

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

California State Polytechnic University, Pomona

The Institutional Response Group

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I. Introduction

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

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

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

- Infrastructure and resources at each CSU university and the systemwide Title IX and DHR offices;
- Training, education, and prevention programming for students, staff, and faculty at each university, the Chancellor's Office, and members of the Board of Trustees;
- The availability of confidential or other resources dedicated to supporting complainants, respondents, and witnesses;
- The life span of a Title IX or DHR report, from intake to resolution, including intake; outreach and support protocols; case management systems and protocols; staffing and models for investigations, hearings, sanctioning/discipline, grievance, and appeal processes; investigative and hearing protocols; inter-departmental campus collaboration, information sharing, and coordination in individual cases and strategic initiatives; document and data management 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, Pomona (Cal Poly Pomona Report). The Cal Poly Pomona review was led by Leslie Gomez and Adam Shapiro. The Cal Poly Pomona 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 Pomona 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 Pomona is located in Pomona, CA. It has a student population of 27,506, 12% of whom live on campus, and a workforce of approximately 3,249 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, on each campus. 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 Pomona, Cozen O'Connor conducted a three-day campus visit from December 13 to 15, 2022. In total, Cozen O'Connor conducted 18 meetings with more than 45 administrators and other key campus partners, some of whom we spoke with on multiple occasions. These meetings included interviews with the following individuals and departments (identified by role):

- University President
- Chief of Staff to the President
- Office of Equity and Compliance (OEC)
 - Assistant Vice President for Institutional Equity and Compliance (Title IX Coordinator and DHR Administrator)
 - Senior Deputy Title IX Officer (former)
 - Complaint Resolution Manager / Investigator (2)
 - Operations and Program Coordinator
- Campus Advocate (Survivor Advocacy Series Senior Coordinator)
- Student Affairs
 - Vice President of Student Affairs
 - Dean of Students
 - Interim Director, Student Conduct and Integrity
- Inclusive Excellence
 - Chief Diversity Officer
 - Academic Deans (multiple)
- University Counsel
- Student Health and Wellness
 - Director of Student Health and Wellness
 - Interim Associate Vice President, Student Health and Wellbeing
 - Senior Coordinator, Health Promotion and Wellness Services
 - Health Educator
- Vice President for Administration & Finance and CFO
 - University Police Chief
- Clery
 - Clery Coordinator
 - Clery Compliance Analyst
- Provost
- Human Resources
 - Associate Vice President, Employee and Organizational Development and Advancement
 - Director of Employee Labor Relations and Compliance
- Faculty Affairs
 - Interim Associate Vice President, Faculty Affairs
 - Executive Director of Academic Personnel
- Residence Life/Housing
 - Executive Director of University Housing Services

- Senior Coordinator of Residential Education and Leadership
- Associate Vice President for Student Affairs
- Senior Coordinator of Residential Education and Leadership
- Centers for Transformation, Retention, Equity and Empowerment (TREE) / Identity Center
 - Director, TREE
 - Associate Director, TREE; Coordinator, Cesar Chavez Center
 - Coordinator, Womxn's Resource Center
 - African American Student Retention Coordinator
 - Associate Dean of Students
 - Pride Center Coordinator
 - Interim Coordinator, Cesar Chavez Center
 - Interim Coordinator, Native American Student Center
- Athletics
 - Athletic Director
 - Interim Assistant Athletic Director and Deputy Title IX Coordinator

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 (calstaterreview@cozen.com), as well as through individual meetings via Zoom.

During our in-person campus visit, Cozen O'Connor also held various meetings with faculty, staff, and students. These meetings consisted of an open faculty forum (four attendees), a meeting with faculty and staff union leaders (five attendees), a meeting with the Academic Senate Executive Committee (six attendees), and a meeting with the leadership of the Associate Students (seven attendees).

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 1,457 responses to the survey from Cal Poly Pomona students, faculty, staff, and administrators. A summary of the survey response rate and data is included in Appendix II.

III. Summary of Findings and Recommendations

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

Infrastructure, Strengthening Internal OEC Processes and Coordination with Partners:

The OEC team has a high level of fluency, competence, and experience with respect to Title IX and DHR, and the team has a strong working relationship with campus partner offices. Although the Office has more full-time employees than many other CSU Title IX/DHR offices, it is nonetheless under-resourced in terms of the overall campus population. In the face of a recent uptick in Title IX and DHR complaints, the Office has experienced some turnover and has a vacancy for a second-in-command (deputy or assistant director position). Relatedly, and in part a downstream consequence of these resource challenges, OEC has struggled in terms of responding to and investigating complaints in a timely manner, and it has not been able to proactively undertake prevention and education programming. We recommend that Cal Poly Pomona carefully evaluate the ongoing need for expanded resources; create a formal multidisciplinary team that would meet on a regular basis to discuss all incoming student, staff, and/or faculty reports related to Title IX/DHR; formally separate its intake/outreach functions from its investigative functions within OEC; and conduct an internal mapping exercise of internal processes to identify efficiencies and process improvements.

Awareness and Visibility of OEC: While OEC is perceived positively by administrators and campus partner offices, and generally perceived positively by the broader campus community, some segments of the campus community (including students) are unaware of OEC's function and services. Additionally, we learned that some employees have a knowledge gap in terms of their responsible employee reporting obligations. To address these concerns, we recommend taking steps to increase the awareness and visibility of OEC, including launching an awareness campaign to educate the university about the Office, its purpose and function, and resources available through OEC.

Prevention and Education: Given staffing and resource challenges, Cal Poly Pomona's approach to prevention and education, which is provided almost exclusively by Survivor Advocacy Services (the campus confidential Advocate), is *ad hoc* rather than strategic, and the programming offered is minimal. We recommend that Cal Poly Pomona build a formal prevention and education program, including a dedicated prevention and education coordinator, and a campus 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*:² As with other CSU universities, Cal Poly Pomona struggles to respond to conduct issues that do not rise to the level of a policy violation, but nonetheless are disruptive to the living, learning, and working environment of the campus community. Although the university has historically had an ombudsperson to assist with conflict resolution, Cal Poly Pomona currently has no consistent and formalized mechanism for navigating these behaviors, which we refer to as *other conduct of concern*. 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. Cal Poly Pomona has taken a number of steps over the years, including creating CPP Listens, a website that has a link to an [online reporting form](#) as a means of facilitating visibility for any concerns raised by community members (including anonymous concerns) that have the potential to negatively impact campus climate; responding to a May 2022 Cal Poly Pomona Academic Senate [resolution](#) to reestablish the Ombuds by creating a joint Academic Senate and Administration Working Group on conflict resolution to evaluate models for a university resource; and, in March 2023, charging an administrative working group to develop an operational model that would serve the larger community, including staff and students in addition to faculty.³ The proposed model under evaluation is a Conflict Resolution Services & Ombuds. We recommend that Cal Poly Pomona work closely with the Chancellor's Office to continue

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

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

³ *Report and Recommendations, Working Group: Conflict Resolution Services & Ombuds* (April 21, 2023)

to develop a formal process to address reports of *other conduct of concern*. In developing this formal process, attention should be paid to strengthening and expanding competencies regarding conflict resolution, restorative justice, and other remedial responses; creating a centralized and anonymous reporting mechanism at the university level; and establishing a formal triage and review process that ensures appropriate analysis, documentation, and tracking.

IV. The Office of Equity and Compliance

A. Infrastructure

The Office of Equity and Compliance (OEC) is the office responsible for the implementation of Title IX and DHR at Cal Poly Pomona. It is physically located on the second floor of the Student Services Building West. The Assistant Vice President for Institutional Equity and Compliance (the Title IX Coordinator/DHR Administrator) reported, initially, directly to the University President. On May 4, 2023, the President announced to the campus community that she created a new unit, the People, Culture and Institutional Affairs (PCIA) unit, in the Office of the President. Among other functions, OEC is now housed within this unit and is led by the Vice President and Chief of Staff. As stated on [OEC's website landing page](#), "OEC is committed to cultivating a campus environment where members of our community can learn and work free of sexual misconduct, discrimination, harassment, and retaliation. The OEC team endeavors to support this commitment through the following efforts: maintaining high visibility and transparency; promoting accountability; education and programmatic initiatives; [and] encouraging and empowering individuals to report." The website further describes the Office's operations as follows:

[OEC] oversees the University's compliance with Federal and State laws and regulations and CSU System policies. Part of this compliance includes overseeing reports and investigations of prohibited conduct, including:

- discrimination, including harassment, because of any protected status, (i.e. age, disability, gender, genetic information, gender identity or expression, nationality, marital status, pregnancy, race or ethnicity, religion, sexual orientation, and veteran or military status);
- retaliation for exercising rights under non-discrimination policies, opposing discrimination or harassment because of a protected status, or for participating in any manner in any related investigation or proceeding;
- sexual misconduct which includes any sexual activity engaged in without affirmative consent;

- dating and domestic violence[;]
- stalking; [and]
- sexual exploitation

Other aspects of compliance that the OEC oversees includes:

- Religious accommodation requests from students and employees;
- Consensual Relationship Policy

As presently constituted, OEC consists of [five staff members](#): the Assistant Vice President for Institutional Equity and Compliance (the Title IX Coordinator/DHR Administrator); two Senior Complaint Resolution Managers (investigators); an Operations & Program Coordinator; and an Administrative Support Coordinator. There is also a vacancy for a Deputy Title IX Coordinator. At the time of our campus visit, this position had recently been filled, but the person who was newly hired to that role has since left Cal Poly Pomona.

The Title IX Coordinator/DHR Administrator has served in the role since March 2020. The Senior Complaint Resolution Managers have both served as OEC investigators since 2021 (though each had prior experience at Cal Poly Pomona, one as a coordinator within OEC and the other in Employee/Labor Relations). The Operations & Program Coordinator has served in the role since 2022. And at the time of our visit, the Administrative Support Coordinator was a temporary employee added in 2022. As reported to us, OEC was “fully staffed” for the first time in October 2022 with the onboarding of its Deputy Title IX Coordinator, but the Deputy position became vacant in January 2023 after less than half a year and the role remains vacant.

Although there is relative stability within OEC in that the Title IX Coordinator/DHR Administrator and its two investigators have now served in their roles for two years or more, the team as a whole is relatively new to Cal Poly Pomona and, therefore, does not have a long institutional memory and is still gaining experience. Additionally, as each of OEC’s employees began working in OEC during the COVID-19 pandemic, they are still adjusting to “routine” in-person office functioning. With the additional element of turnover in the Deputy Title IX Coordinator position, OEC is still in a state of flux and struggling to find its footing in terms of consistent and adequate staffing levels. Individuals reported to us that they were concerned, especially in light of an uptick in cases reported to OEC, that the OEC staff was overburdened and that their workload was “not sustainable” without additional support. They reported that the Office needs, at a minimum, a Deputy Title IX Coordinator and a dedicated training/prevention specialist.

Based on our interactions during our campus visit and in follow-up meetings, we received consistent feedback and observed that OEC operates with a strong culture of care and that OEC is trusted as a valuable resource among the Cal Poly Pomona community. University administrators and key campus partners reported having a high level of confidence in the hardworking OEC team, and we observed a mutual respect between OEC and other University offices. Although the Title IX and DHR functions are still nascent and continuing to mature, we observed that the OEC exhibited fluency and competence in terms of the subject matter.

At the time of our campus visit, OEC was in the process of transitioning to Maxient as its case management system, but the process was reported as challenging. Prior to Maxient, OEC relied on its staff to manage cases on an individual basis, and, as reported to us, “everyone managed their cases differently” with most staff members relying on Excel spreadsheets.

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 OEC

Individuals with whom we spoke reported that OEC had been rebranded several times in the past few years, such that the student population is generally not aware of what the office is or does. It was reported that, to the extent students have an awareness of the office, they generally refer to it as the “Title IX Office.” More broadly, though, we learned from student leaders that the student population (which consists of a sizable commuter population) does not know what OEC is, where it is located, or the services it offers. The university professionals with whom we spoke reported that employees were far more aware and knowledgeable about OEC than students. That said, we heard from multiple people that “most people on campus don’t encounter OEC or Title IX except for their one annual required training.”

To the extent that members of the university community were aware of OEC, we received consistent feedback that they had a positive impression of the office. However, we also learned that there is a significant knowledge gap amongst both students and employees about their reporting options and/or duties. One individual reported that they had “never worked on a campus this size where people don’t know they’re supposed to report things to Title IX. It comes up all the time.” The individual explained that

it is not unusual for the Care Center team, rather than (or in addition to) OEC, to receive reports of student sexual assaults from a student or employee because that student or employee did not know they could – or, in the case of employees, must – report the incident to OEC. Another individual reported that “everyone knows [the Title IX Coordinator/DHR Administrator], but people don’t know what Title IX is or what their responsibilities under Title IX are.” And another individual reflected that it seemed like there was a “very narrow entry point” to OEC because the “students and staff have no idea where to go.”

As described below, OEC has made some positive initial steps towards raising community awareness simply by having a functional and updated website. OEC also has an Instagram page, which is linked to the OEC website, but which could be made more visible on the OEC website and could include more in the way of substantive posts. Additionally, some individuals with whom we spoke expressed a desire for OEC to conduct more community outreach events, such as tabling, to raise the visibility of the office especially to the student population.

With that said, OEC has experienced a significant uptick in Title IX and DHR reports in recent years, which is a strong indication that the campus’s awareness of OEC is on the rise and that community members are growing more comfortable making reports. During the 2019-20 year, OEC received 122 Title IX reports and 37 DHR reports; during the 2020-21 year, OEC received 79 Title IX reports and 68 DHR reports (a decrease driven substantially by COVID-19 shutdowns); during the 2021-22 year, OEC received 147 Title IX reports and 66 DHR reports; and by the time of our campus visit, which was only a few months into the 2022-23 year, OEC had already received approximately 100 Title IX reports and 35 DHR reports.

C. Website

Cal Poly Pomona has a robust web presence for OEC compared to sister universities across the CSU. The website contains a wealth of information about the Office as well as available resources for students, staff, and faculty. It is well organized and contains up to date content and contact information for the [OEC team](#).

Notably, unlike many other peer offices in the CSU that have separate websites for DHR and Title IX (even where the office is charged with implementing both programs) OEC’s website helpfully pulls all of this information under one roof, which makes it easier for community members to navigate and understand. Additionally, unlike other peer offices, OEC’s website contains notices of nondiscrimination not only relating to gender or sex, but also relating to other protected statuses. The website is user friendly to navigate, with well-organized and intuitive content tabs for displaying information. Every page on the site

contains a static “Quick Links” that contains, among other things, a link to an [online Title IX and DHR Reporting Form](#) through Maxient; users may also access this form via a QR code on OEC’s landing page. The [Contact Our Office](#) webpage has a link to [OEC’s Instagram page](#), though we note that this link could be displayed more prominently throughout the website and that the content on the Instagram page could be expanded to include substantive information (including videos) beyond announcements of special programming such as Sexual Assault Awareness Month, Denim Day, etc. Finally, we note that the website contains a tab with information about Cozen O’Connor’s systemwide assessment, the Cal Poly Pomona implementation team, and a section for any forthcoming updates about the assessment. This will be a useful way to raise visibility in terms of directly communicating with and updating the campus community on developments.

OEC’s website includes:

- A [landing page](#) with information about OEC, its mission, and vision, as well as other information, including links to a [Meet the OEC Team](#) webpage and a QR code and hyperlink for filing a report
- Information specific to Title IX, including:
 - [Information](#) about what Title IX is, when to contact OEC, and the services OEC offers
 - Available [reporting options](#)
 - Relevant [CSU policies](#) and [terms and definitions](#) from the CSU Nondiscrimination Policy
 - Title IX [updates and news](#) and information on a [Title IX Coordinated Community Response Team](#)
- Information specific to DHR, including:
 - [Information](#) about what DHR is, what protected categories are, and notices of nondiscrimination
 - [Reporting](#) an incident
- Information about required [trainings](#) and an [online form](#) for requesting customized presentations and trainings
- Information about available resources, including:
 - On- and off-campus [resources](#), as well information sheets on [reporting options](#) and [victims’ rights and options](#); a [wallet pocket card](#) about Title IX resources and information; and information on [helping others](#), [confidentiality](#), and sample language for [course syllabi](#)
 - [CPP Support Advisors](#)
 - [Gender Inclusive Initiatives](#)
 - Information for [pregnant, nursing, and/or parenting](#) individuals⁴
- Information about [Cozen O’Connor’s systemwide assessment](#)

⁴ We note that there are two separate webpages with information on this topic, some of which is duplicative. We recommend combining these webpages into one.

D. Reporting Options

Reports of prohibited conduct based on protected status — including discrimination, harassment, and retaliation — may be made to OEC in person or via email, telephone, or an [online reporting form](#) that is accessible on every page of [OEC's website](#).⁵ OEC's website also contains a QR code that links to the online reporting form so that users can more easily make reports. The online reporting form is not linked to other University webpages such as Employee/Labor Relations, Faculty Affairs, and Student Affairs/Student Conduct. There is one combined online reporting form, which is used for reports of both sexual misconduct and discrimination, harassment, and retaliation based on other protected classes. We note that the use of a single form for reports of all types of protected class misconduct simplifies the process for individuals seeking to make a report.

The online reporting form does not require the user to input the identity of the complainant or respondent. However, the instructions state that responsible employees must provide all available information, including the identities of the parties, even where anonymity has been requested. The instructions also state that OEC will “endeavor to honor any Complainant’s request for confidentiality” but that it may have to share information “with other University employees and law enforcement . . . on a ‘need to know’ basis.”

E. Case Processing

As explained during our campus visit, OEC typically receives reports via Maxient, but also receives reports by email, phone call, or walk-in. In terms of third party/responsible employee reporting, OEC reported that they receive many student incident reports from Housing and faculty members. Employee/Labor Relations and Faculty Affairs also refers cases to OEC. To the extent a complainant does not fill out an online Maxient incident report form, OEC encourages them to do so prior to intake. We recommend removing this request from the intake protocol and gathering information directly from the complainant, rather than directing them to a form.

The Title IX Coordinator/DHR Administrator and OEC staff receive all incoming incident reports via Maxient. Upon receipt of a report, OEC conducts outreach to the complainant. The outreach, which is usually sent by the Title IX Coordinator/DHR Administrator by email, includes information about the CSU

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

Nondiscrimination Policy, available Rights and Options, the availability of supportive measures and other resources, and the option to participate in an intake meeting. We reviewed a template outreach communication, and it provides extensive information, including all legally required information, in a neutral and caring tone.

The Title IX Coordinator/DHR Administrator will assess whether OEC jurisdiction is proper. To the extent a case clearly does not fall within the scope of Title IX and OEC knows there will not be an investigation, the case will be assigned to OEC's Operations & Program Coordinator to conduct intake and offer supportive measures and/or available resources. To the extent OEC believes it can exercise jurisdiction, one of OEC's investigators will be assigned to handle the case, beginning with intake. In the event a complainant does not respond to outreach from OEC, OEC will conduct at least one other outreach attempt 1-2 weeks later before sending a closure letter; the subsequent outreach attempts may include a phone call or text in lieu of an email.

OEC reported that there is no dedicated intake person within the office and that the investigators conduct the intake meetings (based on whoever is available at a given time) and oversee the matter through resolution. Although we heard that this is done for efficiency's sake and because parties historically reported feeling "disconnected" from the process when they had to interact with multiple OEC team members, our recommendations include formally separating OEC's outreach/intake functions from its investigative functions in order to avoid potential confusion by parties between OEC's responsibility to help the parties through the provision of supportive measures and OEC's responsibility, in cases that proceed to formal resolution, to conduct a neutral and impartial gathering of facts.

During intake, which usually occurs approximately 10 days after initial outreach due to scheduling and availability constraints, the OEC investigator discusses OEC's scope and jurisdiction, describes the office's neutrality, and describes available resolution options, resources, and supportive measures (which are always available to parties, regardless of which resolution path the case proceeds under). They review with the complainant the complaint process and parties' rights and options, focusing on what the individual "needs in the moment" in terms of care and support.

To the extent a complainant decides to file a formal complaint, OEC issues a Notice of Investigations letter, if appropriate as determined by the Title IX Coordinator/DHR Administrator. However, Title IX/DHR professionals reported that the duration of time between the initial intake meeting and OEC's issuance of

the notice is long – often about one month. The reason for this delay was attributed in part to OEC’s practice of drafting and issuing to the parties highly detailed Notices of Investigation, which require, among other things, that there be a follow-up meeting with the complainant to get a “formal” statement; this process has reportedly been driven by OEC’s understanding that they are required by the Chancellor’s Office to draft an in-depth notice of allegations/investigation. The delay was also attributed in part to OEC’s practice of allowing the parties to review and comment on interview notes before issuing the notice. Our recommendations include streamlining the intake process and shortening the timeline from intake to Notice of Investigation through a number of process improvements shared with OEC during our campus visit.

The steps OEC takes following the initial meeting with the complainant may include the following: provision and oversight of supportive measures, investigation and hearing, informal resolution, or the dismissal of a formal complaint (based on the judgment of the OEC’s Title IX Coordinator/DHR Administrator). The provision of supportive measures is managed by the OEC staff, including the investigators. A complainant may receive supportive measures even if no formal complaint and investigation is sought. The majority of reports to OEC involve the provision and oversight of supportive measures or no response from complainants. In the event a complainant wishes to proceed to formal resolution and OEC determines it is within its jurisdiction to do so, the respondent is provided the same process and access to the supportive measures and resources.

Informal resolutions, at the request of both parties, are also handled by OEC’s investigators under the supervision of the Title IX Coordinator/DHR Administrator.

Investigations are conducted by the OEC staff. As noted, OEC has two dedicated investigators. Despite the positive feedback about OEC’s care-first approach and responsiveness, OEC has struggled to complete formal resolutions in a timely manner. As noted below, it can take a year or longer for OEC from an intake meeting to the issuance of a final report. In addition to staffing levels within OEC and case-specific factors that might extend the length of an investigation (for example, parties’ and witnesses’ availability and responsiveness, the complexity of a case, and the number of witness interviews that are needed), we observed that there are process-driven factors within OEC’s control that also impact the timeline. For instance, it was reported that there are routine delays in issuing Notices of Allegations in part because significant review process prior to the issuance of a Notice. It was also reported that, on the back end, there is an extensive review process both internal to OEC and by University Counsel. Our

recommendations include a mapping of the formal resolution process and strategies to more efficiently commence investigations and issue reports.

In the event a case proceeds to a hearing, a pool of hearing officers is provided by the Chancellor's Office.

F. Review of Case Files and Template Communications⁶

At Cozen O'Connor's request, OEC provided a sampling of four Title IX and DHR investigation reports. The investigation reports were all from 2020 and 2021, and none were drafted by members of the current OEC investigative team. In terms of substance, the investigation reports reflected that OEC was thorough in terms of collecting and summarizing evidence, consistent and clear in their writing, and, where applicable, cogent in their reasoning and analysis. However, the reports reflected long timeframes in terms of the length of the investigative process, with most of them taking up to or over one year to go from the complaint phase to the issuance of the written report. The case timelines are as follows: 8.5 months (DHR); 12.5 months (DHR); 16 months (Title IX); and, 11.5 months (Title IX).

OEC provided sample templates of their communications with parties and witnesses with respect to, among other things, the Notice of Allegations, the Notice of Evidence Review, and the Notice of Hearing. We reviewed OEC's template communications and found them to be legally compliant, neutral in tone, informative, and to convey professionalism and competency. The outreach letters, Notices of Investigation, and other correspondence include all necessary information for parties to make informed decisions, including information about their rights and options, information about the Nondiscrimination Policy, and information about the availability of supportive measures at any point.

G. Community Feedback about OEC

We received consistent feedback, and observed, that OEC is committed to a culture of care and is staffed with dedicated employees who take seriously their responsibilities to the campus community. The feedback we received from individuals in terms of the quality of their interactions with OEC – including from university partners who collaborate with OEC as part of the normal course of their duties – was overwhelmingly positive, and they praised the Office for their hard work, dedication, and care-first

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.

approach. Individuals with whom we spoke reported that OEC was responsive to communications from parties and responsible employees and proactive in terms of offering supportive measures to parties and working with other offices to connect them with resources via warm handoffs. This feedback was encapsulated by one campus partner who said, “The strength of this campus and the Office [OEC] is that the people really care,” and by another campus partner who said, “OEC are incredibly strong partners. We’re a large campus . . . and it blows my mind how many things OEC can be at and with a good attitude.”

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;⁷ (ii) adopt grievance procedures that are prompt and equitable;⁸ and (iii) publish a non-discrimination statement.⁹ In the sections below, we describe our observations of the University’s compliance with each of these core Title IX obligations. Although the implementing regulations and regulatory frameworks are not as prescriptive under other federal and state laws that address all other protected class discrimination, harassment, and retaliation,¹⁰ we incorporate the Title IX framework as it relates to these core requirements, because they apply equally to DHR programs.

⁷34 C.F.R. § 106.8(a).

⁸34 C.F.R. § 106.8(b).

⁹34 C.F.R. § 106.8(c).

¹⁰ 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.

A. Title IX Coordinator

Under the current Title IX regulations, every educational institution that receives federal funding must designate at least one employee, known as the Title IX Coordinator, to coordinate the institution's Title IX compliance efforts.¹¹ In this role, the Title IX Coordinator is designated as the university official responsible for receiving and coordinating reports of sex discrimination, including sexual harassment, made by any person.¹² 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.¹³ The Title IX regulations detail the responsibilities of the Title IX Coordinator, which include, among other things:

1. Receiving reports and written complaints;¹⁴
2. Coordinating the effective implementation of supportive measures;¹⁵
3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;¹⁶
4. Considering the wishes of the complainant with respect to supportive measures, including explaining the process for filing a formal complaint;¹⁷
5. Attending appropriate training;¹⁸

¹¹ 34 C.F.R. § 106.8(a).

¹² *Id.*

¹³ *Id.*

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

¹⁵ *Id.*

¹⁶ 34 C.F.R. § 106.44(a).

¹⁷ *Id.*

¹⁸ 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

6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;¹⁹
7. Overseeing the prompt and equitable nature of any investigation or resolution;²⁰ and
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.²¹

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.²² 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

grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudice of the facts at issue, conflicts of interest, and bias.")

¹⁹ 34 C.F.R. § 106.45(b)(1)(iii).

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

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

²² 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."

MPPs and “have the qualifications, authority and time to address all complaints throughout the campus involving Title IX issues.”²³ Finally, Attachment B recommends that all campus Title IX Coordinators “be someone without other institutional responsibilities that could create a conflict of interest (e.g., someone serving as University Counsel or as a disciplinary decision maker)” and that they report to a supervisor who is a Vice President or higher.

In addition to reviewing these written guidelines applicable to the system as a whole, Cozen O'Connor evaluated whether, in practice, each 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.

The current Assistant Vice President for Institutional Equity and Compliance has served as Cal Poly Pomona's Title IX Coordinator and DHR Administrator since March 2020. Her contact information – as well as contact information for the Title IX Office more broadly – is displayed on the University's OEC [website](#). We find that the Title IX Coordinator/DHR Administrator is appropriately positioned organizationally, as she reports to the Vice President and Chief of Staff within the President's Office.

In terms of resources, the Title IX and DHR functions struggle in much the same way as other sister offices across the system. OEC has five full time employees – the Title IX Coordinator and DHR Administrator; two Senior Complaint Resolution Managers / Investigators; an Operations and Programs Coordinator; and an Administrative Support Coordinator. During our campus visit, OEC also employed Senior Deputy Title IX Officer, but that position is now vacant. The OEC team reported during our campus visit that staffing levels were insufficient to proactively address the needs of the campus.

In terms of training, we observed that the Title IX Coordinator/DHR Administrator has a high level of substantive subject matter fluency with respect to Title IX and DHR issues.

²³ The [Nondiscrimination Policy](#) similarly defines campus DHR Administrators as “the [MPP] Employee at each campus who is designated to administer this Nondiscrimination Policy and coordinate compliance with the laws prohibiting Discrimination, Harassment and Retaliation.” The Nondiscrimination Policy states that the DHR Administrator “may delegate tasks to one or more designees, provided that any designee shall be an MPP Employee or an external consultant, and the DHR Administrator retains overall responsibility and authority.”

Finally, Cal Poly Pomona's OEC houses both the Title IX and DHR functions and we observed no obvious conflicts of interest in terms of the Title IX Coordinator/DHR Administrator role.

B. Notice of Non-Discrimination

The Title IX regulations require that institutions publish a nondiscrimination statement.²⁴ 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;²⁵
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.²⁶

Cal Poly Pomona has a [Notice of Non-Discrimination on the Basis of Gender or Sex](#) published under the DHR tab of the OEC website, which, consistent with the Title IX regulations, states that the University does not discriminate on the basis of gender or sexual orientation in its education programs and activities, including employment and admissions. According to the Notice, this prohibition on discrimination extends to sexual harassment, sexual misconduct, sexual exploitation, dating and domestic violence, and stalking. The Notice provides the required contact information, for the campus Title IX Coordinator and OCR, to individuals seeking to report sex discrimination.²⁷

²⁴ 34 C.F.R. § 106.8(b).

²⁵ *Id.*

²⁶ 34 C.F.R. § 106.8(b)(2).

²⁷ We note that there are still active links on the internet to outdated Notices of Non-Discrimination on the Basis of Sex from [2020](#) and [2021](#).

There is no direct link to this Notice on most other University webpages, including the webpages for Admissions, Athletics, and Student Life.

Cal Poly Pomona also has a broader Notice of Non-Discrimination on the basis of protected classes other than sex and gender, which is posted on its [OEC website](#). The [landing page for the OEC website](#) further reiterates that OEC’s mission involves overseeing reports and investigations of prohibited conduct, including “discrimination, including harassment, because of any protected status, (i.e. age, disability, gender, genetic information, gender identity or expression, nationality, marital status, pregnancy, race or ethnicity, religion, sexual orientation, and veteran or military status;)” The broader Notice of Non-Discrimination is not published on most other University websites, but some of its language is included on other sites such as the webpage for [Employment Opportunities](#).²⁸ Uniformly publishing a broader Notice of Non-Discrimination, 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, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and other relevant federal and state laws prohibiting protected class discrimination, harassment, and retaliation.

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

²⁸ We note that there are still active links on the internet to a standalone but outdated broader Notice of Non-Discrimination from [2019](#) and [2021](#), as well as a Nondiscrimination Policy posted on an archived [2013-14 Student Conduct and Discipline catalog](#).

²⁹ 34 C.F.R. § 106.8(c).

³⁰ *Id.*

CSU's Chancellor's Office maintains the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#). Consistent with its obligations under Title IX and other federal and state laws prohibiting protected class discrimination, harassment, and retaliation, this document sets forth the grievance procedures and process for resolving reports of sex discrimination, as well as other protected class prohibited conduct. Pursuant to the Nondiscrimination Policy, there are three separate tracks for formal resolution of complaints. Specifically, "Track One" applies to reports of sexual harassment that fall within the federal mandated hearing process required under the 2020 Title IX regulations; "Track Two" applies to reports of sexual misconduct, dating violence, or domestic violence against a student where credibility is an issue, that fall within the mandated hearing process articulated in California case law; and "Track Three" applies to all other reports that allege a violation of the Nondiscrimination Policy.

This Nondiscrimination Policy, which applies to all 23 CSU universities, is an omnibus policy document that maps the complex and overlapping procedural requirements mandated by several federal and state frameworks, including the federal Title IX regulations, California state law relating to sex discrimination and sexual harassment in higher education, California case law relating to due process, and other federal and state laws relating to discrimination based on other protected classes. Although the Nondiscrimination Policy is consistent with the legal requirements of Title IX and the related federal framework for discrimination and harassment on the basis of protected statuses, Title IX/DHR professionals and campus constituents from every university consistently expressed to Cozen O'Connor 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

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."

enforced. Given the significant overlap of the prohibited relationship policy with Title IX, and DHR and *other conduct of concern*, attention should be given to the training and enforcement of this prohibition. We recommend that training on this section of the policy be incorporated into required training and education. On many campuses, this was an issue of significant concern for faculty and staff.

VI. Campus Coordination

Through our campus visit and follow-up meetings, we consistently heard administrators and key campus partners praise the healthy communication within OEC as well as the healthy collaboration between OEC and other partner offices such as Student Affairs/Student Conduct, Housing, Survivor Advocacy Services, UPD, Employee and Labor Relations, and Faculty Affairs. The OEC team meets internally on a weekly basis to discuss new and ongoing cases. In terms of inter-office communications, common refrains about campus collaboration included that OEC is an “incredibly strong partner,” with some saying that it “blew their minds” in terms of how willing OEC is to collaborate, communicate, and offer trainings and presentation upon request, given the size of the university population.

However, despite open lines of communication between OEC and these offices, this communication generally occurs in an organic fashion, on an as-needed basis, as opposed to being the result of a formalized, routinized infrastructure such as a standing cross-departmental meeting. There is no formal multidisciplinary team in place that meets on a regular basis to discuss all new student, staff, and/or faculty cases. According to one administrator, “There is no multidisciplinary team and coordination. It’s like everyone is just throwing spaghetti at the wall in terms of knowing what to do.” We consistently heard that there is a strong willingness from all campus partners to institute such a routinized and structured meeting. Our recommendations speak to establishing such a multidisciplinary team.

We also learned that, prior to our campus visit, at the President’s direction, the university conducted a highly effective mapping exercise to outline the process for staff and faculty cases, which provided added clarity for how reports were processed by OEC and its partners. We recommend a similar mapping exercise be undertaken on the student side, which we began during our campus visit.

In terms of recordkeeping and data management across offices, we received feedback that documentation was scattered and siloed, and that documentation processes were inconsistent. Some individuals reported that, as a result, it has been exceptionally difficult and time-consuming to locate all responsive data when the University has had to respond to recent Public Records Act requests. These

individuals expressed concern that the University has relied too much on institutional memory rather than good systems and processes. At the time of our visit, OEC was transitioning to Maxient; it was reported that the transition had been challenging and that OEC had not received sufficient training on Maxient. Prior to Maxient implementation, OEC relied on its staff to manage cases on an individual basis, and, as reported to us, “everyone managed their cases differently,” with most staff members relying on Excel spreadsheets. Employee and Labor Relations, by contrast, was using HR Accuity. Finally, we spoke with multiple individuals who referred to recordkeeping for faculty as an area of concern; they reported that faculty disciplinary files were “all over the place” in “siloes” locations (e.g., at the department level, at the chair level, within colleges, etc.). One individual referred to the faculty recordkeeping as “a black hole.” Our recommendations will speak to centralizing documentation.

A. University Police Department

The [University Police Department](#) (UPD) is a full-service, sworn police agency that operates 24 hours a day, year-round. The department provides law enforcement and emergency response, conducts criminal investigations, offers crime prevention and educational programs, and provides support for special events and a range of other services.

UPD has an [informational sheet](#) listing student resources and reporting options for sexual violence and relationship abuse. The sheet lists confidential resources including Survivor Advocacy Services; reporting options such as OEC; and other information relating to affirmative consent and sexual misconduct. The sheet specifically states, “You are encouraged to contact the University Title IX Coordinator in [OEC]. They oversee the investigation of all reports of sexual assault and relationship violence. In order to ensure the safety of students, in rare circumstances, the university may be obligated to investigate known incidents of sexual assault and relationship violence, even if you may not feel ready. However, such a decision would be discussed with you in advance and the university would ensure that you have a support person throughout the process.” The UPD website also has direct hyperlink to OEC’s website and the online Title IX and DHR reporting form.

Police are responsible employees and share reports with OEC; however, consistent with California Penal Code 293, UPD will honor a complainant’s wish to maintain confidentiality and not include the complainant’s name in the information shared with the Title IX Coordinator.

UPD has had turnover in the leadership ranks in recent years, having had several interim Chiefs of Police during that time.

B. Student Conduct

The [Office of Student Conduct & Integrity](#) administers the Student Conduct Code through a disciplinary process that protects student rights, upholds the integrity of the academic community, and fosters ethical development. The Office responds to a variety of incidents that may include behavioral misconduct, academic dishonesty, and concerning student behavior. Incidents of student misconduct may include issues with alcohol, drugs, theft, weapons, violence, harassment, sexual misconduct, hazing, or other violations that are not academic in nature and do not rise to the level of a Title IX or DHR violation. Concerning student behavior may include non-emergency worries about a student's behavior, such as signs of depression, suicidal ideation, the intent to be violent, sudden mood shifts, etc.

The Office's staff consists of an Interim Director, an Assistant Director, an Education & Outreach Specialist, a Student Conduct Coordinator, and three Student Assistants. The Office sits within Student Affairs and reports to the Senior Associate Vice President of Student Affairs & Dean of Students. The Vice President of Student Affairs has monthly meetings with OEC to discuss new and pending cases.

C. University Housing Services

[University Housing Services](#) sits within the Division of Student Affairs. Its [professional leadership](#) consists of an Executive Director, an Interim Director of Residence Life, a Senior Coordinator of Residential Education and Leadership, an Interim Director of Housing Operations, and an Associate Director of Facilities. University Housing Services also employs ten Area Coordinators and team of student Resident Advisors. The Executive Director of University Housing Services reports to the Associate Vice President for Student Affairs. University Housing Services has a dedicated [Student Conduct](#) function that investigates and adjudicates issues that occur in the residence halls (up to a certain level) and that may violate internal University Housing policies and regulations or Title V of the California Code of Regulations.

Cal Poly Pomona has housing capacity for approximately 4,100 students, and there is a live-on requirement for first year students.

We learned that University Housing Services has a close working relationship with OEC. Administrators reported that Housing and OEC communicate on a regular basis, and that whenever any issue potentially

related to Title IX or DHR comes to the attention of Housing, they contact OEC to make a report and ask for guidance. Housing and OEC also jointly conduct extensive training to ensure that all employees are aware of their responsible employee reporting duties. Resident Advisors also partner with other resources on campus, such as the Womxn's Resource Center and Student Health and Wellness Services, on additional educational and safety initiatives.

D. Employee/Labor Relations and Faculty Affairs

[Employee and Labor Relations](#) sits within [Employee and Organizational Development and Advancement \(EODA\) / Human Resources](#). The Employee and Labor Relations function serves the University as a strategic partner in advancing and developing proactive strategies and solutions in addressing employee and labor relation issues with the ultimate goal of creating positive and effective working relationships among staff members at Cal Poly Pomona. The Employee and Labor Relation team acts as both an informational resource and as a liaison for formal and informal interactions to ensure the appropriate application of legal, regulatory, policy, and union contract interpretation and implementation, investigations, corrective and disciplinary action, performance management, and conflict mediation/facilitation functions for Non-represented, Represented, Temporary, Confidential, and Management Personnel Plan employees. The Employee and Labor Relations function is led by the Director of Employee Labor Relations and Compliance, who reports to the Senior Vice President of EODA, who reports to the Vice President of Administration and Finance/CFO.

The [Office of Faculty Affairs](#) (OFA) is part of the Academic Affairs Division and it provides leadership to the university in the development, implementation, and administration of academic personnel policies and procedures. OFA provides administrative support, and training as appropriate, to faculty members, departments, colleges, and university committees, and handles contract matters and grievances. The Office reports to the Provost, who is new to the University.

Campus partners and administrators all reported a strong, collaborative working relationship between OEC and the Employee/Labor Relations and Faculty Affairs functions.

E. Clery Act Responsibilities

Cal Poly Pomona's Clery Act responsibilities are fulfilled by the University's Clery Director (who also serves as the Associate Vice President of Student Affairs) and Clery Compliance Analyst. The Clery Director has

served in the role for three years (following more than a decade in Housing Services) and the Clery Compliance Analyst has also served in that role for a similar length of time (after spending over 20 years in UPD).

The Clery function is responsible for maintaining information necessary to prepare the university's [Annual Security Report](#), and for identifying and training campus security authorities (CSAs). In order to gather data necessary for the Annual Security Report, the Clery Compliance analyst reviews reports within Maxient (which includes Student Affairs, Student Conduct, and Housing reports) and consults with other offices such as OEC and UPD to determine whether they are Clery reportable. There is a Clery Compliance Committee, which includes OEC, that meets monthly to review and reconcile data, and campus partners reported that there was healthy collaboration between Clery, OEC, and UPD.

Timely warning assessments are made by the University Police Department, using a decision matrix. The decision to issue a timely warning rests with UPD, but the Police Chief will consult with the Clery Director if timing allows, and will also notify OEC to the extent the underlying incident involves sexual violence.

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

A. Confidential Advocates³²

Cal Poly Pomona offers confidential campus advocate services through [Survivor Advocacy Services](#), which reports up to the Interim Associate Vice President of Counseling & Psychological Services (CAPS). At the time of our campus visit, Cal Poly Pomona had [one Advocate](#), who has served in that role since May 2020, and the University was planning to hire an additional Advocate. The Advocate also oversaw four student peer educators at the time of our visit, but the peer educator program is dependent on grant funding.³³

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

³³ The Survivor Advocacy Services [website](#) currently lists two peer educators.

The [mission](#) of Survivor Advocacy services is “to provide confidential support, prevention education, and promote advocacy for individuals impacted by sexual violence, dating/domestic abuse and stalking in the Cal Poly Pomona community.” In addition to its [advocacy role](#) – which entails emotional and crisis support; assistance and guidance on reporting options (including OEC); escort to services; referrals to other departments and organizations off campus; obtaining medical attention (rape kit); safety planning; and confidential support groups – Survivor Advocacy Services is effectively responsible for all of the campus’s prevention and education programming. This prevention and education programming is primarily done by [SAS Peer Educators](#) under the supervision of Advocate; there is no full-time employee prevention educator.

We received consistent feedback about there being a good working relationship between Survivor Advocacy Services and other offices on campus, including OEC. Survivor Advocacy Services is available for students, faculty, and staff. However, we learned that employees rarely utilize the Office, which is viewed on campus as primarily a student-serving resource.

We note that the Survivor Advocacy Services has a robust and comprehensive website that contains a wealth of substantive information – including a detailed listing of [available reporting options](#), including OEC – especially in comparison to peer websites from sister CSU universities. However, some webpages should be updated (for example, a webpage describing a [trauma-informed yoga program from 2021](#)) and the website should explicitly say that it serves faculty and staff in addition to students, in order to encourage the entire campus community to use the office as a resource.

B. Respondent Support

Like most other CSU universities, Cal Poly Pomona does not have a resource designated solely for respondents, such as a dedicated support person for respondents or a respondent advisor program. However, OEC advertises on its website a [CPP Support Advisors](#) program, through which both complainants and respondents can arrange for a “Support Advisor” to serve as their support person during an OEC investigation. The website lists contact information for six designated Support Advisors who are employees of Student Affairs, Housing, and Student Life.

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.

C. Counseling Services

Cal Poly Pomona's Division of Student Affairs has a [Student Health and Wellbeing](#) program for students that includes, among other things, Survivor Advocacy Services, the Care Center, the Health and Wellness Center, Counseling and Psychological Services (CAPS), and the Disability Resource Center.

The university's [Care Center](#) serves as a dedicated resource to send students who are in distress or of concern to connect them with necessary resources (on and off campus), support them through crises, provide advocacy, and offer basic needs services. Available resources may include housing, food, clothing, or money, and the [vision](#) of the Center is to normalize resource seeking and create a culture of care where all students have the tools and resources to achieve their personal and academic goals. The Care Center is [staffed](#) with the Interim Assistant Dean for Student Health and Wellbeing, four Case Managers, an Intake Coordinator, a Program Coordinator, a CalFresh outreach program coordinator, and CalFresh Outreach Ambassadors. The Care Center has an online Maxient [Students of Concern Referral Form](#), accessible via the Care Center website. The Care Center now includes what used to be the University's [Basic Needs program](#) and well as the University's [Behavioral Intervention Team](#), the latter of which supports students who are in distress through supportive intervention and guidance when there is a concern that the student poses a threat to themselves, others, and/or the campus community.

[CAPS](#) serves the university by advancing student success through promoting community wellness, removing psychological barriers, facilitating self-awareness, and cultivating personal strengths through culturally relevant mental health services. CAPS offers short-term [individual therapy](#) and [referrals](#) to community resources for specialized care, long-term therapy, and off-hours counseling. Additionally, CAPS offers numerous [programs, workshops, and group counseling sessions](#), including programming for those impacted by sexual violence and trauma. For instance, CAPS partners with Survivor Advocacy Services to offer [Yoga for Healing](#), a trauma-informed yoga program for survivors of sexual assault. CAPS also offers in-person and virtual workshops on such topics as healthy relationships.

CAPS is led by the Interim Associate Vice President for Student Health and Wellbeing. Its website lists a [staff](#) of 11 psychologists/therapists. At the time of our campus visit, CAPS was experiencing turnover in leadership and had numerous vacancies at the administrative and staff level, including the Director position, the Associate Director position, four counselor positions, and a social worker position.

D. Student Health Services

Additionally, students may receive medical treatment at through [Student Health Services](#), which is open during normal business hours Monday to Friday for students. Student Health Services employs seven Primary Care Clinicians (three physicians and four physician assistants), five nurses, three medical assistants, two laboratory scientists, one pharmacist, one radiology technician, two Care Coordinators, six Health Educators, and six administrative staff members. There is a vacancy for a psychiatrist position. The Health Educators and Peer Health Educators provide Cal Poly Pomona students with health education to prevent the development of chronic conditions. Wellness Services provides resources and programs dedicated to various health topics including but not limited to nutrition, sexual health, mental health, physical activity, sleep and stress management.

E. Ombuds

Cal Poly Pomona does not currently have an ombuds. For additional discussion, see Section X, *Other Conduct of Concern*.

F. Additional Resources for Employees

The University offers an [Employee Assistance Program](#) (EAP) called MyLifeMatters that is administered through Empathia. The program is designed to provide resources for professional assistance to faculty, staff, and their families (dependents and permanent household members) in assessing and resolving personal problems that may be affecting well-being or job performance. Resources available to employees include counseling services, campus resources and referrals to community resources.

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

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.

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 Pomona, nor at most universities across the system.

Individuals with whom we spoke consistently reported that Cal Poly Pomona does not have a robust prevention education program. The programming, to the extent it exists, has primarily fallen to the Survivor Advocacy Services office (Advocate). It was reported that OEC does prevention programming “where it can” and that they would like to be involved in “proactively building prevention programming,” but that they are already overburdened with their existing (and growing) caseload. One university administrator noted, with respect to prevention and education, “In terms of proactive functions, we just devolve to the compliance minimum because of resource constraints.” We reviewed selected PowerPoint training slides provided by OEC, and some of them had limited content about consent and bystander intervention.

A. Employees

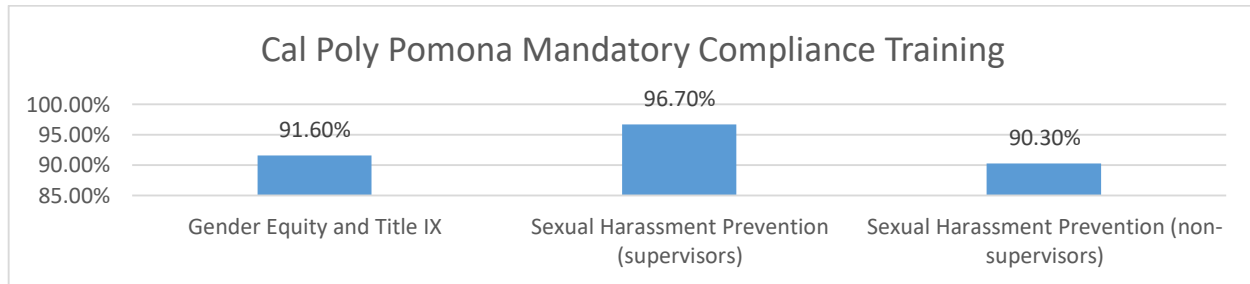
Consistent with California state law, CSU policy requires all CSU employees to complete the online CSU *Sexual Misconduct Prevention Program Training*, also known as *Gender Equity and Title IX*, on an annual basis (for at least 60 minutes). In addition to this annual requirement for all CSU employees,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

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.”

chart, provided by the Chancellor’s Office, shows the completion percentage for Cal Poly Pomona for the 2022 calendar year:³⁸



In addition to the online module, OEC offers Title IX trainings on an almost-weekly basis during New Employee Orientation. OEC provided a spreadsheet of trainings conducted for the past several years. The 2022 spreadsheet listed 53 trainings, most of which were for the New Employee Orientations.

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

B. Students

OEC also provides supplemental trainings for Athletics, Housing/RAs, and fraternity and sorority life. OEC’s website contains information regarding required training for [students](#) and [employees](#). The website also contains a link to a [Training and Education Request Form](#), where any student club/organization, academic department, administrative unit, or auxiliary unit may submit a request to hold a customized training or workshop regarding sexual violence prevention, intervention or response. Training topics identified on this form include Title IX/Sexual Misconduct, Discrimination/Harassment/Retaliation, and Sexual Violence Prevention Education.

Survivor Advocacy Services does not have an employee prevention educator. Rather, the prevention and education programming by Survivor Advocacy Services is offered primarily through the [SAS Peer Educators](#) under the supervision of the Advocate. Among the recent [programs](#) offered have been a program on toxic masculinity, machismo, and healthy relationships offered through the [Male Success Initiative](#); drugs and alcohol, partnership with the Health Center; [Yoga for Healing](#) for survivors of sexual

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

assault, in partnership with the Health Center; body positivity, in partnership with the Health Center; These Hands Don't Hurt; and Meditation. Survivor Advocate Services also partners with CAPS on an after-trauma support group, which meets eight weeks each semester, and it collaborates with other campus partners, including OEC, on sexual assault awareness and tabling to promote prevention. Survivor Advocacy Services maintains an active [Instagram page](#) (as well as a Facebook page) where it posts information about upcoming events and awareness months.

Cal Poly Pomona's Annual Security Report, required under the Clery Act, lists certain primary prevention and awareness programs offered by the CSU system as a whole, but does not specifically detail such programming that is specific to Cal Poly Pomona.

IX. Other Conduct of Concern

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

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

As with other universities across the CSU system and nationwide, Cal Poly Pomona struggled in its response to conduct issues that may not rise to the level of policy violation. The university, like universities nationwide, has struggled with a response mechanism for addressing issues relating to civility, bullying, protected speech that negatively impacts constituents, and actions and words that entail misconduct but that do not relate to protected status and/or do not rise to the level of being sufficiently persistent, severe, and/or pervasive.

The feedback we received at Cal Poly Pomona regarding this *other conduct of concern* was that it was not being triaged effectively and that the university's response mechanisms were *ad hoc* and inconsistent, which contributed to a perception that there was a lack of accountability with respect to unprofessional or uncivil behaviors. When the university encounters these behaviors, they are generally referred to Student Affairs/Student Conduct, Employee and Labor Relations, or Faculty Affairs. Students with whom

we spoke reported that “microaggressions are running rampant on campus and nobody knows where to report them.” The university does not have a formal bias incident reporting mechanism and administrators reported there is “no infrastructure” for responding to bias incidents, despite the “big need.” Several individuals further explained that the Black Faculty and Staff Association a few years ago also called for a bias reporting mechanism after issuing a report detailing how members of their community were experiencing bias and related incidents but feared reporting them due to potential repercussions.

A common topic of discussion in campus visit meetings was the lack of an Ombuds Office. The university used to have a long-serving ombudsperson, but she retired in 2020 and the position has not been filled since. In the [September 2020 message to the campus community](#) announcing the cessation of the ombuds role, President Coley directed community members to seek support through Student Affairs, Faculty Affairs, and/or Employee Labor Relations, as well a newly-created CPP Listens web portal. CPP Listens has a website that has a link to an [online reporting form](#). CPP Listens has been advertised to the campus community as a means of facilitating visibility for any concerns raised by community members (including anonymous concerns) that have the potential to negatively impact campus climate. The website states that the CPP Listens Team comprises representatives from Student Health & Wellbeing; the Dean of Students; OEC; Faculty Affairs; Employee and Labor Relations; and University Police. It also explains that members of the team will review submissions to assess campus climate issues and patterns of activity, and will make referrals to the appropriate office to the extent further action is needed. In practice, however, we heard from administrators that there was no real infrastructure behind CPP Listens and that the service was not being used anymore.

While the administration concluded that ombuds was not meeting the needs of the university, we heard a consistent refrain from staff and faculty members that they believed it had indeed been useful and that they desired a well-resourced ombuds office or other resource to promote conflict resolution. In fact, in May 2022, the Cal Poly Pomona Academic Senate passed a [resolution](#) “call[ing] on the President to immediately reestablish the Ombuds Office and fill the position of Ombudsperson at Cal Poly Pomona... [and] hire adequate staff to support the position. In response to the resolution, President Coley asked for the creation of a joint Academic Senate and Administration Working Group on conflict resolution to evaluate models for a university resource that would support faculty seeking to manage conflict in their immediate workplaces and, more broadly, to develop the skills and infrastructure to systematically and comprehensively support conflict management and resolution. In December 2022, the Working Group

released its Final Report and Recommendations on Conflict Management/Dispute Resolution/ Mediation. The Working Group found: “Our main takeaway is that there should be many types of processes and options available and that a significant focus of the office should be on training and coaching in order to teach campus members how to manage day-to-day conflict and improve the culture and morale on campus.”³⁹ The report noted that “confidentiality is centrally important” as are “the skills and expertise of the staff” and “resources” of such an office. As stated in the Report’s “Key Findings and Recommendations,” “Trust and confidentiality should be a top priority. In addition to being a safe, neutral space for faculty to share concerns, the Ombuds/Conflict Resolution Office should be adequately staffed so that it can provide multiple solutions for resolving conflict as well as training opportunities; for Cal Poly Pomona this would require at least two high level experts and one administrative support personnel. Having a charter is a common best practice; this public document defines the priorities and responsibilities of the office.”

In March 2023, the President and the Provost charged an administrative working group with representatives from Human Resources, Learning and Development, Student Affairs, the Office of Equity and Compliance, Faculty Affairs, Employee and Labor Relations, and Inclusive Excellence to develop an operational model that would serve the larger community, including staff and students in addition to faculty.⁴⁰ The proposed model is a Conflict Resolution Services & Ombuds, which will serve as an accessible entry point for all students, staff, and faculty and provide impartial, informal conflict resolution services, problem solving support, referrals to campus resources and tools, proactive training and professional development, and guidance about university structure, policies, procedures and practices. The Conflict Resolution Services & Ombuds will be guided by a pending *Principles of Community* statement and led by a Director/Ombuds, who will report to the President as part of a newly created People, Culture, and Institutional Affairs unit

We note that in October 2022, the University, following a national search, [announced the hiring](#) of a Presidential Associate for Inclusion and Chief Diversity Officer (CDO), who now serves on President Coley’s

³⁹ Conflict Management/Dispute Resolution/Mediation Final Report & Recommendations (December 2022), Cal Poly Pomona.

⁴⁰ *Report and Recommendations, Working Group: Conflict Resolution Services & Ombuds* (April 21, 2023)

cabinet. The CDO joined Cal Poly Pomona in December 2022, and her first week in the role coincided with our campus visit.

X. Recommendations

In the Systemwide Report, we provide detailed recommendations for enhanced Chancellor's Office oversight and coordination of university Title IX and DHR programs. The Systemwide Report also highlights the need for collaboration between Chancellor's Office personnel and university-level Title IX and DHR professionals to ensure accountability for the effective implementation of informed and consistent frameworks. These recommendations must be read together with the recommendations set forth in the Systemwide Report.

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

A. Infrastructure and Resources

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

1. Work with the Chancellor's Office to develop a project plan for addressing gaps and implementing recommendations
2. Share existing budget line information with the Chancellor's Office, including historic and anticipated annual fees for external investigators, hearing officers, and other Title IX/DHR related resources, as well as budget line information related to the confidential campus advocates, prevention and education specialists, and respondent resources (recognizing that these resources are typically outside of the Title IX/DHR budget)
3. Map functions within the Title IX/DHR program to ensure sufficient personnel to cover all core functions, including: intake and outreach, case management, investigations and hearings, informal resolution, sanctions and remedies, prevention and education, training, data entry and analysis, administrative tasks, and additional resources to support legally-compliant, effective Title IX/DHR programs, as well as the essential care side of campus responses
4. Based on benchmarking and recommendations from the Chancellor's Office, identify recurring baseline (or line item) funding (both source and amount) for the Title IX/DHR program
5. Work with the Chancellor's Office to implement an enterprise-level case management system and develop protocols for consistent collection and retention of data
 - 5.1. Upgrade records management systems for faculty records

6. Ensure an adequate supervisory model that includes a routine cadence of supervisory meetings, guidance about how to ensure effective oversight and accountability measures, an appropriate level of detail for review, development, integration and tracking of decision-making frameworks, and balancing implementers' independence and autonomy with the need to identify and elevate critical issues and concerns about safety/risk
7. Commit to the consistent investment in professional development and continuous learning for Title IX and DHR professionals and senior leaders who oversee the Title IX/DHR program (CLEs, conferences, system training, etc.)

B. Strengthening Internal Protocols

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

1. Coordinate with the Regional Director, Systemwide Title IX/Civil Rights Division, and subject matter experts to:
 - 1.1. Map the case resolution process from reporting and intake through to investigation and resolution process
 - 1.1.1. Compare the current process against standard practices and identify any concerns related to timeliness, conflicts, gaps in communication, or gaps in consistent process
 - 1.1.1.1. Streamline the process from intake to Notice of Investigation to ensure timely notice to respondents, initiation of investigations, and lessened burdens on complainants
 - 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
 - 1.2.1.1. Discontinue the practice of redirecting a complainant to the online complaint form
 - 1.2.2. Seek to hold an intake meeting with all individuals who make a report of conduct that would potentially violate the Nondiscrimination Policy
 - 1.2.3. Develop protocols for notifying and coordinating with the confidential advocate at the intake meeting, if possible

- 1.2.4. Develop or update protocols for information sharing to ensure that the Title IX/DHR Office can fulfill its responsibility of documenting all supportive measures offered, requested, implemented, and if denied, the reasons for the denial
- 1.2.5. Create a feedback loop to acknowledge responsible employee reports and confirm receipt of the report and next steps
- 1.2.6. Establish standardized protocols for outreach to complainants that involve multiple modalities, systems to document outreach, and a protocol for how and when to make additional outreach in cases with non-responsive complainants, including the potential for outreach through a third-party or a responsible employee
- 1.3. Develop integrated, written processes for initial assessment designed to evaluate known facts and circumstances, assess and implement supportive measures, facilitate compliance with Title IX and Clery responsibilities, and identify the appropriate institutional response after triaging the available and relevant information; as part of the initial assessment, the Title IX Coordinator/DHR Administrator should:
 - 1.3.1. Take steps to respond to any immediate health or safety concerns raised by the report
 - 1.3.2. Assess the nature and circumstances of the report to determine whether the reported conduct raises a potential policy violation and the appropriate manner of resolution under the Nondiscrimination Policy
 - 1.3.3. Assess the nature and circumstances of the report, including whether it provides the names and/or any other information that identifies the complainant, the respondent, any witness and/or any other individual with knowledge of the reported incident
 - 1.3.4. Provide the complainant with both oral and written information about on- and off-campus resources (including confidential resources), supportive measures, the right to contact (or decline to contact) law enforcement or seek a civil protection order, the right to seek medical treatment, the importance of preservation of evidence, the right to be accompanied at any meeting by an advisor of choice, and an explanation of the procedural options available
 - 1.3.5. Refer the report to appropriate campus officials to assess the reported conduct and determine the need for a timely warning or other action under the Clery Act
 - 1.3.6. Assess the available information for any pattern of conduct by respondent
 - 1.3.7. Discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns)
 - 1.3.8. Explain the policy prohibiting retaliation and how to report acts of retaliation
 - 1.3.9. Determine the age of the complainant, and if the complainant is a minor, make the appropriate report of suspected abuse consistent with state law

- 1.3.10. Evaluate other external reporting requirements under federal or state law or memoranda of understanding
- 1.3.11. Develop, and follow, a comprehensive written checklist/form to ensure that all required actions are taken under state and federal law
- 1.3.12. Develop checklist of factors to consider in determining whether to move forward without a complainant or whether informal resolution is appropriate and ensure sufficient documentation of the determination
- 1.3.13. Provide a written statement of concern at the conclusion of the initial assessment to ensure that the complainant (and, as appropriate, the respondent) have a clear understanding of the nature of the report and the proposed resolution path
- 1.4. Separate support/advocacy functions from investigation to avoid role confusion and ensure clear demarcation between the individuals who provide supportive measures to a complainant, respondent or other individual in need of assistance, and the investigator
- 1.5. Strengthen campus collaboration and information-sharing through a multidisciplinary team (MDT) model
 - 1.5.1. The Title IX Coordinator/DHR Administrator, in conjunction with the Chancellor's Office, should identify essential university partners to serve on the MDT and set standards for meeting goals and sharing real time information. MDT members may include representatives from Student Affairs/Student Conduct, Faculty/Academic Affairs, Human Resources, UPD, Title IX Coordinator, DHR Administrator, Clery Coordinator, and University Counsel
 - 1.5.2. The MDT should meet regularly and at a minimum, weekly, to review all new reports
 - 1.5.3. The MDT should ensure that all known and available information about the parties and the reported incident is shared with TIX/DHR to inform TIX/DHR's initial assessment and any steps it determines to take in response (including information maintained outside of Title IX/DHR's recordkeeping systems and information that may only be known to another unit or individual)
 - 1.5.4. The Title IX Coordinator/DHR Administrator should follow a protocol for securely sharing parties' university ID numbers or names and basic information about the reported incident in advance of MDT meetings to enable all participants to query their records systems and bring forward any relevant information
 - 1.5.5. The Title IX Coordinator/DHR Administrator should ensure that the 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
4. Review the current post-Title IX/DHR disciplinary processes for faculty and staff to ensure promptness, equity, and informed communication

- 4.1. Ensure the Title IX Coordinator/DHR Administrator remains engaged in any disciplinary processes, including sanctions and appeals, until final
- 4.2. Ensure that decisions about negotiated settlements are supported by a careful and coordinated review by all relevant campus and system level administrators
5. Develop and implement a process to routinely collect post-resolution feedback from the parties and all impacted individuals

C. Communications

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

1. Ensure distribution of a clear and consistent communication plan each semester that includes, at a minimum:
 - 1.1. Dissemination of the Notice of Non-Discrimination
 - 1.2. Dissemination of the Nondiscrimination Policy
 - 1.3. Information about reporting and resources
2. Develop an intentional marketing campaign to raise awareness about the role of the Title IX/DHR program, available resources, and resolution options
 - 2.1. Prioritize the messages of care, supportive measures, and resources
 - 2.2. Differentiate and educate about the difference between confidential resources and reporting options
 - 2.3. Partner with campus communications professionals to create and promote effective marketing materials, including through the use of professional branding that can be used across platforms (print, web, social media, imprinted on giveaway products)
3. Improve the Title IX/DHR website and other external-facing communications
 - 3.1. Review and revise web content, across all relevant webpages, for clarity, accuracy, and accessibility
 - 3.2. Ensure that web content includes: photographs and contact information for Title IX/DHR staff, Notice of Non-Discrimination, a link to the Nondiscrimination Policy, an overview of procedural and resolution options (with accessible graphics), how to make a report (to Title IX/DHR or UPD), on and off campus confidential resources, the difference between confidentiality and privacy, supportive measures, employee reporting responsibilities, an FAQ, prevention and education programming

- 3.3. Gather, evaluate, and update all existing informational materials, web resources, posters/flyers, social media information, and other public-facing communications about the Title IX/DHR program to ensure that those materials:
 - 3.3.1. Reflect the current staffing and structure of the office, the current CSU Nondiscrimination Policy and resolution processes, and current information about on- and off-campus resources including confidential resources
 - 3.3.2. Are written in clear language, accessible (from both a disability perspective and a reading comprehension perspective), and consider strategic placement of newly developed print materials in areas frequented by students, staff, and faculty
- 3.4. Use standardized email addresses and/or materials that are able to be updated quickly (e.g., use of QR codes that point to dynamic webpages that can be updated; using, for example, "TitleIX@[name of university].edu," so that print materials do not become outdated if there is a personnel change, etc.)
4. Develop an expanded annual report with meaningful information/data
5. Develop standing committee of representative student, faculty and staff ambassadors to support and facilitate institutional efforts to more effectively communicate with campus constituents
6. Identify and prioritize opportunities for in-person engagement with Title IX/DHR staff (e.g., pop-up events, tabling at an information fair, open houses in various central locations, routine scheduled short presentations to key audiences, and/or sponsored or co-sponsored events)

D. Prevention, Education, Training and Awareness

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

1. Allot sufficient budget lines to ensure consistent, baseline funding for personnel, legally-required programming, and technology/learning management systems
2. Proactively coordinate with system-level subject matter experts to assist with education, training, materials and communications related to complex and difficult issues facing all CSU institutions
3. Designate one individual with specific oversight of all university prevention and education planning and programming, preferably a full-time role without other job responsibilities
 - 3.1. This coordinator should be tasked with oversight of and responsibility for all legally-required programming under Title IX, the Clery Act, and California law
4. Convene a university-wide Prevention and Education Oversight Committee to coordinate and align programming across the university

- 4.1. The Committee should include all departments who provide training, prevention and education, including, at a minimum, representatives from the Title IX/DHR program, the confidential advocate, student affairs, student health, counseling, UPD, athletics, fraternity and sorority life, residential life, human resources and employee labor relations, academic/faculty affairs, DEI professionals, identity-based affinity centers, university subject-matter experts, and staff, faculty, and student representatives
- 4.2. The Committee should include subcommittees, as determined by the Committee. Committees may focus on the needs of various constituencies (undergraduate students, graduate students, staff, administrators, and faculty) or the types of programming (compliance, professional development, prevention and education, bystander intervention, etc.)
- 4.3. The Committee should be charged with reviewing prevention program content, evaluating proposed programming or speakers, ensuring that prevention-related communications are reaching all constituents, and developing and implementing a mechanism for assessing effectiveness including by monitoring participation levels and measuring learning outcomes
5. With assistance from the Chancellor's Office, develop a strategic plan for university programming that identifies all training requirements under federal and state law and CSU policy, all constituencies and constituent groups in need of training, and all potential university partners that can collaborate to deliver content
 - 5.1. Constituent groups subject to required training should include students (undergraduate and graduate); targeted student populations (athletes, fraternity and sorority life, residential students, residence life student staff, international students, student leaders); senior leadership; faculty (deans, department chairs, leads, lecturers); staff (managers, supervisors); and campus partners who assist in the implementation of Title IX/DHR
 - 5.2. Identify all university partners who provide programming, including affinity and identity-based centers and student affairs personnel
 - 5.3. Identify opportunities for virtual and in-person engagement
 - 5.4. Develop core principles and standards for content development
 - 5.5. Build a university calendar that includes online modules, social norm campaigns, orientation for students and employees, recurring opportunities for programming, and awareness events
6. Facilitate a consistent communication plan each semester that includes dissemination of the policy, Notice of Non-Discrimination, reporting options and resources
7. Ensure that programming is coordinated, communicated and tracked
8. Develop a university website dedicated to prevention and campus programming that is kept current, facilitates distribution of prevention and education materials, and incorporates the opportunity for feedback and recommendations

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

E. Responding to Other Conduct of Concern

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

1. In conjunction with the Chancellor's Office and CSU's Office of General Counsel, develop a written policy, document, or statement by senior leadership to establish expectations, guidelines, and/or definitions of conduct
 - 1.1. The written framework should address unprofessional conduct, abusive conduct, microaggressions, acts of intolerance, and other disruptive behavior in the living, learning and working environment

- 1.2. The written framework must also address intersections with free speech and academic freedom, including the explicit recognition that the CSU cannot discipline for protected speech
2. Reinforce CSU values and expectations about respect, tolerance, and professionalism through programming and opportunities for in-person engagement
3. Strengthen and expand available competencies regarding conflict resolution, navigating interpersonal conflict, restorative justice, and other forms of remedial responses
 - 3.1. Strengthen traditional employee relations functions within human resources to assist in responding to concerns involving faculty and staff
 - 3.2. Strengthen competencies of managers, supervisors, deans and department chairs by providing expanded training and professional development to meet the needs of assigned roles
 - 3.3. Consider the need for additional personnel, such as an 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 Population⁴¹

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

California State University, Pomona			
Location Information			
Location: Pomona, CA (pop. 146,017) ⁴²	County: Los Angeles County (pop. 9,721,138) ⁴³	Locale Classification: Large Suburb ⁴⁴	
University Information			
President: Soraya M. Coley, Ph. D. (2015-present)			
Designations: Hispanic Serving Institution (HSI) ⁴⁵ Asian American and Native American Pacific Islander-Serving Institution (AANAPISI) ⁴⁶			
Students – Enrollment Data⁴⁷			
Total Number of Students		27,506	
State-Supported		Self-Supported	
Undergraduates	25180	Undergraduates	2
Grad & Post Bac Students	1993	Grad & Post Bac Students	331
Student Ethnicity⁴⁸			
Overall (includes State- and Self-Supported)			
Hispanic / Latino		52%	
Asian		22%	
White		14%	
Two or More Races		3%	
Race and Ethnicity Unknown		3%	
Black / African American		3%	
International Student		2%	
Native Hawaiian / Other Pacific Islander		<1%	
American Indian / Alaska Native		<1%	

⁴¹Unless otherwise noted, Cozen O'Connor obtained data concerning California State, Los Angeles' demographics, populations, Title IX and DHR staffing, operations and caseload from California State University and Cal State LA sources. This report will be updated to reflect material inaccuracies brought to our attention on or before September 15, 2023.

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

⁴³ United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/losangelescountycalifornia/PST045221>, population estimate as of July 1, 2021.

⁴⁴ Defined as a territory outside a Principal City and inside an Urbanized Area with population of 250,000 or more. See National Center for Education Statistics, <https://nces.ed.gov/programs/edge/Geographic/LocaleBoundaries> and <https://nces.ed.gov/surveys/annualreports/topical-studies/locale/definitions>.

⁴⁵ 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>

⁴⁶ AANAPISIs are defined under the Higher Education Act as colleges or universities with an undergraduate enrollment that is at least 10% Asian American and Native American Pacific Islander. Additionally, at least half of the University's degree-seeking students must be low-income. See <https://www2.ed.gov/programs/aanapi/eligibility.html>

⁴⁷ California State University Enrollment Data, Fall 2022, Cal State Pomona: 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.

⁴⁸ *Id.* This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

State-Supported (27,173 students)		Self-Supported (333 students)	
Hispanic / Latino	53%	Hispanic / Latino	27%
Asian	22%	Asian	23%
White	14%	International Student	23%
Two or More Races	4%	White	14%
Race and Ethnicity Unknown	3%	Race and Ethnicity Unknown	5%
Black / African American	3%	Black / African American	4%
International Student	2%	Two or More Races	<1%
Native Hawaiian / Other Pacific Islander	<1%	Native Hawaiian / Other Pacific Islander	<1%
American Indian / Alaska Native	<1%	American Indian / Alaska Native	<1%
Other Student Demographics ⁴⁹			
Overall (includes State- and Self-Supported)			
First in Family to Attend College	29%		
% students who are traditionally underrepresented ⁵⁰	55%		
% of undergrads who were Pell Grant recipients ⁵¹	46%		
% of students who live on campus ⁵²	12%		
% undergrads who are in a fraternity or sorority ⁵³	20%		
4-year graduation rate for first-time FT freshmen ⁵⁴	33.7%		
State-Supported (27,173 students)		Self-Supported (333 students)	
Average Age	23	Average Age	30
Sex ⁵⁵	46% F; 54% M	Sex ⁵⁶	53% F; 47% M
First in Family to Attend College	29%	First in Family to Attend College	24%
% traditionally underrepresented ⁵⁷	55%	% traditionally underrepresented ⁵⁸	32%
Instructional Faculty ⁵⁹			
Total # of faculty	1,461.00		
Tenure-track	38.9%		
Lecturer	61.1%		
% full-time ⁶⁰	46.38%		
% part-time	53.62%		
Leadership body	Academic Senate ⁶¹		

⁴⁹ *Id.*, except where noted otherwise. This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

⁵⁰ For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

⁵¹ 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.

⁵² 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>

⁵³ See <https://greeklife.calpoly.edu/fsl-office-overview>

⁵⁴ California State University, Graduation & Success Dashboards, with link to Graduation Dashboard, selecting the Summary Overview tab, and with Cal State Pomona 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 CSUP during the Fall 2018 (most recent complete 4-year term available).

⁵⁵ Data does not capture number of students who do not identify on the sex/gender binary.

⁵⁶ *Id.*

⁵⁷ For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

⁵⁸ *Id.*

⁵⁹ California State University, CSU Faculty, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-faculty>, except where noted otherwise.

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

⁶¹ Cal State Pomona Academic Senate. See <https://www.cpp.edu/senate/index.shtml>

Staff⁶²	
Total # of staff	1,178
% full-time	98.30%
% part-time	1.70%
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)
Athletics⁶³	
NCAA Division	II
NCAA Conference	CCAA ⁶⁴
Number of sponsored sports for '22-'23 academic year	11
Number of student athletes ⁶⁵	221

⁶² 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.

⁶³ NCAA Directory, <https://web3.ncaa.org/directory/orgDetail?id=91>, except where noted otherwise.

⁶⁴ All sports are in the California Collegiate Athletic Association.

⁶⁵ See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for California State University Pomona. Number of student athletes equals the sum of the Unduplicated Count of Participants for Men’s Teams plus the Unduplicated Count of Participants for Women’s Teams.

Appendix II Feedback from Survey

In December 2022, we asked each campus President and the Chancellor's Office to disseminate an invitation to participate in an online survey meant to provide a platform for all community members to share their experiences, perspectives, and insights. Nearly 18,000 students, staff and faculty across the system participated in the survey. We used a third-party vendor to host the survey, which was designed by Cozen O'Connor.

As a foundational matter, the surveys were meant to be qualitative, not quantitative. We sought qualitative information to assess perceptions and provide insights into complex issues, not quantitative data for measurement of rates of incidence or prevalence. The purpose of the surveys was to ensure that all campus community members had the opportunity to participate in the review, and to do so in a manner that reduced barriers and allowed for candid participation without fear of retaliation. We do not view the extrapolated themes from the comments as representative of the entire campus community. Rather, the qualitative feedback requested through the survey was to gather community input and understand how stakeholders interact with, and perceive, their individual university and the system as a whole.

The systemwide survey, which was customized for each university, provided the opportunity to share anonymous responses to questions with respect to the following areas:

- Physical Safety and Security. Survey respondents were asked to rate their physical safety on campus, including locations in which they felt more or less safe.
- Culture of Inclusivity and Respect. Survey respondents provided feedback with respect to the culture of inclusivity and respect in their working, living, and classroom environments.
- Training Programs. Survey respondents were asked to rate the quality of the training programs provided by the University.
- Interactions with Title IX/ DHR. We asked survey respondents to describe their interactions with Title IX and DHR, address whether complaints were handled properly, and to provide any recommendations they had as community members for fostering reporting and building trust in these resources.
- Barriers to Reporting. Finally, we asked survey respondents about their inclinations to use university confidential resources, and whether any barriers existed to their reporting, such as fear of retaliation, concern regarding reactions to complaints, or ineffective investigative procedures.

At Cal Poly Pomona, we received 1,457 responses⁶⁶ from Cal Poly Pomona students, faculty, staff, and administrators as follows:

Constituency	Number of Responses
Undergraduate Student	953
Graduate Student	135
Staff	185
Faculty	125
Administrator or Manager	47
Other	62

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:

- Recent sexual assaults on campus as cause for fear and decreased trust. Many survey respondents noted that there had been a series of crimes on campus recently, including sexual assaults and car thefts, which negatively impacted their sense of safety on campus.
- Role of Title IX as serving the institution. Among the most common feedback from survey respondents was that their perception that University resources, including Title IX, would always be self-serving and are meant to avoid liability for the institution.
- TikTok virality. One survey respondent wrote about a Cal Poly Pomona student who created a viral TikTok about the mishandling of their case by Title IX.
- Online trainings viewed as ineffective and monotonous. Survey respondents did not view online trainings favorably, stating that they were easy to ignore and had not changed in about a decade.
- Awareness of resources and website clarity. Many survey respondents wrote that they were unable to find information about available resources, and that they wanted a single landing page on the campus website to direct them to where they may need to go.

⁶⁶ Some survey respondents identified as belonging to multiple constituencies; hence, the number listed here is smaller than the sum total in the chart below.

- Ombuds Vacancy. Many survey respondents noted that they had previously trusted the campus ombudsperson to report things to and help with mediation, but that the role is now vacant. They expressed a desire to have the role refilled.
- Accessibility. Multiple survey respondents wrote that they had experienced ableism on campus or had difficulty accessing resources for disability.
- Retaliation. Many survey respondents described outright retaliation for filing complaints, or that they knew someone who had experienced retaliation.

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 Pomona, we reviewed the University's annual Title IX reports for four academic years: 2018-2019 through 2021-2022. These annual reports are posted online on [OEC's website](#). The annual reports provide data regarding the reports of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, Stalking, and, as of 2021-2022, Sexual Exploitation and Sexual Harassment, made to OEC each year. The annual reports reflect the number of reports received, disaggregated by the type of conduct and the role of the respondent (student, employee, third-party, unknown, or unidentified). Beginning in 2019-2020, the annual reports also reflect procedural outcomes, including:

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

The annual reports provide information about sanctions imposed upon findings of responsibility and through 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 all 23 universities. That being said, we have confidence that the data, while imperfect, provides sufficient reliability to extrapolate key themes and observations. As currently structured, the data-gathering system has significant challenges:

- across the system, the universities do not use consistent documentation and recordkeeping systems and practices to maintain their data;

- data gathered by the Chancellor’s Office is reliant on reporting by Title IX/DHR staff at each university based on the nature and manner in which they keep documentation;
- the structure and questions posed by the Chancellor’s Office to request data for the annual Title IX report have changed over time and not all universities use the same report structure;
- some data requests and questions may be unclear and therefore subject to interpretation; and,
- the annual Title IX reports do not capture foundational data that would enable an informed comparison between universities, 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 consistently 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 Title IX functions or make meaningful comparisons with other CSU universities from the data alone.

In presenting the below data, we note that some universities identified challenges with accuracy or completeness in their data. We have attempted to reconcile that data where possible, recognizing that some universities have provided data prepared by individuals who are no longer employed by the CSU. 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 Pomona verified the accuracy of the 2021-2022 annual Title IX report via email on May 3, 2023.

Finally, we recognize the significant impact of the COVID-19 pandemic on colleges and universities across the country, including Cal Poly Pomona. 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.

II. 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 OEC 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 Conduct⁶⁷

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	32	36	23	40
Reports of Dating/Domestic Violence	16	13	18	33
Reports of Stalking	23	19	13	30
Sexual Exploitation*	-	-	-	5
Sexual Harassment*	-	-	-	27
Total # of Reports in Above Categories	71	66	51	135
* This data was not requested by the Chancellor's Office prior to the 2021-2022 academic year.				

B. Respondents' Roles⁶⁸

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	25	28	9	53
Reports in which the Respondent is an employee	3	2	1	7
Reports in which the Respondent is a third-party	30	16	22	41
Reports in which the Respondent is unknown	13	20	19	34
Reports in which the Respondent is unidentified	-			0
Total # of Reports in Above Categories	71	66	74	135

⁶⁷ This data does not include reports of incidents that fail to meet the threshold of Title IX misconduct.

⁶⁸ Respondent Role totals may differ from Reported Conduct totals due to multiple allegations for one Respondent.

C. Case Outcomes⁶⁹

The below data reflect the collective outcomes of reports to OEC.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	62	20	28	40
Reports in which the Complainant’s identity was unknown to the Title IX Office		3	2	5
Reports in which the Complainant requested supportive measures or resources only		No Data Available	13	38
Reports that resulted in other outcomes (except formal investigation)		39	14	59
Reports that resulted in a formal investigation*	6	2	1	0
<p>* 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.</p>				

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 percentage of outcomes.