 - 5.2. Refer to the appropriate administrator/department to coordinate/lead the response
 - 5.3. Identify reasonably available individual supportive measures, if any, and
 - 5.4. Identify appropriate community remedies, if any
6. The reporting and resolution processes must ensure sufficient documentation system to track responsiveness, patterns and trends
7. This information should be tracked and analyzed on at least an annual basis to inform the need for remedial actions regarding culture and climate, targeted prevention and education programming, and ongoing issues of concern

Appendix I
Metrics: Campus Demographics and Population⁴⁰

The below chart reflects key metrics and demographic information for Cal Poly Humboldt.

California State Polytechnic University Humboldt			
Location Information			
Location: Arcata, CA (pop. 18,555) ⁴¹	County: Humboldt County (pop. 135,010) ⁴²	Locale Classification: Remote Town ⁴³	
University Information			
President: Tom Jackson, Jr., Ed.D. (May 2019-present)			
Designations: Hispanic Serving Institution (HSI) ⁴⁴			
Students – Enrollment Data ⁴⁵			
Total Number of Students		6026	
State-Supported		Self-Supported	
Undergraduates	5303	Undergraduates	94
Grad & Post Bac Students	555	Grad & Post Bac Students	74
Student Ethnicity ⁴⁶			
Overall (includes State- and Self-Supported)			
White	50%		
Hispanic / Latino	30%		
Two or More Races	7%		
Race and Ethnicity Unknown	5%		
Asian	3%		
Black / African American	3%		
International Student	1%		
Native Hawaiian / Other Pacific Islander	<1%		
American Indian / Alaska Native	<1%		
State-Supported (5,858 students)		Self-Supported (168 students)	
White	50%	White	52%

⁴⁰ Unless otherwise noted, Cozen O’Connor obtained data concerning Cal Poly Humboldt demographics, populations, Title IX and DHR staffing, operations and caseload from California State University and Cal Poly Humboldt sources. This report will be updated to reflect material inaccuracies brought to our attention on or before September 15, 2023.

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

⁴² U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/humboldtcountyca/PST045221>, population estimate as of July 1, 2021.

⁴³ Defined as a territory inside an Urban Cluster that is more than 35 miles from an Urbanized Area. 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>.

⁴⁴ HSIs are defined under the Higher Education Act as colleges or universities where at least 25% of the undergraduate, full-time enrollment is Hispanic; and at least half of the university’s degree-seeking students must be low-income. See <https://www2.ed.gov/about/offices/list/ope/itudes/eligibility.html>

⁴⁵ California State University Enrollment Data, Fall 2022, Cal Poly Humboldt: https://tableau.calstate.edu/views/SelfEnrollmentDashboard/EnrollmentSummary?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no For purposes of this table, “state-supported” refers to students for whom the State of California underwrites some or all of their educational expenses and “self-supported” refers to students whose educational expenses are not underwritten by the state. Across the California State University system, with some exceptions, self-supported degree seeking students are generally those enrolled in programs administered by professional and continuing education programs.

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

Hispanic / Latino	30%	Hispanic / Latino	21%
Two or More Races	7%	Race and Ethnicity Unknown	8%
Race and Ethnicity Unknown	4%	Two or More Races	6%
Asian	3%	Asian	<1%
Black / African American	3%	Black / African American	<1%
American Indian / Alaska Native	2%	American Indian / Alaska Native	<1%
International Student	1%	International Student	<1%
Native Hawaiian / Other Pacific Islander	<1%	Native Hawaiian / Other Pacific Islander	<1%
Other Student Demographics⁴⁷			
Overall (includes State- and Self-Supported)			
First in Family to Attend College	17%		
% students who are traditionally underrepresented ⁴⁸	35%		
% of undergrads who were Pell Grant recipients ⁴⁹	50%		
% of students who live on campus ⁵⁰	24		
% undergrads who are in a fraternity or sorority ⁵¹	1.5%		
4-year graduation rate for first-time FT freshmen ⁵²	25.7%		
State-Supported (5,858 students)		Self-Supported (168 students)	
Average Age	24	Average Age	39
Sex ⁵³	58% F; 42% M	Sex ⁵⁴	73%F; 27M
First in Family to Attend College	16%	First in Family to Attend College	47%
% traditionally underrepresented ⁵⁵	35%	% traditionally underrepresented ⁵⁶	29%
Instructional Faculty⁵⁷			
Total # of faculty	510		
Tenure-track	47.1%		
Lecturer	52.9%		
% full-time ⁵⁸	56.50%		
% part-time	43.50%		
Leadership body	University Senate ⁵⁹		
Staff⁶⁰			

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

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

⁴⁹ Pell Grants are federal grants that are usually awarded only to undergraduate students who display exceptional financial need. See U.S. Department of Education, Federal Student Aid, <https://studentaid.gov/understand-aid/types/grants/pell>. This data is for 2021 as 2022 data is not yet available.

⁵⁰ California State University, 2022 Systemwide Housing Plan, Figure 7, p. 20: <https://www.calstate.edu/impact-of-the-csu/government/Advocacy-and-State-Relations/legislative-reports1/Legislative-Report-CSU-Systemwide-Housing-Plan.pdf>

⁵¹ See <https://www.calstate.edu/dev/campuses/humboldt/Pages/student-life.aspx> (Data as of: 6/1/2022).

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

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

⁵⁴ *Id.*

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

⁵⁶ *Id.*

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

⁵⁸ California State University, CSU Workforce, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-workforce/Pages/default.aspx> See “Headcount/FTE by Campus” tab.

⁵⁹ Cal Poly Humboldt Academic Senate. See <https://senate.humboldt.edu/>

⁶⁰ California State University, CSU Workforce, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-workforce/Pages/default.aspx> See “Headcount/FTE by Campus” tab.

Total # of staff	597
% full-time	96.82%
% part-time	3.18%
Collective Bargaining Units	
Unit 1	Cal. Fed. of American Physicians and Dentists (UAPD)
Units 2, 5, 7, 9	California State University Employees' Union (CSUEU)
Unit 3	California Faculty Association (CFA)
Unit 4	Academic Professionals of California (APC)
Unit 6	Teamsters, Local 2010 – Skilled Trades
Unit 8	Statewide University Police Association (SUPA)
Unit 11	Academic Student Employees (UAW)
Athletics⁶¹	
NCAA Division	II
NCAA Conference	CCAA ⁶²
Number of sponsored sports for '22-'23 academic year	12
Number of student athletes ⁶³	250

⁶¹ NCAA Directory, <https://web3.ncaa.org/directory/orgDetail?id=291>, except where noted otherwise.

⁶² All sports are in the California Collegiate Athletic Association except Women's Triathlon, which is Independent.

⁶³ See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for California Polytechnic University Humboldt. 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 campus 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 Poly Humboldt, we received 562 responses⁶⁴ from students, faculty, staff, and administrators as follows:

Constituency	Number of Responses
Undergraduate Student	313
Graduate Student	51
Staff	126
Faculty	72
Administrator or Manager	15
Other	40

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:

- Culture of disrespect on campus. Consistently, survey respondents described feeling disrespected and discriminated against, including in classroom settings. Survey respondents described racism, transphobia, and sexism.
- ADA accommodations. Several survey respondents stated that buildings on campus were not ADA accessible and that they did not receive reasonable accommodations on the basis of disability.
- Sexual harassment. A significant number of survey respondents described being sexually harassed on campus, including experiencing inappropriate comments in classroom settings, or while walking on campus.
- Other conduct of concern. Survey respondents expressed frustration with the university not addressing conduct if it did not rise to the level of a Nondiscrimination Policy violation.
- Training updates requested. Survey respondents stated that online training modules were not relevant to them and were not inclusive of LGBTQIA+ individuals.

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

- President's speech as a barrier to community trust. Survey respondents expressed a loss of trust based on a recent speech by the President of the university in which the President stated that Title IX matters were "between individuals."
- Faculty retreat. Several survey respondents noted that they were aware of accused individuals who were permitted to relocate, resign, or retire rather than face Title IX consequences.
- Deep distrust, fear, and anxiety. Survey respondents expressed distrust in the university's ability or willingness to address allegations of harassment and discrimination. Many survey respondents described being afraid of experiencing or reporting sexual harassment or physical violence, attributing some of that fear to a historical lack of consequences imposed by the university.

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 Cal Poly Humboldt we reviewed the university's annual Title IX reports for years 2018-2019 through 2021-2022. These annual reports are posted online on Cal Poly Humboldt's Title IX/DHR Office website.⁶⁵ The annual reports provide data regarding the reports of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, Stalking, and – in 2021-2022, Sexual Exploitation and Sexual Harassment – made to the Title IX/DHR 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 campus.

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

II. Caveats Regarding Interpretation of Data

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

⁶⁵ https://titleix.humboldt.edu/sites/default/files/2021-2022_department_annual_report_0.pdf (last visited July 16, 2023).

campuses do not use consistent documentation and recordkeeping systems and practices to maintain their campus's data; the structure and questions posed by the Chancellor's Office to request data for the annual Title IX report have changed over time and not all campuses use the same report structure; some data requests and questions may be unclear and therefore subject to interpretation; and the annual Title IX reports do not capture foundational data that would enable an informed comparison between institutions, such as number of students and employees and number of residential versus commuter students.

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

In presenting the below data, we note that some campuses identified challenges with accuracy or completeness in their data. We have attempted to reconcile that data where possible, recognizing that some CSU institutions have provided data prepared by individuals who are no longer employed by the institution. Before publishing this report, we sent outreach to all Title IX Coordinators to request that they verify the accuracy of their 2021-2022 annual Title IX report. Cal Poly Humboldt verified the accuracy of the 2021-2022 annual Title IX report via email on April 27, 2023.

Finally, we recognize the significant impact of the global pandemic on colleges and universities across the country, including Cal Poly Humboldt. While we cannot know the precise impact that the pandemic had on incidence rates, awareness of campus resources, barriers to reporting and other relevant factors, we

are careful not to draw firm conclusions about trends over the past three years due to the obvious but unquantifiable differences in pre- versus post-pandemic conditions.

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

The below charts reflect the number of reports of Sexual Misconduct/Sexual Assault, Dating/Domestic Violence, and Stalking that the Title IX and DHR 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 Conduct⁶⁶

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	Data Not Reported	37	16	22
Reports of Dating/Domestic Violence		4	8	24
Reports of Stalking		8	6	11
Sexual Exploitation*		-	-	0
Sexual Harassment*		-	-	30
Total # of Reports in Above Categories		49	30	87
* This data was not requested by the Chancellor’s Office prior to the 2021-2022 academic year.				

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

B. Respondents' Roles⁶⁷

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

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Respondent is a student	23	31	13	37
Reports in which the Respondent is an employee	1	4	1	7
Reports in which the Respondent is a third-party	Data not available	8	0	11
Reports in which the Respondent is unknown		6	16	4
Reports in which the Respondent is unidentified				27
Total # of Reports in Above Categories	24	49	30	86⁶⁸

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

⁶⁸ We note that the number of reports accounted for in this chart is lower than the number of total reports above. While no explanation for this difference is provided, it may be that there were multiple complaints filed against an individual respondent.

C. Case Outcomes⁶⁹

The below data reflect the collective outcomes of reports to the Title IX and DHR Office.⁷⁰

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Complainant did not respond to outreach and there was insufficient information to move forward	45	40	8	26
Reports in which the Complainant’s identity was unknown to the Title IX Office		-		1
Reports in which the Complainant requested supportive measures or resources only		-	13	37
Reports that resulted in other outcomes (except formal investigation)		7	5	73
Reports that resulted in a formal investigation*	1	2	0	1
* We learned through this review that this category is not an accurate indicator of the total number of investigations, in part because of how the question was narrowly framed by the Chancellor’s Office. This number does not capture investigations that were open at the end of the reporting period. It also does not 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.				

⁶⁹ 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.

⁷⁰ 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.