

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

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California State University, Dominguez Hills

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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).<sup>1</sup> The goal of the engagement is to strengthen CSU's institutional culture by assessing current practices and providing insights, recommendations, and resources to advance CSU's Title IX and DHR training, awareness, prevention, intervention, compliance, and support systems.

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

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

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

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<sup>1</sup> 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).

protocols; timeliness of case resolution, and factors impacting timely resolution; informal 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 University, Dominguez Hills (Dominguez Hills Report). The Dominguez Hills review was led by Gina Maisto Smith and Cara Sawyer. The Dominguez Hills 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 Dominguez Hills 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.

Dominguez Hills is located in Carson, CA. It has a student population of approximately 16,500, 3% of whom live on campus, and a workforce of approximately 1,662 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 campus professionals, 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 Dominguez Hills, Cozen O'Connor conducted a three-day onsite campus visit from January 17 to 19, 2023, as well as multiple additional virtual follow-up meetings conducted over Zoom. In total, Cozen O'Connor conducted more than 18 meetings with more than 40 Title IX and DHR professionals, administrators, and other key campus partners, some of whom we spoke to on multiple occasions. These meetings included interviews with the following offices and individuals (identified by role):

- University President
- Office of Diversity, Equity, Inclusion, and Justice
  - Vice President & Chief Diversity, Equity, and Inclusion Officer
  - Executive Director & Interim Discrimination, Harassment and Retaliation Administrator
  - Interim Title IX Coordinator
  - Interim Deputy Title IX Coordinator
- Office of Risk Management & Internal Controls
  - Senior Director, Risk Management & Internal Controls/Clery Director
  - Risk Management Compliance Analyst
- Student Conduct
  - Director of Student Conduct
- Student Affairs and Dean of Students
  - Vice President, Student Affairs
  - Assistant Vice President of Student Life/Dean of Students
- Residence Life & Housing
  - Director of Student Life & Housing
  - Associate Director of Housing Operations & Administrative Services
  - Senior Residence Life Coordinator
  - Associate Director
  - Residence Life Coordinator
- Victim Advocate and Team, Center for Advocacy, Prevention and Empowerment (CAPE)
  - Associate Director
  - CAPE Counselor & Advocate
  - Community Educator
  - Project Coordinator
- Human Resources
  - Director of Human Resources
- Academic Affairs
  - Provost
  - Assistant Vice President of Faculty Affairs and Development
- Athletics
  - Director of Athletics
  - Assistant Athletic Director/SWA
- Culture & Identity Centers
  - Director, Women's Resource Center

- Program Coordinator, Women’s Resource Center
- Program Director, Dreamer Success Center
- Advisor, Dreamer Success Center
- Director, Asian & Pacific Cultural Center
- Interim Director, Latinx Cultural Resource Center
- Program Coordinator, Latinx Cultural Resource Center
- Campus Law Enforcement
  - Chief of Police
  - Detective, Campus Police Department
  - Detective, Campus Police Department
- Student Health Services/Well-being and Health Promotion
  - Director of the Health Center
  - Health Educator
- University Counsel
- Division of Information Technology
  - Associate Vice President, Infrastructure & Compliance/ Chief Information Security Officer

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 ([calstaterewiew@cozen.com](mailto:calstaterewiew@cozen.com)), as well as individual meetings via Zoom.

During our campus visit, Cozen O'Connor held an open forum for faculty and staff (18 attendees) and met with the Academic Senate Executive Committee (7 attendees). Our visit to campus occurred during a time when classes were on a break. Following our visit, we met with leaders of Associated Students, Inc. (8 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 330 responses to the survey from Dominguez Hills 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:

**Awareness and Infrastructure of OEI:** In our community engagement, we learned that the Office of Equity and Inclusion (OEI) needs to increase staffing, improve visibility and accessibility, and promote awareness of its role and goals across the university. Students are generally unaware of the supports available through OEI. As of November 2022, OEI is under new leadership and is working to grow community awareness by meeting with faculty and administrators to inform them about the office, the Nondiscrimination Policy, and university supports and resources. OEI has institutional support to continue to make improvements, which must include strengthening internal protocols, tracking patterns and trends, coordinating awareness campaigns, and creating a multidisciplinary team (MDT) for consistent evaluation, informed decision-making, and documentation of key steps in response to reports.

**Prevention and Education:** Dominguez Hills's current prevention and education program is the shared responsibility of OEI and the university's confidential advocate through the Center for Advocacy, Prevention, and Education (CAPE). CAPE offers prevention training to the campus, and OEI presents compliance-focused trainings. To better align these efforts and benefit from the synergies attendant to the overlapping subject matter, we recommend the university convene a Prevention and Education Oversight Committee and assign a dedicated prevention and education coordinator within OEI to lead a strategic and comprehensive effort that reaches all university constituents and covers all topics.

**Responding to *Other Conduct of Concern*:**<sup>2</sup> As with all CSU universities, Dominguez Hills grapples with conduct issues that may not rise to the level of a Nondiscrimination Policy

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

- Conduct on the basis of protected status that does not rise to the threshold of a potential policy violation because it is not severe, persistent, or pervasive



violation, but nonetheless are disruptive to the living, learning, and working environment. Also, like most other CSU universities, Dominguez Hills does not have a consistent, formalized, or coordinated approach to addressing these behaviors, which we refer to as *other conduct of concern*. As a result of a lack of a process to address these behaviors, the university triages these reports in an *ad hoc* manner, which leads to inconsistent and disjointed responses and results in distrust arising from a lack of actual and perceived accountability. The university has taken some efforts to address gaps, including developing a Conflict Resolution Protocol with the Provost's Office to be used within academic departments. We recommend that the university work closely with the Chancellor's Office to develop a formal process to address *other conduct of concern*, including implementing and expanding conflict resolution options, 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 of these reports.

#### IV. The Office of Equity and Inclusion

##### A. Infrastructure

[The Office of Equity and Inclusion \(OEI\)](#) responds to reports made pursuant to the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#). OEI also presents [workshops and trainings](#) across campus in collaboration with other campus partners. The trainings cover a variety of topics, such as: Preventing Discrimination and Harassment; Implicit Bias; Employee Reporting Responsibilities; Responding to Discrimination, Harassment, and Retaliation; Responding to Sexual Assault, Dating Violence, and Stalking; Microaggressions; Bystander Intervention; and Inclusive Workspaces.

OEI has undergone significant changes since the summer of 2022. The previous Title IX Coordinator left the university in August of 2022, and the Deputy Title IX Coordinator left the university in September 2022. In November 2022, the university hired the current OEI Executive Director. In the intervening months, the

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- 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.

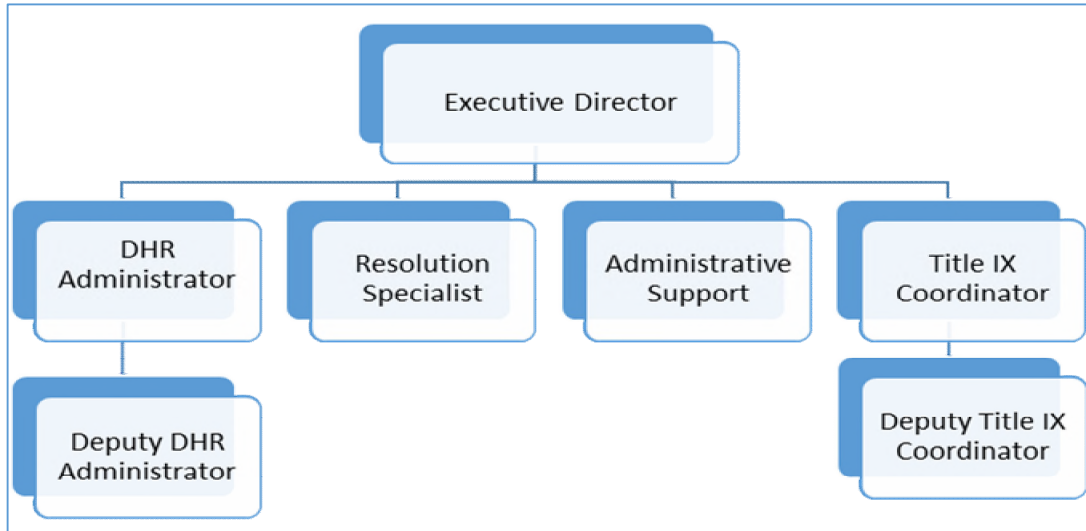
university relied on external professionals to perform the duties of Title IX Coordinator and Deputy Title IX Coordinator. The external professionals worked remotely and on a part-time basis. Currently, the staffing at OEI consists of the OEI Executive Director & Interim DHR Administrator, a new Title IX Coordinator (hired since we last met with the university in March of 2023), an Interim Deputy Title IX Coordinator (part-time, remote external contractor), a student assistant, and an administrative assistant. When we visited campus, the OEI Executive Director had been in the role for approximately two months, and was working with an additional external professional who, at that time, was supporting the office as the Interim Title IX Coordinator. In addition to the personnel changes, OEI experienced a structural change in July 2022, when it joined the new Division for Diversity, Equity, Inclusion and Justice (DEIJ) under the university's inaugural Vice President & Chief Diversity, Equity, and Inclusion Officer.

OEI's most recent Title IX Annual Report (2021-2022) was completed by the new Title IX Coordinator after the previous staff left the university. The report reflected that 113 Title IX reports were made to OEI in the 2021-2022 academic year and, of those reports, seven resulted in investigations. We learned that, since he began at the university, the OEI Executive Director has focused on addressing the lack of community awareness of OEI and increasing OEI's presence on campus. While on campus in January, we learned that in the short time he has been at Dominguez Hills, the OEI Executive Director has met with many staff groups, academic departments, and students in order to forge relationships and create awareness about reporting options and available resources.

We learned that OEI recently hired a full-time dedicated Title IX Coordinator, and plans to hire a full-time dedicated DHR Administrator, both of whom will report to the OEI Executive Director. As of the time of our visit, OEI shared that it also planned to hire a Deputy Title IX Coordinator, Deputy DHR Administrator, Resolution Specialist, and administrative support.<sup>3</sup> OEI shared the below proposed organizational chart.

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<sup>3</sup> In the months since we were on campus, the organization and recruitment plans may have changed.



The Office, in its current and proposed forms, is underdeveloped and under resourced. A fully resourced office would include, at a minimum, a Title IX Coordinator/DHR Administrator, a prevention and education coordinator, a support and intake coordinator, two investigators (the need for which may increase over time or may be subsumed by the recommended centralized CSU Center for Investigations and Resolutions as described in the Systemwide Report), and a full-time administrative manager. The addition of a support and intake coordinator would allow the office to have increased separation between the care and support function of the office (the support and intake coordinator) and the resolution function of the office (investigators), and would allow for a reallocation of work load to the education coordinator, who would be able to strategically plan, oversee, track and ensure follow through on all training needs and requirements.

OEI uses the Maxient records management system to document and keep all case-related information. We learned that the OEI team meets regularly to share information and case updates.

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**

We learned from student leaders that they had limited visibility and awareness of, not only OEI, but of all Title IX-related resources for students. Regarding student awareness, campus constituents shared, “there is not a connection to the students from the resources,” and that, “OEI could improve by gaining better knowledge of the Dominguez Hills student body.” One stakeholder shared that “knowing the type of students [at Dominguez Hills] is [necessary]” for OIE “to be able to help [students] with . . . resources, accessibility and ways to get [help].” As to the online training that students are required to take, student leaders shared, “these trainings are bothersome to some students.” They noted that students required more explanation as to the “necessity of these trainings.” Student leaders also recommended that the trainings be further tailored to students’ needs. We heard that, in place of the online video training, students would prefer live training provided at student orientation or during other student-required events.

We also heard that students are very concerned about privacy and confidentiality. Specifically, students may not be aware of what resources are confidential and which are not. Students expressed fears that, if they disclosed their experiences, “their situation [would be] paraded across campus.”

Similarly, faculty and staff feedback demonstrates the need to improve communication and outreach efforts to elevate the visibility and awareness of OEI offerings. We heard the following feedback from staff: “The campus is still confused as to the role of the Office of Equity & Inclusion versus the role of the DHR Administrator. There needs to be more staff to create outreach for both.” Another staff member shared, “The Title IX and DHR office’s purpose remains poorly explained. I think that could change with better communications and varied ways of announcing the role.” Our recommendations include the development of an awareness campaign that collaborates with key campus partners to raise awareness of OEI and the confidential advocate, to improve the website and all materials, to provide a comprehensive campus-wide prevention, education, professional development, and training program tailored to the needs of all constituents, and increased staff to provide the office with the capacity to fulfill all of their duties.

## **C. Website**

In order to drive effective messaging and improve information sharing, the OEI website should be comprehensively reviewed, redesigned, updated, and refreshed through the lens of the needs of the

constituents the office serves. The website should be frontloaded with the Notice of Nondiscrimination, information about what OEI does, resources, reporting options, and an overview of resolution options. We note the team has taken some significant strides to improve the OEI website, but important areas to improve remain. We outline those areas in detail in our recommendations.

#### **D. Reporting Options**

Reports can be made to the Title IX Coordinator in person or via email, telephone, or through an [online reporting form](#) accessible on the OEI [Office's website](#).<sup>4</sup> Reports can be made by a complainant directly or through third parties (e.g., responsible employees). The online reporting form may be submitted anonymously, and the form informs the reporter that “**You may remain anonymous** in making this report. However, providing limited identifying information may also limit our ability to respond.”<sup>5</sup>

The online reporting form can be found within a few clicks from the OEI landing page, but we recommend making it more centrally visible on the OEI website. Further, the online reporting form references the outdated and superseded Interim Policy. Though the link is updated to connect to the Nondiscrimination Policy, the language on the form should be updated to reflect the current policy name.

We also learned that OEI is working to combat a widespread misperception that in order to speak with or receive support from OEI, the online reporting form must be completed and submitted. We recommend frontloading this corrected message, so that all university community members know that resources, care, and support are readily available and not tied to any requirements to report or complete a form.

#### **E. Case Processing**

Under the current structure, when a report is made to OEI, it is logged into Maxient, and the Deputy Title IX Coordinator sends outreach as soon as practicable. If it is a direct report by a complainant concerning Sexual Misconduct, Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence, or Stalking,

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<sup>4</sup> The reporting form was based on Attachment F to the Nondiscrimination Policy, which is the systemwide template complaint form for Title IX and DHR matters.

<sup>5</sup> Emphasis in original.

the response includes the information included in Attachment D to the Nondiscrimination Policy.<sup>6</sup> If the report is made by a third party, the response includes a message acknowledging that OEI received the information and will make outreach to the complainant. Supportive measures are offered, coordinated, and tracked by the Deputy Title IX Coordinator and the Title IX Coordinator.

OEI also consults with university partner offices as needed, including with Housing, Student Conduct, Faculty Affairs, Human Resources, or others, depending on whether the report involved students, faculty, and/or staff. As discussed below, we recommend the development of a standing multidisciplinary team (MDT) to formalize protocols to evaluate all reports for available resources, supports, patterns, trends, and resolution options.

Because the staff in OEI was new to the university, we were unable to obtain information on historical timelines for resolution.

OEI provided us with templates created by the previous Title IX team. The templates we received included outreach to complainants, outreach to witnesses, no contact directives, notice of investigation, other communications, and written determination. OEI shared that they are not currently using these templates and that, instead, the OEI Executive Director drafts personalized correspondence for matters, using templates only occasionally. We recommend a hybrid approach: using consistent templates to ensure consistency and inclusiveness of all critical information, and customization of those templates with bespoke framing and content tailored to the facts of the case and circumstances of the report.

#### **F. Review of Case Files<sup>7</sup>**

Because of the turnover in OEI, we did not receive any sample case files to review. We recommend that the Title IX team coordinate with the Chancellor's Office to ensure informed and effective investigative practices and report-writing.

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<sup>6</sup> Attachment D to the Nondiscrimination Policy is a document titled, "Rights and Options For Victims of Sexual Misconduct, Sexual Assault, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking."

<sup>7</sup> 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.

## G. Community Feedback about OEI

Student leaders shared that students were generally unaware of OEI, its resources and programs, and the difference between confidentiality and privacy. The gap in student awareness made it difficult to adequately assess the student perception of OEI. Faculty and staff, however, generally expressed skepticism and distrust of the Title IX and DHR functions. This was often reported to be due to the university's lack of a system to address *other conduct of concern* and the practice of making referrals from Title IX and DHR personnel to other partner offices.

Dominguez Hills's written [values](#) include justice, equity, diversity, and inclusion. Some staff and faculty shared that the university has struggled to actualize those values. Some individuals highlighted what they perceived to be a disconnect between the university's expressed values and the experiences of people on campus. Many of the cited examples related to the university's lack of response to *other conduct of concern*, discussed in Section IX below. This lack of response has led some faculty and staff to believe that Dominguez Hills was not fully committed to its stated values.

Some faculty expressed experiences or fears of retaliation for making complaints. They noted that their own personal experiences with administrators led them to distrust the Title IX and DHR functions, which they perceived as connected to the administration. Some faculty shared they had previously filed reports only to receive feedback that their experiences were "not DHR." They said they were then referred to a different office where they had to start the reporting process over again. Some faculty perceived this as intentionally circuitous or as a deliberate attempt on the part of the administration to create barriers to reporting. These faculty members said the reporting process seemed designed to exhaust and/or silence complainants and to have a chilling effect so that others would know that they would not find relief through the process.

We also heard from faculty that there is a belief that, instead of addressing the problems, the university "moves" the person who complained. One faculty member told us, "The solution is to make *me* [as the complainant] go away, and the problem will go away."

Faculty participants expressed distrust of the administration and a concern that this assessment was being undertaken to avoid "bad press," and to appear as if there would be changes implemented. We note the need for OEI and the administration to gain the trust and partnership of the faculty in order to build a functioning and effective TIX and DHR response system.

As an example of campus programming that has the capacity to build trust and reinforce institutional and community values, President Parham shared with us the 2022 Juneteenth celebration, which was designed to build on the rich and storied history of Dominguez Hills. We note that President Parham has a great deal of pride in CSUDH and its roots in the Black community of Los Angeles, dating back to the Watts protestors. He and his team displayed that pride by creating a Juneteenth celebration in 2022 which incorporated not only nationally-recognized figures, but home-grown and local dignitaries, artists, and activists.

Faculty members who shared that they were working, through scholarship, to make the university better. We learned about the university's Gender Equity Task Force, and the work that group has undertaken to create a comprehensive report and recommendations for policies and practices to promote equity. The recommendations reportedly resulted from an extensive review of current policies, practices, and systems. The Gender Equity Task Force's recommendations can serve as an important foundation for making systemic change in this area.

## **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;<sup>8</sup> (ii) adopt grievance procedures that are prompt and equitable;<sup>9</sup> and (iii) publish a Nondiscrimination statement.<sup>10</sup> In the sections below, we describe our observations of the university's compliance with each of these core Title IX obligations. Although the implementing regulations and regulatory frameworks are not as prescriptive under other federal and state laws that address all other protected status discrimination, harassment, and retaliation,<sup>11</sup> we incorporate the Title IX framework as it relates to these core requirements, because they apply equally to DHR programs.

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<sup>8</sup>34 C.F.R. § 106.8(a).

<sup>9</sup>34 C.F.R. § 106.8(b).

<sup>10</sup>34 C.F.R. § 106.8(c).

<sup>11</sup> 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



## 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.<sup>12</sup> 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.<sup>13</sup> 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.<sup>14</sup> The Title IX regulations detail the responsibilities of the Title IX Coordinator, which include, among other things:

1. Receiving reports and written complaints;<sup>15</sup>
2. Coordinating the effective implementation of supportive measures;<sup>16</sup>
3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;<sup>17</sup>

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obligations." For instance, most of the regulatory frameworks require a notice of non-discrimination. See 34 C.F.R. §§ 100.6(d) (Title VI), 104.8 (Section 504), and 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.

<sup>12</sup> 34 C.F.R. § 106.8(a).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

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

<sup>16</sup> 34 C.F.R. § 106.30(a).

<sup>17</sup> 34 C.F.R. § 106.44(a).

4. Considering the wishes of the complainant with respect to supportive measures, including explaining the process for filing a formal complaint;<sup>18</sup>
5. Attending appropriate training;<sup>19</sup>
6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;<sup>20</sup>
7. Overseeing the prompt and equitable nature of any investigation or resolution;<sup>21</sup> and
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.<sup>22</sup>

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.<sup>23</sup> Generally, Title IX Coordinators and DHR Administrators should be positioned to operate with appropriate

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<sup>18</sup> 34 C.F.R. § 106.44(a).

<sup>19</sup> 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 § 106.30, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.”)

<sup>20</sup> 34 C.F.R. 106.45(b)(1)(iii).

<sup>21</sup> 34 C.F.R. § 106.8(a) (charging the Title IX Coordinator with “coordinating [institutional] efforts to comply” with Title IX).

<sup>22</sup> 34 C.F.R. 106.8(a); 34 C.F.R. 106.45(b)(7)(iv).

<sup>23</sup> 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.”

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 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 MPPs and "have the qualifications, authority and time to address all complaints throughout the campus involving Title IX issues."<sup>24</sup> 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/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.

Since November of 2022, the OEI Executive Director has served as the Interim DHR Administrator, and more recently served for a period of time as the Interim Title IX Coordinator, after the part-time external professional finished her contract. At the time of our assessment, the OEI Executive Director's contact information – as well as the contact information for OEI more broadly – is displayed on a university [website](#). We note that, since the hiring of a new full-time Title IX Coordinator, those web resources have been updated to include her name.

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<sup>24</sup> 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."

At Dominguez Hills, when the OEI Executive Director was serving as the Interim Title IX Coordinator, he reported to the Vice President & Chief Diversity, Equity and Inclusion Officer (Vice President and Chief Diversity Officer). We understand that the new Title IX Coordinator reports to the OEI Executive Director. To ensure that the Title IX Coordinator has sufficient visibility, autonomy, and support, and to conform with the expectation in Attachment B regarding the Title IX Coordinator reporting to a Vice President or higher, we recommend that the university consider a shift or a dual or dotted line reporting structure.

OEI is not sufficiently resourced at present. The Office consists of the Executive Director, the Title IX Coordinator, a part-time remote external professional serving in the role of interim Deputy Title IX Coordinator, and two student assistants. The Office is planning to hire a full-time Deputy Title IX Coordinator, a DHR Administrator, a Deputy DHR Administrator, a Resolutions Specialist, and administrative support. Even with the hiring of additional staff, we are concerned that the staffing level would be insufficient to meet the needs of the campus. We address proposed OEI staffing in the recommendations section of the report.

With respect to training and experience, we note that the Executive Director has been engaged in Title IX/DHR work in the CSU system for eight years. He was a Title IX investigator for three years at Cal State Long Beach, and before coming to Dominguez Hills, he worked at Cal State Fullerton as its DHR Administrator for approximately five years. We do not have information about the new Title IX Coordinator's training or experience.

Finally, as it relates to conflict of interest, we flag for review and evaluation the potential impacts associated with the Title IX/DHR functions reporting to the university's Chief Diversity Officer.<sup>25</sup>

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<sup>25</sup> Because the OEI Executive Director reports to the Vice President & Chief Diversity, Equity and Inclusion Officer, there is the potential for the appearance of a conflict of interest, especially if certain constituencies already have significant distrust of the Title IX and DHR process. Although protected status and diversity efforts may naturally overlap, a close examination reveals two distinct functions: Title IX and DHR legally require neutral responses to reports addressing prohibited conduct, the provision of supportive measures to all parties, prompt and equitable grievance processes, and the assurance of fair processes implemented without conflict of interest or bias. In stark contrast, diversity efforts involve proactive advocacy designed to build and maintain a diverse and inclusive campus community and culture through recruiting, retention, curricular development, programming, and support. The blending of these functions creates the potential for conflict, or the perception of conflict, when a proactive (by design) Chief Diversity Officer is overseeing incendiary fact-finding processes related to sexual, racial, or other protected status reports of discrimination and harassment.

A review of reporting line options for Title IX Coordinators at hundreds of institutions across the country reveals there is no "one size fits all." Many coordinators report to Presidents, Provosts, and various Vice Presidents (HR,

## B. Notice of Nondiscrimination

The Title IX regulations require that institutions publish a Nondiscrimination statement.<sup>26</sup> 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;<sup>27</sup>
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.<sup>28</sup>

When we visited Dominguez Hills, we noted that the Notice of Nondiscrimination was not “prominently displayed” as required. When we met with the Chief Information Security Officer during one of our meetings, we informed her of the issue, and explained that creating a link to the Notice on the footer of the website may be a way to resolve the issue. Within hours, we were informed that the footer was updated with a link to the [Notice of Nondiscrimination](#). This Notice, consistent with the Title IX regulations, states that the university does not discriminate on the basis of gender or sexual orientation

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Administration, Risk Management, Compliance, Student Affairs, Finance, and Diversity offices); that same range exists at the CSU. However, in light of the national shift and recognition of the vital importance of increased diversity efforts, many institutions are moving away from reporting structures to Chief Diversity Officers, given the myriad legal, social, and mass media issues that frequently emerge in the aftermath of Title IX and other protected status investigations. Although there is no uniform or unflawed structural approach, due to the varying needs, issues, and resources that exist at different colleges and universities, a structure in which the Title IX Coordinator reports to one or more senior leader(s), for example, to the leader(s) of Student Affairs, Human Resources and/or the Provost, with a dotted line to a President and/or a member of the President's Cabinet, is a preferred model. It is critical that the Coordinator be given the requisite elevation, both in structure and optics, that presents this role as the true leader of Title IX and DHR, with the gravitas associated with reporting to a VP or higher, with a dotted line to the President.

<sup>26</sup> 34 C.F.R. § 106.8(b).

<sup>27</sup> 34 C.F.R. § 106.8(b).

<sup>28</sup> 34 C.F.R. § 106.8(b)(2).

in its education programs and activities. The Notice specifically states this prohibition extends to “employment as well as in all education programs and activities operated by the university (both on and off campus), including admissions.” According to the Notice, this prohibition on discrimination extends to sexual harassment, sexual misconduct, 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. We note, however, that this notice should be updated to reflect the current Title IX Coordinator’s name and contact information.

The [Notice of Nondiscrimination](#) also states that Dominguez Hills does not discriminate on the basis of these other protected statuses: age, disability (physical and mental), gender (or sex, including sex stereotyping), gender identity (including transgender and nonbinary), gender expression, genetic information, marital status, medical condition, nationality, race or ethnicity (including color, caste, or ancestry), religion (or religious creed), sexual orientation, and veteran or military status. The notice is available by clicking on the footer of the Dominguez Hills website, however, it was not present on the Athletics website. Our recommendations include a comprehensive review of the content, placement, and accessibility of the Notice of Nondiscrimination.

### **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 . . . .”<sup>29</sup> 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.<sup>30</sup>

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

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<sup>29</sup> 34 C.F.R. § 106.8(c).

<sup>30</sup> *Id.*

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

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

The CSU’s prohibition against certain consensual relationships is embedded within the Nondiscrimination Policy.<sup>31</sup> We learned that at many of the CSU universities, the prohibition is not adequately communicated to the campus community, limited or no training is offered on the prohibition, and the prohibition is not enforced. Given the significant overlap of the prohibited relationship policy with Title IX, and DHR and *other conduct of concern*, attention should be given to the training and enforcement of this prohibition.

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<sup>31</sup> 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.”

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**

During our campus visit, we learned that coordination among campus partners on issues related to Title IX and DHR can be challenging as the team is undergoing a period of development and adjustment. At the time of our visit in January 2023, the OEI Executive Director had been in his role for approximately two months. His supervisor, the Vice President and Chief Diversity Officer, had been in her role for six months, and the interim Title IX Coordinator and Interim Deputy Title IX Coordinator, both external professionals, were working remotely and on a part-time basis. We learned that campus partners used to engage regularly in the Coordinated Campus Response Team (CCRT). We understand from administrators that these meetings were helpful to ensure that communication was occurring among partners. We also understand that the numerous personnel transitions led to confusion among partners and that “understanding the roles is an issue.” One campus partner told us that, although the team is “undergoing a lot of growing pains right now, [they] are in a transition phase ... and trying to do something new.” We note that the new team in place in OEI brings energy and a willingness to work together across campus departments. Our recommendations focus on systematizing multidisciplinary team (MDT) meetings, as well as building and strengthening an enterprise level integrated records management system so that information can be shared readily with need to know partners to support effective informed responses and communications, track patterns, assess risks, and enhance culture work.

### **A. University Police Department**

The Dominguez Hills [University Police Department](#) (Campus PD) is tasked with providing a safe campus conducive to education for the university's students, faculty, staff, and visitors. According to the website, Campus PD is operational 24 hours a day, seven days a week, year-round. Trained emergency dispatchers are available to answer calls and there is always at least one officer on duty. Campus PD has 21 sworn officers and has jurisdiction to investigate crimes on campus, including sexual assault. Campus PD Detectives submit criminal cases to the LA County District Attorney's Office. In addition to law enforcement duties, the Campus PD operates a safety escort program for students, faculty, and staff. The Campus PD website provides links to Programs and Services such as lost and found and anonymous tip



hotline, [Campus Crime Statistics/Annual Security Report](#), [Fire Safety Report and Statistics](#), Forms, Crime Alerts, Emergency Management, and Emergency Operations Plan.

The Chief of Police works closely with the Clery Director to assess for the need to issue timely warnings. We learned that the Chief of Police documents the reasons why or why not a warning was sent out. We also learned that all Campus PD officers are trained to provide the appropriate resources and contact numbers to sexual assault survivors. Campus PD officers share information with the Title IX Coordinator when given permission to do so by the complainant. Pursuant to California Penal Code 293, Campus PD will honor a complainant's request not to have their name shared with the Title IX Coordinator, but will share the report and the respondent's information. Campus PD officers are trained to explain to complainants the purpose and role of the Title IX function.

## **B. Student Conduct**

The [Office of Community Standards](#) addresses violations of the Student Code of Conduct. The website provides information regarding Academic Integrity, Student Conduct Procedures, Campus Policies, and other Student Policies. Student Conduct incidents can be reported using this [form](#).

When we were on campus in January 2023, the Director of Student Conduct had been in his role for three months. We heard that despite being relatively new to Dominguez Hills, and the position, Student Conduct and OEI have open and ongoing communication. For example, we learned that Student Conduct is consulted when no contact orders or other supportive measures are put in place that impact a student. Student Conduct is directly involved in sanctioning following a finding in a Title IX investigation involving a student.

Student Conduct uses Maxient, which means they are able to receive and review cases in the system, as well as send them to other campus partners, such as Housing and OEI.

## **C. Housing and Residence Life**

According to its website, [Dominguez Hills University Housing](#)'s mission statement is to "provide a safe on-campus living experience designed to promote independent living, maximize students' educational experiences, and facilitate personal growth." University Housing staff consists of a Director, an Associate Director of Residential Life, an Associate Director of Housing Facilities, a Facilities Manager, a Conference & Business Operations Coordinator, an Information Technology Consultant and Coordinator, an Associate

Director of Housing Operations & Administrative Services, an Administrative Support Assistant, five Residential Life Coordinators, an Administrative Support Coordinator, an Administrative Assistant to the Director, as well as 23 Residence Assistants.

University Housing has a capacity of 1200 students, and as of January 2023, there were approximately 900 students living in on-campus housing. University Housing is hoping to attract more students to on-campus living, and create a livelier after-hours campus. Dominguez Hills had only apartments to offer students until 2020, when it opened a residence hall. Previously, the campus was not designed for communal student living. With the opening of the residence hall, University Housing has learned to create more intentional programming to focus on the well-being of each student, as well as fostering community-building among students.

We heard that University Housing reports any conduct that could possibly fall into the Nondiscrimination Policy to OEI. University Housing addresses conduct issues such as quiet hours and cleanliness violations, as well as low-level roommate disputes. University Housing uses Maxient for reporting and case management. University Housing meets regularly with OEI, but there is no quality control practice or formalized multidisciplinary team to receive and review any reports that are made through Maxient, that may implicate a Title IX, DHR, or another cross-campus responses.

#### **D. Faculty Affairs/Academic Affairs**

The Division of [Academic Affairs](#) is led by the Provost and Vice President for Academic Affairs. Academic Affairs is made up of the six Academic Colleges, the University Library, and the administrative units of the Provost and Vice President's Office, including Faculty Affairs. The Division of Academic Affairs organizational chart can be found [here](#).

The Office of [Faculty Affairs & Development](#) (FAD), located within the Division of Academic Affairs at Dominguez Hills, is responsible for professional, personnel, and labor relation services for tenured and tenure-track faculty, lecturers, librarians, coaches, counselors, teaching associates, graduate assistants, and instructional student assistants. The Office of Faculty Affairs & Development serves as a central clearinghouse for faculty-related procedures, policies, and programs, and is responsible for assisting faculty as they move through the university.

The Office of Faculty Affairs & Development provides many of the Human Resource needs of the university's academic personnel within the Division of Academic Affairs. Faculty Affairs & Development is responsible for many broad, academic-related programs and activities, which include full-time academic recruitment, full-time faculty evaluation processes, and leaves of absence.

The website includes information regarding academic jobs, student employees, [collective bargaining agreements](#), the faculty development center, [faculty handbook](#), [policies](#), and more. The staff includes an Associate Vice President, an Administrative Support Coordinator, three Administrative Analyst-Specialists, and a Confidential Personnel Analyst.

As discussed in Section IX, Academic Affairs developed a Conflict Resolution Protocol that was first piloted in 2018-2019, as a way to address the issue of *other conduct of concern*, or behavior that may not rise to the level of a policy violation, but is nevertheless harmful to those experiencing it and destructive to the fabric of the institution. We commend the Division for developing this protocol and recommend adding this tool to the suite of resources for the university's response to *other conduct of concern*.

#### **E. Human Resources**

According to its website, [Human Resources Management](#) (HR) provides services designed to attract, support, retain, and develop the diverse talent needed to achieve the university's goals. The website further states HR is guided by the values of ethics and integrity, collaboration and proactive partnerships, respect, diversity and inclusion, responsiveness, and continuous learning.

HR sits in the Division of Administration and Finance. HR is led by the Associate Vice President of Human Resources. She has been with the university for 17 years and has been in the AVP position since June 2022. HR houses the administrative needs for the staff of Dominguez Hills, such as benefits, classification and compensation, and employee relations. The university's whistleblower function is also housed in HR.

We learned that HR is often the place where an employee will go if they have experienced what they believe is an issue of discrimination, harassment or retaliation. We also learned that if conduct does not meet the criteria of a potential instance of discrimination, harassment, or retaliation, HR may initiate a conversation to try to resolve the report. Often HR finds that there was a lack of information, or a lack of communication within that employee's work area. HR is frequently able to address issues by talking with supervisors and suggesting ways to resolve the concern. Currently there is no systematized

documentation of these reports and conversations. We also learned that clarity of communication in these resolutions is challenged. Employees reported feeling “lost” in not knowing who would provide the support for them, and as a consequence, reported feeling distrust and fear of retaliation. We heard from administrators that if more robust professional development was available to faculty and staff, employees and managers would have a better understanding of these issues, and be better able to communicate, collaborate, and document reports and responses.

We learned that OEI and HR have a close working relationship that includes the referral of matters better suited to their respective offices. We also learned that HR meets with OEI on each case in which HR is also involved, and that HR is collaborative in sharing any information that OEI needs. We note that this is not a formalized meeting or routinized process. A formalized MDT is necessary to strengthen this collaboration and facilitate information-sharing.

#### **F. Clery Act Responsibilities**

Dominguez Hills’s Clery Director is also the Director of Risk Management at the university. The Clery Director leads the campus [Clery Compliance Team](#), which is a multi-departmental team who assists in reviewing the [Annual Security Report](#), and ensuring that the university is complying with the Clery Act, VAWA, and other state and federal laws that impact campus safety. We learned that the Clery Director works closely with the Chief of the Campus Police Department in situations in which a timely warning may be warranted.

### **VII. Campus Resources for Students and Employees**

The care side of campus resources is critically important to the effective functioning of the Title IX and DHR programs. Dominguez Hills provides the following resources dedicated to supporting student and employee well-being.

#### **A. Confidential Advocates<sup>32</sup>**

The [Center for Advocacy, Prevention & Empowerment \(CAPE\)](#) provides confidential assistance, support, and education for those affected by sexual abuse/assault, intimate relationship abuse, and/or stalking.

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<sup>32</sup> The Confidential Advocate role is defined in [Attachment C](#) of the Nondiscrimination Policy and discussed in the Systemwide Report.

The website indicates that the goal of CAPE is to help individuals overcome the negative consequences of abuse in order to accomplish their academic, professional, and personal goals. CAPE provides services to Dominguez Hills students, staff, and faculty. CAPE is located in the Student Health Center, and is accessible by appointment. CAPE is staffed by a Director, an advocate, a graduate assistant, and a project coordinator.

CAPE has a grant from the U.S. Department of Justice, Office on Violence Against Women (OVW) that provides funding for prevention work. CAPE provides educational workshops by request to student groups, clubs, organizations, or as part of a class lecture. CAPE's prevention work is described in Section VIII.

As for its advocacy work, we learned that CAPE works with about 50 individuals per year doing individual advocacy. Before the COVID-19 pandemic, the numbers were slightly higher, around 60. The majority (80%) of the incidents that led to individuals working with CAPE occurred off-campus. We heard that those who work at CAPE are hindered by the lack of sufficient space for confidential meetings. There is only one area to hold such meetings, and people have to wait outside the building to wait for their turn to meet with the advocate. We recommend providing sufficient alternative space for these important confidential meetings.

### **B. Respondent Support**

OEI has a dedicated space on its website for those who are accused of violating the Nondiscrimination Policy. This space dedicated to [respondents' needs](#), includes information on options and resources available, including a link to the [Title IX/DHR Process Advisor Program](#) website. This program consists of trained employees willing to serve as Title IX/DHR Process Advisors for Respondents and Complainants. The website lists confidential support for students, employees, and additional support resources. The website also shares information about the investigative process.

### **C. Student Psychological Services**

According to its website, [Student Psychological Services](#) (SPS) at Dominguez Hills provides a variety of mental health services intended to assist in developing a student's "full potential as a student and emotionally healthy individual." SPS services include individual counseling, support groups, therapeutic workshops, psychiatric services, faculty and staff consultations, and telehealth services. The website

provides information for emergency and after-hour crises, including [links](#) to emergency and urgent care centers, information for 24-hour crisis hotlines, LGBTQIA mental health resources, information regarding assault, intimate partner violence, stalking or domestic violence, child and elder abuse, alcohol and substance abuse hotlines, and the University Police.

SPS offers in-person and telehealth therapy. SPS uses a short-term therapy framework, and may refer students to longer-term counseling in the community, if needed. SPS consists of a director, nine counseling staff, one psychiatrist, one ToroWellness staff, and two administrative support staff.

SPS participates in mental health education and awareness on campus. SPS staff are available for a range of presentations and workshops that focus on particular areas of concern, such as stress and anxiety. The Student Mental Health Advisory Committee is made up of students who help inform, engage, and shape the SPS vision. SPS also offers trainings on a regular basis for students on Mental Health First Aid (MHFA), and the ToroWellness Program is a peer education and connection program in which student educators facilitate presentations and increase mental health awareness.

#### **D. Student Health Services**

[Student Health Services](#) offers services for primary health care needs for students at Dominguez Hills. In addition to basic health services, SHS offers a variety of preventive and educational programs to the campus community. Physicians, nurse practitioners, registered nurses, and clinical assistants provide basic outpatient services. The services include urgent care, preventative care (including routine physical exams, immunizations, and screenings), screening and treatment of STDs, gynecological exams, birth control, pregnancy testing, medication abortion, pharmacy services, radiology (x-ray) services, and lab services. All students currently enrolled at Dominguez Hills are eligible for services upon proof of enrollment. First Aid and referrals are available to all faculty, staff, and visitors at no cost. SHS also has a [Health Educator](#), who presents to clubs, organizations and classes on a variety of health topics.

#### **E. Ombuds**

As of May 2023, Dominguez Hills does not have an ombudsperson. We heard that the university had two faculty members who previously served as ombuds, though the positions were never formalized. We heard from faculty and from administrators that an ombuds would be incredibly useful for all members of the campus community.

## F. Additional Resources for Students

Students at Dominguez Hills have access to a number of on-campus resources. In addition to the resources already addressed above, there are [various affinity groups](#). Other relevant on-campus resources include:

- Dominguez Hills’s [Campus Awareness Response & Education \(CARE\) Team](#) is a multidisciplinary group of campus officials that work in a proactive and collaborative approach to respond to non-emergency concerns. The CARE team works to intervene early and develop appropriate courses of action for referred students. Title IX is a member of the CARE team.
- [Dominguez Hills’s Basic Needs Program](#) is a campus-wide program that offers resources both on and off campus to help alleviate basic need challenges such as food, housing, transportation, or other challenges. The Basic Needs Program is comprised of the Toro Food Pantry, CalFresh Food Program, and Emergency Housing and Well-being Assistance. The four staff members consist of a Manager of Student Support, and one Coordinator each for Basic Needs, CalFresh, and Food Access.

A complete list of resources and links can be accessed [here](#).

## G. Additional Resources for Employees

Dominguez Hills offers an [Employee Assistance Program](#) (EAP) provided through LifeMatters. The service is available to all Dominguez Hills staff and faculty, and includes short-term counseling, childcare and elder care resources, financial counselor referrals, legal consultations, professional development, skills coaching, stress management, and other benefits. LifeMatters also provides on-going webinars related to professional and personal enrichment.

## VIII. Prevention, Education Professional Development, Training and Awareness<sup>33</sup>

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.<sup>34</sup> Even if responsibilities are shared with a Confidential Advocate, the Title IX Coordinator “remains primarily responsible for all campus-based prevention and awareness activities.”<sup>35</sup> The Nondiscrimination Policy

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<sup>33</sup> 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.

<sup>34</sup> See Attachment B: Campus Title IX Coordinators Role and Responsibilities.

<sup>35</sup> See Attachment C: Confidential Sexual Assault Victim's Advocates.

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.<sup>36</sup>

This level of coordination and oversight is not occurring at Dominguez Hills, nor at most universities across the system. As described above, the prevention and education programming at Dominguez Hills is mainly provided by the Center for Advocacy, Prevention & Empowerment (CAPE). CAPE is grant funded, which means that the provision of its services are not a long-term permanent part of Dominguez Hill's infrastructure. We note the need for Dominguez Hills to create a baseline funded prevention and education program that is sustainable and comprehensive, with coordination and collaboration across the campus.

Since arriving at Dominguez Hills in November of 2022, the OEI Executive Director has focused on meeting campus partners and providing trainings to academic departments, deans, and other groups on campus. The OEI Executive Director expressed to us that prevention and education programming is an area of focus for the office going forward. We recommend formalizing these efforts and focus into a dedicated prevention and education coordinator supported by a Prevention and Education Oversight Committee to ensure that trainings and education are aligned and tracked.

#### **A. Students**

All students enrolled in courses at Dominguez Hills are required to take Title IX online training every academic year. The prevention and education programming at Dominguez Hills is primarily provided by CAPE. CAPE programming addresses the following topics: CAPE 101 (information about CAPE's programs and services); dynamics, resources, and how to help those impacted by sexual assault/abuse, intimate partner abuse, stalking, and sexual harassment; and bystander intervention training. CAPE also provides professional training for student staff and faculty and professional staff, focusing on how to support an individual following a disclosure of interpersonal abuse. CAPE further provides awareness events,

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<sup>36</sup> *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."



including hosting national speakers, and campaigns such as the *Little Black Dress Campaign*.<sup>37</sup> CAPE also provides an alternative to the annual online student and employee training for those who request it. We learned that a total of about 50 students and employees per year participate in the alternative training. As an essential partner in the provision of required prevention, training, and education, we highlight the importance of CAPE's coordination with OEI as essential to follow the Nondiscrimination Policy and support the recommended strategic and comprehensive approach to required campus programming.

We learned that in previous years, Dominguez Hills offered Green Dot and other bystander prevention trainings through the Health Promotion Education Office in Student Health Services. We learned that CAPE took up providing the Green Dot training, but it was not effective for the Dominguez Hills campus. CAPE is currently working with a consultant to develop a customized bystander intervention program called Toros Take Action. The hope is that it will be ready to implement, with the help of the consultant, by the fall of 2023.

OEI also provides trainings to Dominguez Hills students designed to build awareness and provide information about Title IX.

## **B. Employees**

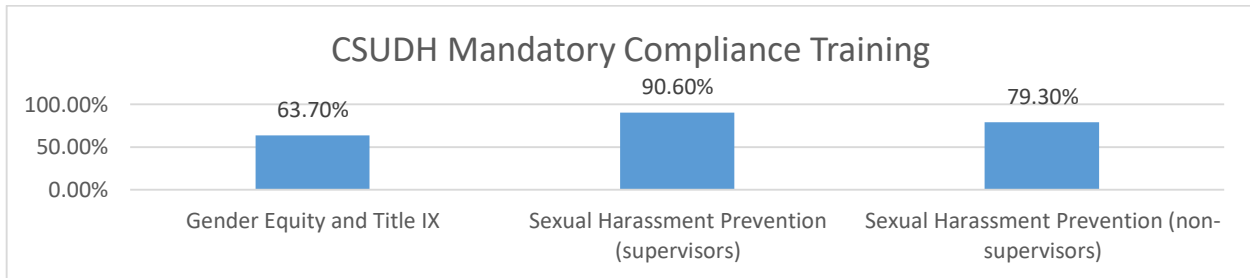
Consistent with California state law, CSU policy requires all CSU employees to complete the online CSU *Sexual Misconduct Prevention Program Training*, also known as *Gender Equity and Title IX*, on an annual basis (for at least 60 minutes). In addition to this annual requirement for all CSU employees,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

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<sup>37</sup> The [Little Black Dress Campaign](#) (LBDC) is a social media project to raise awareness about sexual assault.

chart, provided by the Chancellor’s Office, shows the completion percentage for Dominguez Hills for the 2022 calendar year:<sup>38</sup>



OEI also provides the general Title IX awareness training to new employees on a monthly basis.

We learned that deans, associate deans, and department chairs, staff supervisors, and others in leadership roles lacked information about key topics, including how to respond to *other conduct of concern*, reporting options, and the scope of the Nondiscrimination Policy. This lack of training has led to a reported lack of empowerment. Individuals in leadership positions would benefit from additional engagement and educational opportunities that focus on problem-solving, de-escalation, university resources, and resolution options.

### C. Coordination

We note that there is not a coordinated, comprehensive plan or calendar to track upcoming and completed trainings. There is also not a tracking mechanism to ensure required trainings are taking place for constituencies who need them. Our recommendations speak to the need to coordinate and enhance existing programming and to develop strategic plans and calendars to ensure the programs reach all community members. To drive the strategic plan, we recommend that the university identify and designate a prevention and education coordinator to lead the university’s efforts and coordinate the many campus partners who contribute to prevention and education programming. We also recommend the creation of a Prevention and Education Oversight Committee to map topics, audiences, and frequency;

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<sup>38</sup> These percentages have been validated by each campus. Please note employees designated by their campus as "on leave" were removed from these final percentages.

develop consistent branding and marketing; measure engagement; and track the effectiveness of programs.

## **IX. Other Conduct of Concern**

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

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

Dominguez Hills, as with the other universities in the CSU system, and nationwide, has grappled with how to address conduct issues that do not meet the threshold of policy violations under Title IX or DHR, but are, nonetheless harmful to the fabric of the campus culture. Across the country, campuses have been contending with how to address issues related to civility, bullying, protected speech that negatively impacts others, and words and actions that may technically be misconduct, but do not meet the criteria of being sufficiently persistent, severe, and/or pervasive.

As noted above, we learned that key campus leaders including deans, associate deans, and department chairs, staff supervisors, and others in leadership roles lack training on how to address *other conduct of concern*, and are not empowered to make decisions or to solve issues that arise in the workplace. We also heard that Faculty Affairs can only make “suggestions,” rather than decisions with respect to faculty, indicating the perceived difficulty in encouraging faculty participation in programming. We heard that there may be differing approaches for tenure-track and non-tenure track faculty, and that “when the non-tenure track reports something, they are sent from pillar to post.”

We learned that many staff members lack information about where to go for support when they experience what they believe is DHR or Title IX-related conduct. When they are told that their experience does not rise to the level of a Nondiscrimination Policy violation, that furthers the perception that “nothing can be done” and that the university “does not care.”

As discussed above, we learned about a Conflict Resolution Protocol that Academic Affairs implemented as a pilot program during the 2018-2019 academic year. The use of the protocol was interrupted by the COVID-19 pandemic, and since being back in person, Academic Affairs is looking forward to resurrecting the pilot as a way to address *other conduct of concern* in academic departments. The protocol is intended to assist faculty and staff in resolving conflict early and when it occurs. The protocol was developed with the assistance of a consulting group, and is based on conflict transformation and restorative justice practices. The protocol focuses on relationships, and uses a high accountability model. The protocol includes escalating actions used to resolve the conflict, and contains templates that participants can use for each step, including, for example, a template for setting up an initial meeting to discuss the conflict, with a sample phone call script and a sample email message. The protocol is a positive step forward and should be included in the university's comprehensive plan for addressing these behaviors.

We heard from many faculty who believe that the university needs to invest in an ombudsperson. We learned that there used to be two ombudspersons who were also faculty members, but that the positions were never institutionalized. We recommend that the ombudsperson be considered as part of the robust suite of services available to the campus to address these issues.

To ensure a coordinated university response and to improve the perceived effectiveness of the Title IX and DHR functions, we recommend working closely with the Chancellor's Office to develop a formal process to address *other conduct of concern* and strengthen and expand conflict resolution options, restorative justice, and other remedial responses for matters that do not constitute a violation of the Nondiscrimination Policy.

## **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
  - 3.1. In order for the office to be sufficiently resourced, we recommend that the University supplement Title IX/DHR team with the following necessary personnel and resources: a prevention and education coordinator, a support and intake coordinator, an investigator (the need for which may increase over time or may be subsumed by the CSU Center for Investigations and Resolutions), and a full-time administrative manager. The addition of a support and intake coordinator would allow the office to have a delineated care and support function and increased separation between the care and support function of the office (the support and intake coordinator) and the resolution function of the office (investigators). The addition of an investigator would ensure the adjudicatory functions are covered. Expanding the office to include a prevention and education coordinator, in addition to ensuring that trainings across the campus are a priority for the office, would also ensure that all training and education is tracked and relieve the Title IX Coordinator from that additional responsibility.
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
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.)
8. Identify a sustainable model to provide respondent support services
9. Ensure that CAPE has sufficient alternative space to hold confidential meetings

#### **B. Strengthening Internal Protocols**

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

1. Coordinate with the Regional Director, Systemwide Title IX/Civil Rights Division, and subject matter experts to:
  - 1.1. Map the case resolution process from reporting and intake through to investigation and resolution process
    - 1.1.1. Compare the current process against standard practices and identify any concerns related to timeliness, conflicts, gaps in communication, or gaps in consistent process
    - 1.1.2. Identify, map, and reconcile intersections with faculty/staff grievance and disciplinary processes
  - 1.2. Develop robust intake, outreach, and case management protocols for supportive measures and resources
    - 1.2.1. Develop internal protocols and written tools (e.g., templates and checklists) for intake and outreach, oversight of supportive measures, and decision-making regarding emergency removal or administrative leave
    - 1.2.2. Seek to hold an intake meeting with all individuals who make a report of conduct that would potentially violate the Nondiscrimination Policy
    - 1.2.3. Develop 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 MDT is trained to treat information confidentially, with sensitivity, and consistent with state and federal privacy laws
  - 1.5.6. The MDT should engage in consultation to inform decisions, including those about emergency removal, administrative leave, the reasonable availability of supportive measures, and questions about the scope of the university's education program or activity
  - 1.5.7. The MDT meetings should serve as natural opportunities for documenting the factors considered in reaching key decisions and documenting what information was known, when it was known, by whom it was known, and what impact it had on the Title IX Coordinator/DHR Administrator's analysis



- 1.5.8. The MDT should facilitate the development of shared fluency and knowledge among key university partners related to the legal and regulatory requirements, policy frameworks, and considerations related to care and informed and equitable processes
- 1.6. Develop tools for consistent, informed, effective documentation and case management
  - 1.6.1. For quality control, develop a case opening and closing checklist to ensure that all relevant documents, correspondence, and information are captured and preserved electronically
  - 1.6.2. To the extent feasible, seek to maintain data in a usable and searchable electronic format for efficient decision making, analysis and review
  - 1.6.3. Migrate all historical DHR reports and Title IX reports into the enterprise-level case management system, if not already included
  - 1.6.4. Develop periodic reviews for quality assurance
- 1.7. Oversee investigations for quality and consistency of prompt and equitable processes
  - 1.7.1. Establish a protocol to ensure the timeliness of investigations, with routine quality control mechanisms throughout investigation process
  - 1.7.2. Develop quality control processes for monitoring active investigations for thoroughness and timeliness and ensure timely communications to parties throughout the investigative process (e.g., calendar internal 30-day, 60-day and 90-day alerts to prompt the investigator or case manager to make outreach to the parties)
  - 1.7.3. Ensure each report has sufficient review by the Title IX Coordinator/DHR Administrator and University Counsel (for legal review of sufficiency and adherence to policy)
2. Continue to evaluate barriers to reporting and engagement at the university level, with aggregation of data and advice and guidance by the Chancellor's Office
3. Review and revise tone, content, and format of reporting forms and other template communications
  - 3.1. Ensure the consistent use of template communications, which can be tailored to address the specific context; this hybrid approach ensures compliance with critical information requirements
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 Nondiscrimination
  - 1.2. Dissemination of the Nondiscrimination Policy
  - 1.3. Information about reporting and resources
2. Develop an intentional marketing campaign to raise awareness about the role of the Title IX/DHR program, available resources, and resolution options
  - 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 Nondiscrimination, 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. Update and make improvements to the web presence of OEI. The issues of note are listed below:
    - 3.3.1. In the [Trainings](#) for Title IX Investigators & Coordinators section, there is a broken link for the [additional training and certification](#)
    - 3.3.2. On the [Title IX webpage](#) there is no information about supportive measures, and receiving them just by the asking in any of the resources/pamphlets. The [Request Accommodations](#) tab also does not make that clear.
    - 3.3.3. Within the [Get Help](#) tab:

- 3.3.3.1. There is a broken link for the options and resources for [Sexual Assault](#).
- 3.3.3.2. There is a broken link in the [Help A Friend](#) tab - the link to the [Dominguez Hills Title IX Officer](#) is broken.
- 3.3.3.3. Under the [For Faculty and Staff](#) tab, under Additional Resources Available for Download, the [Notice of Nondiscrimination 2020-21](#) has the previous Title IX Coordinator's information on it.
- 3.3.3.4. Under the [For Faculty and Staff](#) tab, under Additional Resources Available for Download, the [Rights and Options for Victims 2020-21](#) is in need of the following edits: the document has the previous Title IX Coordinator's information, and the document has other outdated personnel contacts – such as the Deputy Title IX Coordinators.
- 3.3.3.5. On the [For Survivors](#) page of the Rights & Resources section, under “What reporting options do I have?” tab, Health/Counseling/Clergy is listed as a reporting option. While those are all resources for survivors seeking support, they are not reporting options as that term refers to putting the university on notice of an incident. We also note that resources should be categorized as “Confidential,” and “Non-Confidential,” to eliminate confusion
- 3.3.3.6. On the [For Survivors](#) page of the Rights & Resources section, under “Whom should I contact?” tab, the individual listed as the Title IX Officer is no longer with the university.
- 3.3.3.7. On the [Brochures & Notices](#) page of the Rights & Resources section, the Title IX Coordinator name and contact information needs to be updated.
- 3.3.3.8. On the [Brochures & Notices](#) page of the Rights & Resources section, the [Reporting to the University Versus Reporting to the Police](#) link contains a PDF of a handout. The handout is in need of the following edits: names are outdated; the Confidential Advocate is listed as a reporting person and listed first (the Confidential Advocate is not a “reporting person” as talking with a confidential resource does not put the university on notice); the names of the organizations and the campus partners need to be defined as to what they are (Confidential or not Confidential).
- 3.3.3.9. On the [Brochures & Notices](#) page of the Rights & Resources section, there are a number of brochures. The below comments relate to all of the following brochures: [Brochure: Sexual Misconduct & Sexual Assault Resources](#); [Brochure: Dating Violence, Domestic Violence & Stalking Resources](#); [Brochure: Sexual Harassment Resources](#)
  - 3.3.3.9.1. The Brochures list CAPE (the Confidential Advocate) under Report, which seems to indicate that CAPE is a reporting option.

- 3.3.3.9.2. The Brochures list CAPE first in the “Report” section, and the “What Should I do?” section, as well as the “Who Can I Talk To?” section. OEI should be included.
- 3.3.3.9.3. The Brochures fail to list OEI as a resource that exists beyond that of investigating the complaint, or helping with a no-contact order.
- 3.3.3.9.4. The Brochures fail to include that OEI can obtain supportive measures for the individual, without a formal complaint, regardless of whether the complainant wants to move forward with an investigation, or informal resolution.
- 3.3.3.10. The website does link to the Policy, but it is mis-identified as the “Interim Policy” on the website.
- 3.3.3.11. In the [Title IX](#) Homepage, under Additional Useful Information, in the [Confidential Versus Responsible Employees at Dominguez Hills](#) PDF, the following updates are needed:
  - 3.3.3.11.1. The handout is helpful as it explains the legal implications of Confidential and Responsible employees, but it needs to be updated with the correct email address and individual from Title IX/DHR.
  - 3.3.3.11.2. The handout sets up a dichotomy – that may fuel a narrative that a confidential resource is what most survivors are interested in.
- 3.3.3.12. The website for the [Title IX Process Advisors](#) includes the following incorrect language that should be updated: “Complainants/Respondents do not have to utilize the Title IX/DHR Process Advisor Program. Advisors may be anyone, including a union representative from the Complainant's or Respondent's collective bargaining unit, an attorney, *or a Sexual Assault Victim's Advocate, provided that the Support Advisor is not a person with information relevant to the allegations who may need to be interviewed by the Investigator during the investigation.*”
- 3.4. 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:
  - 3.4.1. 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
  - 3.4.2. 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
- 3.5. 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 nondiscrimination, reporting options and resources
7. Ensure that programming is coordinated, communicated and tracked
8. Develop a university website dedicated to prevention and campus programming that is kept current, facilitates distribution of prevention and education materials, and incorporates the opportunity for feedback and recommendations
9. Identify social media platforms and other vehicles for distributing programming information on a regular basis
10. In conjunction with the Chancellor's Office, expand professional development and training for faculty and staff, including senior leadership, deans, department chairs, managers and leads on Title IX and DHR; respectful and inclusive environments; conflict resolution; bystander intervention strategies; effective leadership and supervision; and, reporting responsibilities under Title IX, the Clery Act, and CANRA
  - 10.1. Ensure the training includes information about prohibited consensual relationships given the significant overlap of prohibited consensual relationships with Title IX, DHR and *other conduct of concern*
11. Create routine training, education, and professional development opportunities to cultivate competencies in navigating difficult conversations, bridging differences, and modeling respect and civility

12. Evaluate the potential opportunities for curricular or course-based programming credential-based options
13. Incorporate information about the Nondiscrimination Policy, reporting options, and confidential resources in syllabi statements
14. Commit to providing programming regarding bystander engagement
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 Population<sup>39</sup>**

The below chart reflects key metrics and demographic information for Dominguez Hills.

California State University Dominguez Hills			
Location Information			
<b>Location:</b> Carson, CA (pop. 92,388) <sup>40</sup>	<b>County:</b> Los Angeles County (pop. 9,721,138) <sup>41</sup>	<b>Locale Classification:</b> Small City <sup>42</sup>	
University Information			
<b>President:</b> Thomas A. Parham, Ph.D. (June 2018-present)			
<b>Designations:</b> Hispanic Serving Institution (HSI) <sup>43</sup> Asian American and Native American Pacific Islander-Serving Institution (AANAPISI) <sup>44</sup>			
Students – Enrollment Data <sup>45</sup>			
Total Number of Students		16,449	
State-Supported		Self-Supported	
Undergraduates	13816	Undergraduates	100
Grad & Post Bac Students	1714	Grad & Post Bac Students	819
Student Ethnicity <sup>46</sup>			
Overall (includes State- and Self-Supported)			
Hispanic / Latino		68%	
Black / African American		11%	
Asian		8%	
White		7%	
Race and Ethnicity Unknown		3%	
Two or More Races		2%	
International Student		2%	
Native Hawaiian / Other Pacific Islander		<1%	
American Indian / Alaska Native		<1%	

<sup>39</sup> Unless otherwise noted, Cozen O’Connor obtained data concerning California State, Dominguez Hills’ demographics, populations, Title IX and DHR staffing, operations and caseload from California State University and Dominguez Hills sources. This report will be updated to reflect material inaccuracies brought to our attention on or before September 15, 2023.

<sup>40</sup> United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/carsoncitycalifornia/PST045221>, population estimate as of July 1, 2021.

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

<sup>42</sup> Defined as a territory inside an urbanized area and inside a principal city with population less than 100,000. 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>.

<sup>43</sup> 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/ides/eligibility.html>

<sup>44</sup> 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>

<sup>45</sup> California State University Enrollment Data, Fall 2022, Cal State Dominguez Hills: [https://tableau.calstate.edu/views/SelfEnrollmentDashboard/EnrollmentSummary?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay\\_count=no&%3AshowVizHome=no](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.

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

State-Supported (15,530 students)		Self-Supported (919 students)	
Hispanic / Latino	69%	Hispanic / Latino	41%
Black / African American	11%	Black / African American	14%
Asian	7%	Asian	11%
White	6%	White	20%
Race and Ethnicity Unknown	3	Race and Ethnicity Unknown	6%
Two or More Races	2%	Two or More Races	3%
International Student	2%	International Student	4%
Native Hawaiian / Other Pacific Islander	<1%	American Indian / Alaska Native	<1%
American Indian / Alaska Native	<1%	Native Hawaiian / Other Pacific Islander	<1%
Other Student Demographics <sup>47</sup>			
Overall (includes State- and Self-Supported)			
First in Family to Attend College	45%		
% students who are traditionally underrepresented <sup>48</sup>	79%		
% of undergrads who were Pell Grant recipients <sup>49</sup>	62%		
% of students who live on campus <sup>50</sup>	3%		
% undergrads who are in a fraternity or sorority <sup>51</sup>	1%		
4-year graduation rate for first-time FT freshmen <sup>52</sup>	19.7%		
State-Supported (15,530 students)		Self-Supported (919 students)	
Average Age	25	Average Age	35
Sex <sup>53</sup>	62% F; 38% M	Sex <sup>54</sup>	60%F; 40% M
First in Family to Attend College	46%	First in Family to Attend College	36%
% traditionally underrepresented <sup>55</sup>	80%	% traditionally underrepresented <sup>56</sup>	55%
Instructional Faculty <sup>57</sup>			
Total # of faculty	936.00		
Tenure-track	33.4%		
Lecturer	66.6%		
% full-time <sup>58</sup>	46.57%		
% part-time	53.43%		
Leadership body	Academic Senate <sup>59</sup>		

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

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

<sup>49</sup> 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.

<sup>50</sup> 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>

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

<sup>52</sup> California State University, Graduation & Success Dashboards, with link to Graduation Dashboard, selecting the Summary Overview tab, and with Cal State Dominguez Hills 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 Dominguez Hills during the Fall 2018 (most recent complete 4-year term available).

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

<sup>54</sup> *Id.*

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

<sup>56</sup> *Id.*

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

<sup>58</sup> 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.

<sup>59</sup> Cal State Dominguez Hills Academic Senate. See <https://www.csudh.edu/academic-senate/>

<b>Staff<sup>60</sup></b>	
Total # of staff	726
% full-time	98.90%
% part-time	1.10%
<b>Collective Bargaining Units</b>	
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)
<b>Athletics<sup>61</sup></b>	
NCAA Division	II
NCAA Conference	CCAA <sup>62</sup>
Number of sponsored sports for '22-'23 academic year	10
Number of student athletes <sup>63</sup>	202

<sup>60</sup> 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.

<sup>61</sup> NCAA Directory, <https://web3.ncaa.org/directory/orgDetail?id=92>, except where noted otherwise.

<sup>62</sup> All sports are in the California Collegiate Athletic Association except Women's Indoor Track, which is Independent.

<sup>63</sup> See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for California State University Dominguez Hills. 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.
- Prevention, Education and Training Programs. Survey Respondents were asked to rate the quality of the prevention, education, and training programs provided by the university.
- Interactions with Title IX/ DHR. Survey respondents were asked to describe their interactions with Title IX and DHR, share their perspective whether complaints were handled properly, and provide any insights and recommendations they had as community members to foster reporting and build trust in these resources.
- Barriers to Reporting. Survey respondents were asked about their perspectives of campus resources, including confidential resources and reporting options, and to share feedback about potential barriers to reporting.

We received feedback from students, faculty, staff, and administrators in the form of survey responses. In total, we received 330<sup>64</sup> responses to the survey from Dominguez Hills students, faculty, staff, and administrators as follows:

Constituency	Number of Responses
Undergraduate Student	173
Graduate Student	24
Administrator or Manager	21
Staff	56
Faculty	58
Other	10

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:

- Disability accommodations. Some survey respondents stated that they were discriminated against on the basis of disability, or that they had difficulty accessing accommodations.
- Faculty and staff interaction. Survey respondents described difficult interactions between faculty and staff, with staff feeling unappreciated and disrespected.
- Locating appropriate resources. Survey respondents stated that the website was unclear with respect to personnel and procedures, and requested greater transparency from the university.
- Title IX increased visibility on campus. Many survey respondents expressed feeling unsure of who to contact with concerns, and that Title IX was not meaningfully integrated into the campus community.
- Employment retaliation. Particularly in the employment context, survey respondents stated that they had experienced or feared retaliation for filing a report.

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

- Trainings perceived as ineffective and not inclusive. Some survey respondents stated that campus programming with respect to Title IX and DHR did not cover diverse perspectives and was not culturally relevant to all stakeholders.
- Timeliness of investigations. Across the survey, survey respondents raised timeliness as a concern, noting that investigations took too long to complete.
- Open campus as a safety concern. In response to questions about safety on campus, survey respondents noted that the open campus created safety threats with respect to active shooter scenarios, and that the unhoused populations on campus made them feel less safe.
- Confidentiality. Some survey respondents in this survey noted that they did not trust the process to remain confidential, particularly in an employment context, and that this lack of confidentiality could harm their career prospects.
- Retirement and relocation. Some survey respondents expressed concern about individuals being permitted to retire or relocate rather than face consequences for Title IX violations.

### **Appendix III Metrics Related to Reports (Title IX annual report)**

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

As part of our review of the Title IX program at Dominguez Hills, we reviewed the university's annual Title IX reports for years 2018-2019 through 2021-2022. These annual reports are posted online on the Dominguez Hills OEI website.<sup>65</sup> The annual reports provide data regarding the reports of Sexual Misconduct/Sexual Assault, Dating and Domestic Violence, Stalking, and – in 2021-2022, Sexual Exploitation and Sexual Harassment – made to OEI each year. The annual reports reflect the number of reports received, disaggregated by the type of conduct and whether the respondent was a student, employee, or third-party, unknown, or unidentified. Beginning in 2019-2020, the annual reports also reflect procedural outcomes, including:

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

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

#### **II. Caveats Regarding Interpretation of Data**

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

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<sup>65</sup> <https://www.csudh.edu/equity/title-ix/> (last visited May 10, 2023).

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

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

In presenting the below data, we note that some campuses identified challenges with accuracy or completeness in their data. We have attempted to reconcile that data where possible, recognizing that some CSU institutions have provided data prepared by individuals who are no longer employed by the institution. Before publishing this report, we sent outreach to all Title IX Coordinators to request that they verify the accuracy of their 2021-2022 annual Title IX report. Dominguez Hills verified the accuracy of the 2021-2022 annual Title IX report via email on April 25, 2023, but noted that the 2021-2022 survey was prepared by current professionals using the data available to them from the previous professionals who had left Dominguez Hills by the time the annual report was written.



Finally, we recognize the significant impact of the global pandemic on colleges and universities across the country, including Dominguez Hills. While we cannot know the precise impact that the pandemic had on incidence rates, awareness of campus resources, barriers to reporting and other relevant factors, we are careful not to draw firm conclusions about trends over the past three years due to the obvious but unquantifiable differences in pre- versus post-pandemic conditions.

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

The below charts reflect the number of reports of Sexual Misconduct/Sexual Assault, Dating/Domestic Violence, and Stalking that the Office of Equity and Inclusion 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 Conduct<sup>66</sup>**

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	Data not available	Data not available	9	0
Reports of Dating/Domestic Violence			18	0
Reports of Stalking			5	0
Sexual Exploitation*			-	0
Sexual Harassment*			-	3
<b>Total # of Reports in Above Categories</b>			<b>32</b>	<b>3</b>
* This data was not requested by the Chancellor’s Office prior to the 2021-2022 academic year.				

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

**B. Respondents' Roles**

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.

	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>	<b>2021-2022</b>
Reports in which the Respondent is a student	8	10	2	21
Reports in which the Respondent is an employee	3	3	2	12
Reports in which the Respondent is a third-party		23	12	1
Reports in which the Respondent is unknown	21	10	16	0
Reports in which the Respondent is unidentified				0
<b>Total # of Reports in Above Categories</b>	<b>Not Reported</b>	<b>46</b>	<b>32</b>	<b>34</b>

**C. Case Outcomes**

The below data reflect the collective outcomes of reports to the Office of Equity and Inclusion.<sup>67</sup>

	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	23	2	28	32
Reports in which the Complainant’s identity was unknown to the Title IX Office		10	-	21
Reports in which the Complainant requested supportive measures or resources only		3	3	7
Reports that resulted in other outcomes (except formal investigation)		27	1	3
Reports that resulted in a formal investigation*	6	7	0	7
* 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 doesn’t capture investigations that were substantially completed, but discontinued at the request of the complainant, because the case was otherwise resolved, or because the matter was dismissed based on mandatory/discretionary grounds under Title IX and university policy.				

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<sup>67</sup> As a reminder, in 2021-2022, the data included Sexual Exploitation and Sexual Harassment, which were not included in earlier years.