

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

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California State University, Long Beach

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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, Long Beach (Long Beach Report). The Cal State Long Beach review was led by Leslie Gomez and Cara Sawyer. The Long Beach 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 Long Beach Report must be read in conjunction with the Systemwide Report, as the Systemwide Report provides a more detailed discussion about the assessment, the scope of the engagement, our approach to the issues, and common observations and recommendations across all 23 CSU universities. For ease of reading and efficiency, the content from the Systemwide Report is not replicated in each University Report.

Cal State Long Beach is located in Long Beach, CA. It has a student population of approximately 40,000, 7% of whom live on campus, and a workforce of approximately 4,100 staff and faculty. An overview of the university's metrics and demographics is included in Appendix I.

## **II. Overview of Engagement**

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

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

With respect to Cal State Long Beach, Cozen O'Connor conducted a three-day onsite campus visit from November 8 to 10, 2022, as well as multiple additional virtual follow-up meetings conducted over Zoom through March 2023. In total, Cozen O'Connor conducted meetings with more than 100 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
  - Chief of Staff
- Provost and Senior Vice President, Academic Affairs
- Vice President, Administration and Finance
- Vice President, Chief Information Officer
- Vice President, University Relations and Development
- Vice President, Student Affairs
- Associate Vice President, Strategic Communications
- Office of Equity and Compliance (OEC), formerly Office of Equity and Diversity (OED)
  - Assistant Vice President, Equity and Diversity
  - Director
  - Specialist
  - Managers (4)
- Campus Confidential Advocates (2)
- Faculty Affairs
  - Associate Vice President
  - Director, Academic Employee and Labor Relations
  - Director
- Faculty and Staff Assistance Program, Specialist
- Human Resources
  - Associate Vice President
  - Director, Staff Human Resources
- University Ombuds
- University Counsel
- Student Affairs
  - Associate Vice President, Student Affairs
  - Associate Vice President, Student Success & Equity
  - Dean of Students
  - Associate Dean of Students
- Student Life & Development
  - Director
  - Associate Director, Club Sports & Recreation
  - Assistant Director, Fraternity & Sorority Life

- Coordinator
- Student Health Services
  - Associate Vice President
  - Assistant Director and Coordinator
  - Sexual Assault Counselor
  - Lead Case Manager
  - Coordinator, Wellness and Health Promotion
- Counseling and Psychological Services
  - Director
  - Associate Director (Campus Advisor)
- Bob Murphy Access Center
  - Director
  - Associate Director
- Basic Needs, Director
- Fraternity and Sorority Life
  - Interim Director
  - Assistant Director
  - Coordinator
- Campus Advisors
  - Senior Associate Director, Educational Opportunity Program
  - Director of Development, Division of Student Affairs
- Multicultural Affairs
  - Sr. Director
  - Director
- Student Affairs Cultural and Identity Center Administrators
  - Director of Dreams Success Center
  - University Access and Retention
  - Office of Multicultural Affairs
  - Women's and Gender Equity Center
- Housing and Residential Life, Director
- University Police
  - Chief
  - Lieutenant
  - Lieutenant, Patrol Field Operations
- Athletics
  - Interim Athletics Director
  - Deputy Athletics Director/Chief of Staff
  - Sr. Associate Director/Operations and Event Management
- Affinity Group Leaders
  - Asian, Asian American, and Pacific Islander Network
  - Queer and Trans Faculty Staff Association
  - LGBTQ+ Resource Center
  - Office of Multicultural Affairs
  - Black Faculty and Staff Association
  - Sistahs-On-Campus
  - Latinx Faculty and Staff Association
- Not Alone at the Beach

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

During and after our in-person visit, Cozen O'Connor met with the Academic Senate Executive Committee (8 attendees), representatives from labor unions (12 attendees, including representatives from 7 unions), the Staff Council (7 attendees), faculty members (14 attendees), and student representatives and leaders from the Associated Students, Inc. (9 attendees), as well as the Panhellenic Council, Club Sports, Dream Success Center (7 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 753 responses to the survey from Cal State Long Beach 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:

**Structure:** Among those who work closely with the Office of Equity and Compliance (OEC) (formerly the Office of Equity and Diversity (OED)), the office is known as a valuable and trusted campus partner. Campus administrators regard OEC as exceptionally collaborative, knowledgeable, and responsive – perspectives that are due in large part to the steadfast leadership and committed efforts of the Assistant Vice President, Equity and Compliance (AVP of OEC), who is the system's longest tenured Title IX Coordinator. OEC's portfolio, however, is broad, as it has historically included the university's proactive diversity efforts and the AVP of OEC, until very recently, also served as the university's Chief Diversity Officer. In earlier discussions with the university, we recommended that the university restructure OEC to remove the diversity functions and centralize those functions separately under a Chief Diversity Officer. We understand that as of March



2023, the university has taken steps to shift traditional diversity and inclusion functions to other campus partners, including by renaming OEC. As the university evaluates the new framework for diversity, equity, inclusivity, and belonging functions, it will be important to engage in intentional planning about restructuring functions within OEC.

**Infrastructure, Strengthening Internal Processes, and Community Awareness and**

**Visibility:** While OEC is highly evolved and well-functioning, it has been marked by a high rate of turnover within the office that impacts consistency in internal functions. Despite OEC's positive reputation among administrators and campus partners, it is still relatively unknown among students, which speaks to the need for more intensive campus outreach and engagement. In addition, in light of the volume of reports it receives and the breadth of its portfolio of responsibility, which includes Clery compliance, the protection of minors, whistleblower responsibilities, disabilities accommodations and more, OEC is still relatively under resourced, even with the addition of two additional managers/investigators who joined OEC since our campus visit. This has impacted the timeliness of investigative responses, as well as contributed to an inability to take on more proactive university-wide work. To ensure OEC's ability to fulfill its core Title IX and DHR functions, we recommend that Long Beach evaluate its current level of staffing and consider additional resources as necessary. We also recommend a number of actions to strengthen internal processes, including developing stronger internal systems for multidisciplinary coordination, communication, and tracking, and initiating a campus-wide awareness campaign to educate the campus community about OEC's role, personnel, and available resources.

**Prevention and Education:** Long Beach has a comprehensive prevention and education program with multiple campus contributors, including OEC, Student Affairs, and a grant-funded program, [Not Alone @ the Beach](#), which houses the Confidential Campus Advocates and provides "holistic, evidence-based programming in gender and power-based violence prevention, awareness programming and outreach services to all CSULB students, faculty and staff." Long Beach also has a [Faculty Center](#), which works to promote equitable and inclusive practices in pedagogy, scholarship, and service for faculty. Given the expertise and experience within OEC and Not Alone @ the Beach, we observed a need for closer collaboration between these two offices, as well as a need for greater

integration of programming with other campus partners, including Student Affairs, Health Promotion and Faculty Affairs, to strengthen partnership and collaboration, and ultimately to situate oversight of the legally-required training, prevention and education programs under an administrative structure that maintains the richness and diversity of current programming and experienced leaders, but also allows Long Beach to develop a strategic and formal structure for educating all students, faculty, and staff. For example, Long Beach is currently exploring how to develop and deliver a bystander intervention and engagement program for all students, which requires coordination beyond the current capability of Not Alone @ the Beach *and* under federal law and system policy, the oversight of the Title IX Coordinator (or delegate). Similarly, in the faculty and staff context, there is great opportunity to strengthen in-person engagement and professional development. We recommend that Long Beach identify and designate a prevention and education coordinator and a university Prevention and Education Oversight Committee to develop a coordinated, strategic plan that integrates wellness and violence prevention.

**Responding to *Other Conduct of Concern*:**<sup>2</sup> Across universities in the CSU system, we observed the significant impact of *other conduct of concern* on the living, learning and working environment. The issues run the range from potential bias incidents, which often involve bias incident response teams, as well as issues related to professionalism, bullying and non-protected status harassment involving faculty and staff. Most of the CSU universities have no formal process to respond to *other conduct of concern*, which can contribute to conduct being unreported or – if reported – inadequately addressed. At Long Beach, campus administrators across Student Affairs, Human Resources, Faculty Affairs, and related offices, including OEC, respond to individual matters and concerns

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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
- 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.

within the existing policy frameworks. In addition, an Interaffinity Council has tried to organize to fill the gap in formal process, but the Council is not a formal structure with the ability to triage, document, and delegate responses. As a result, many concerns related to *other conduct of concern* are funneled through OEC, who often steps in to help address concerns in its capacity as the diversity office. Given the under resourcing and staffing turnover identified above, expanding OEC's jurisdiction in this way is an sustainable practice which can leave campus community members with negative experiences and perceptions of OEC, despite OEC's best efforts to address every concern brought to its attention. We recommend that Long Beach work closely with the Chancellor's Office and CSU's Office of General Counsel to develop a centralized reporting process, written framework for evaluating reports, and a triage model/review process to evaluate next steps to address *other conduct of concern*.

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

##### A. Infrastructure

Long Beach's [Office of Equity and Compliance \(OEC\)](#)<sup>3</sup> is responsible for responding to reports of conduct that may violate the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#). OEC's Title IX and DHR responsibilities include conducting intake and outreach, overseeing supportive measures, conducting investigations and managing hearings, facilitating informal resolutions, coordinating with the sanctions processes, developing and delivering prevention, education, and training programs, managing documentation and recordkeeping, and tracking patterns, trends, and outcomes, and engaging in proactive systems and remedies work. In addition to the Title IX and DHR responsibilities, which are voluminous, OEC's expansive portfolio includes Clery Act compliance, whistleblower and whistleblower retaliation (WB/WBR), the protection of minors responsibilities under CANRA (Child Abuse and Neglect Reporting Act), and Americans with Disabilities Act (ADA), the Accessible Technology Initiative (ATI), and other responsibilities. The AVP of OEC is also the designated Clery Director, Title IX Coordinator,

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<sup>3</sup> When we visited campus in November 2022, the office was called the Office of Equity and Diversity (OED). In March 2023, the office changed its name to the Office of Equity and Compliance (OEC) to reflect that traditional diversity and inclusion functions are overseen by other campus partners. For consistency and to avoid confusion, we refer to the office as OEC throughout this report.

DHR Administrator, WB/WBR Administrator, ADA Compliance Officer, and CANRA Administrator for the university. The AVP of OEC reports to the Vice President of Administration and Finance, who is regarded as a trusted partner.

In addition to the AVP of OEC, OEC currently has the following staff: a Director, an OEC Specialist, four OED Managers, and an Administrative Assistant. The OEC Specialist is responsible for Clery; educational trainings for all employees and students related to Title IX, DHR, Clery and implicit bias; responding to subpoenas and external inquiries; managing the Maxient case management system, and faculty diversity recruitment. Each of the Managers serves as an investigator and each has an area of specialty related to DHR, Title IX and supportive measures, whistleblower complaints, and California Fair Pay Act salary complaints. As noted above, OEC has only recently had all four Manager positions filled. This expansion in staffing is a credit to the AVP for OEC and to university leaders who understood the need in OEC and took steps to ensure that the office had the necessary staff. We understand that these types of structural enhancements are not easily done when resources are constrained, as they are across the CSU system.

The AVP of OEC is not only the supervisor of OEC, but, in our observation, actively works on almost every concern that comes through OEC, in addition to daily *ad hoc* problem-solving with campus partners on issues that may or may not result in a more formal report to OEC. The AVP of OEC is present in nearly every intake meeting, actively supports the staff in all functions, and leads training and education for students, staff and faculty. The AVP of OEC stays current on campus events through relationships with campus partners and the trust that she has cultivated through her many years of service to the university. From myriad campus partners in all parts of the university, we heard repeatedly that the AVP of OEC maintains continual and proactive communication such that partners do not hesitate to call when they need advice or assistance.

OEC reported that it receives over 400 reports per year and that the majority of those are Title IX related. Consistent with the pattern across the system, the majority of the Title IX cases resulted in provision of supportive measures only, without proceeding to a formal investigation. This speaks to the need to ensure the allocation of resources within OEC to focus on intake, outreach, and the coordination of supportive measures and care.

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. Community Awareness of OEC**

Through meetings with campus partners, we learned that the AVP of OEC is well known and respected across campus constituencies. The AVP of OEC and the OEC staff have strong working relationships with campus partners. We repeatedly heard praise for the OEC team, especially regarding their responsiveness and availability to work through issues and address concerns on an as-needed basis. This positive standing is due to the AVP of OEC's proactive communication and commitment to finding solutions to complex problems.

We learned, however, OEC does not have the same visibility when it comes to the average student. One administrator explained that marginalized students are less likely to ask for help, and as a result, the university needs to understand how to engage students with a "bottom up approach." We heard the perspective that students often do not report to OEC because they feel like nothing is getting done, and that perception spreads through word of mouth. We understand that many students are more comfortable relying on the Campus Confidential Advocate. For others, we heard, "Students don't know where to go or if they do share, they don't feel comfortable, and that prevents them from coming forward – that is the importance of having a road map."

We note that the number of reports compared to the population of the university are low, although that number has increased significantly this past academic year. This may point to a need for greater awareness and trust of the office and the process as a whole. We also heard reluctance on the part of some faculty members connected to their role as responsible employees. While the Title IX approach to responsible employee reporting has shifted over the years, California state law and the Nondiscrimination Policy requires most employees, including faculty, who know or have reason to know of incidents that may violate the Nondiscrimination Policy to promptly report to the Title IX Coordinator/DHR Administrator, all information available, including the names of the parties involved. At Long Beach, some faculty and staff expressed confusion about their reporting responsibilities, raised questions about the legal and policy justifications behind the requirement, and expressed reluctance to follow through with required reporting. In our work with colleges and universities across the country, we have found in-person discussion and engagement to be the best format to bridge gaps in knowledge and promote greater

compliance with required reporting, particularly given longstanding concerns by some faculty and victim advocates that required reporting is a form of institutional betrayal.<sup>4</sup>

As discussed in Section VIII, we note that Long Beach has robust prevention education programming, primarily geared towards students. Much of that programming is led by Not Alone @ The Beach. As the university takes steps to more formally centralize prevention and education programming, it will be important to ensure that all programming includes outreach and awareness that integrates the role of OEC, particularly as it relates to the available resources for care and support. In order to improve awareness of OEC's many functions, including supportive measures, resources, reporting options, and resolution pathways, we recommend that OEC conduct an awareness campaign highlighting its new identity, role, and functions. In our recommendations, we propose a prevention and education coordinating committee that can assist in developing a proactive awareness campaign is coordinated across the university to ensure that all members of the community are aware of OEC, including a focused campaign to work with faculty and other responsible employees to better understand and embrace their reporting requirements and work to overcome any trust barriers.

### C. Website

Long Beach's OEC website is user-friendly and easy to navigate, and contains a wealth of helpful information tailored at various tabs for student, faculty and staff. Of particular note, the [Title IX at the Beach](#) website provides a number of introductory videos about Title IX and Affirmative Consent, the role of the Campus Confidential Advocate, and the Campus Advisor program, and what to expect from Title IX. The website contains the following pages:

- The [Title IX at the Beach](#) page which includes the CSU's and CSU Long Beach's Nondiscrimination Statements, as well as links to on and off campus confidential resources, on campus reporting options, and links to the university's online reporting form and annual Clery reports. The landing page also includes links to university policies, resources for pregnant and parenting students, and a faculty and staff guide to responding to Title IX related disclosures.
- A "[Report an OEC Incident](#)" page, which accepts administrative reports (Title IX/DHR) and provides information to individuals seeking to file criminal reports. The web page also indicates that UPD will inform the Title IX Coordinator of any reports made, but that this report can remain

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<sup>4</sup> Responsible employee reporting frameworks recognize the cultural commitment to centralized reporting and recordkeeping, connecting complainants and other impacted parties to supportive measures and information about procedural options, creating the opportunity to identify persistent, pervasive or pattern behavior, and ensuring that all individuals have equal access to policy, process, and resources.

anonymous if desired. This page also includes two large red buttons enabling individuals to close the webpage quickly for safety purposes.

- A [Trainings](#) page, which includes links to mandatory online trainings for students and employees, as well as information about customized trainings offered by the office.
- A [CSU Title IX and DHR Policy](#) page, which provides links to the Nondiscrimination Policy, Executive Order 1098 (Student Conduct Procedures), a link to the California Civil Rights Department, and the University's Discrimination, Harassment, and Retaliation Annual Report.
- Pages for each of the University's policies, including [Title IX](#), [Whistleblower](#), [Equal Employment](#), and [CANRA](#).
- A [Resources](#) page, which provides information regarding Counseling and Psychological Services, the Faculty and Staff Assistance Program, the University Ombuds, University Police, Title IX, and Diversity resources, as well as information regarding lactation rooms and all gender restrooms.
- A [Clery](#) page, which outlines the university's obligations under the Clery Act and provides information regarding timely warnings and the Annual Security Report.
- Each page of the OEC website provides links to the [Online Incident Reporting form](#), the "[Ways to Support a Survivor](#)" materials, [Student Resources](#), [Faculty and Staff Resources](#), and [Title IX Respondent Resources](#).

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

Reports can be made to OEC in person or via email, telephone, or an [online reporting form](#) accessible through the Office's website. Reports can be made by a complainant directly or through responsible employees or third parties.

The online reporting form, which is a Maxient form, tracks content set forth in Attachment F to the Nondiscrimination Policy, which many CSU universities have used as a template for developing their own online reporting forms. As described in the Systemwide Report, the online reporting form, as written, asks for detailed information in required sections, which can be intimidating and might discourage a complainant from completing the form. It is also unclear if this form can be used to submit a report anonymously. If so, we recommend that the form include language reflecting that the university's ability to investigate a reported incident may be limited by the anonymity. If not, we recommend that the university create an anonymous reporting option.

As with other universities across the system who use a similar online reporting form, we recommend that OEC remove the "required" designation for fields or add explanations to encourage completion of the form, even if all details are not known or available.

## **E. Case Processing**

When a report is made to OEC, the Manager makes immediate outreach to the complainant. We learned that outreach is typically via phone call first, especially if the nature of the report is vague, and that the Manager then follows up with an email. Staff shared that the outreach is tailored for the type of report that is received, and that they ensure that the culture of care is reinforced. For example, outreach messages clearly convey that the complainant may meet with OEC, but that they are not required to do so. Outreach messaging also clarifies that a person may take their time deciding whether and how they wish to engage with OEC. Outreach messages contain resources, information and options, and it remains the complainant's choice as to their level and manner of engagement.

For intake meetings, we learned that staff do not typically follow a checklist, but that the team has two staff present for each intake, either through Zoom or in-person. Intake meetings are ordinarily conducted by the AVP of OEC or the Director of OEC, and a Manager. OEC also invites the complainant to include the Campus Confidential Advocate if they desire. The intake meeting includes a discussion of the nature of the concern, supportive measures, campus resources and resolution options. Appropriately, intake is not used for an investigative interview. Following intake, OEC sends follow up correspondence summarizing the information provided and including links to relevant resources. This use of a "memory marker"— a follow up email provided after a meeting that summarizes the discussion and agreed upon next steps to ensure that there is a mutual understanding and the timely opportunity to clear up any miscommunication – is an effective practice.

Following the intake meeting, OEC conducts an initial assessment of the information gathered to determine scope, jurisdiction and available resolution options. The steps following the initial assessment may include the following: provision and oversight of supportive measures, investigation and hearing, informal resolution, or the dismissal of a formal complaint (based on the judgment of the AVP of OEC). The majority of reports involve the provision and oversight of supportive measures only or no response from complainants; only a small percentage move forward to a formal investigation.

OEC has a more robust informal resolution process than many CSU universities, which they refer to as Early Resolution. OEC offers complainants Early Resolution as a potential tool that can be used, along with all of the other options. For example, OEC explores with complainants what elements of a resolution are important – frequently, complainants simply want the respondent to know how their behavior impacted them and have the respondent offer some form of acknowledgement. For cases deemed appropriate by



OEC, depending on the nature of the facts, Early Resolution may be more effective for a complainant than a full investigation process. Early Resolution Agreements typically include no contact directives and a requirement that the respondent complete an educational program with OEC, but OEC has completed Early Resolutions that involve more stringent measures, such as suspension, by agreement of the parties.

OEC described significant barriers to complainant participation in the formal investigation and live hearing process. OEC shared that the live hearing is the piece of the process, more than anything else, that seems to turn students away from participation in a full investigation. Students have almost uniformly expressed to them that they do not want to participate in a hearing. In particular, for students who may lack sufficient personal or family resources to hire counsel, they may be more reluctant to engage in a process that involves a hearing with cross-examination. We heard from one Title IX/DHR professional, “I think it is because [our students] are marginalized, and they are all really busy and overwhelmed, and they have no experience with [the grievance process], school is only one part of their life.” We heard that some complainants equate a hearing with having to go to court, and they are intimidated by the thought of participating in a legal proceeding. In order to address these concerns, OEC ensures that complainants are connected to the Campus Confidential Advocates, who can provide additional support to complainants that may help keep them engaged in an investigation. Nonetheless, OEC shared that the majority of students who initially pursue a Title IX investigation later opt to move forward with an Early Resolution.

OEC seeks to document case actions in Maxient, OEC’s case management and records management system. This includes uploading all case-related documents and correspondence. We understand that supportive measures are not currently tracked in Maxient, but are instead tracked using Excel. OEC is in the process of transitioning to tracking supportive measures using Maxient, and there is a plan to upload data regarding supportive measures provided over the last two years to Maxient as well.

#### **F. Review of Case Files<sup>5</sup>**

We reviewed sample Title IX and DHR cases, including a Title IX case file involving a student respondent and a DHR case file involving an employee respondent. In general, we found the documentation to be thorough and complete. For example, the Title IX case file included a case summary, a copy of the incident

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<sup>5</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.

report, initial outreach to the complainant, the Notice of Investigation, a status update communication, the Preliminary Investigation Report with cover emails and exhibits, the Final Investigation Report with cover emails, the Notice of Hearing, and the Early Resolution Agreement. The DHR case file included a case summary, a copy of the incident report, the Notice of the Investigation, the Final Investigation Report and the Notice of Investigation Outcome. While we reviewed key documents and correspondence, we urge OEC to ensure that it is maintaining all correspondence, evidence and other documents for the required 7-year retention period.

The correspondence we reviewed was written in an appropriate tone that conveyed care, support, and neutrality. Both cases were completed in a timely manner, within or close to the 100 business days allotted in the Nondiscrimination Policy. The student case resolved with an Early Resolution following the final investigation report, but we note that generally, the post-finding processes for discipline, sanction, and appeal can be lengthy. OEC also shared that the Nondiscrimination Policy requirements can introduce complexities, because there are many steps that need to be taken prior to issuing the Notice of Investigation. OEC staff expressed that this is a concern because of the delays that can occur even before the investigation begins.

#### **G. Community Feedback about OEC**

We observed that OEC is communicative, collaborative, and focused on problem-solving. Campus partners, on the whole, are also eager and willing to coordinate and communicate with OEC and one another. Strikingly, we heard consistently positive feedback from all areas of campus including student leadership, staff, and faculty. We heard from one campus partner that OEC is “wonderful, always available for training.” We heard from a faculty member/leader that they work with the AVP of OEC “all the time” to “strategize, look at trends, [and] plan professional development for different constituencies on campus to head off problems.” From another campus partner, we heard that the Title IX Coordinator and her team “do a great job interacting with ‘customers’ – the way they speak to people, [they] do a really great job of putting those folks at ease.”

As noted above, however, students typically had less engagement with OEC than faculty and staff, and their perceptions tended to skew more negatively. During our review, we learned that students sometimes experience the grievance process as “cold, uncaring, and too focused on legal requirements.” We received feedback that some students feel they have to “do so much” in order to “prove” that the Nondiscrimination Policy was violated. We heard it is sometimes difficult for students to understand why

things are done a certain way. We learned from campus partners that OEC sometimes expresses the perspective that their hands are tied, and that they need to follow the policies, procedures and law. According to one administrator, “word of mouth” spreads such that students hear about other students’ experiences with the process – that it was “too much,” and “not what they thought it was going to be.”

## **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>6</sup> (ii) adopt grievance procedures that are prompt and equitable;<sup>7</sup> and (iii) publish a nondiscrimination statement.<sup>8</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>9</sup> we incorporate the Title IX framework as it relates to these core requirements, because they apply equally to DHR programs.

### **A. Title IX Coordinator**

Under the current Title IX regulations, every educational institution that receives federal funding must designate at least one employee, known as the Title IX Coordinator, to coordinate the institution’s Title IX

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<sup>6</sup>34 C.F.R. § 106.8(a).

<sup>7</sup>34 C.F.R. § 106.8(b).

<sup>8</sup>34 C.F.R. § 106.8(c).

<sup>9</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 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.

compliance efforts.<sup>10</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>11</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>12</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>13</sup>
2. Coordinating the effective implementation of supportive measures;<sup>14</sup>
3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;<sup>15</sup>
4. Considering the wishes of the complainant with respect to supportive measures, explaining the process for filing a formal complaint;<sup>16</sup>
5. Attending appropriate training;<sup>17</sup>

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<sup>10</sup> 34 C.F.R. § 106.8(a).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> 34 C.F.R. § 106.30(a)(defining "actual knowledge" as including notice to the Title IX Coordinator).

<sup>14</sup> 34 C.F.R. § 106.30(a)

<sup>15</sup> 34 C.F.R. § 106.44(a)

<sup>16</sup> 34 C.F.R. § 106.44(a)

<sup>17</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.")

6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;<sup>18</sup>
7. Overseeing the prompt and equitable nature of any investigation or resolution, and;<sup>19</sup>
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.<sup>20</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>21</sup> Generally, Title IX Coordinators and DHR Administrators should be positioned to operate with appropriate independence and autonomy, have sufficient supervision and oversight, and have direct or dotted reporting lines to senior leadership.

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

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<sup>18</sup> 34 C.F.R. 106.45(b)(1)(iii).

<sup>19</sup> 34 C.F.R. § 106.8(a)(charging the Title IX Coordinator with "coordinating [institutional] efforts to comply" with Title IX)

<sup>20</sup> 34 C.F.R. 106.8(a); 34 C.F.R. 106.45(b)(7)(iv).

<sup>21</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."

address all complaints throughout the campus involving Title IX issues.”<sup>22</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 and DHR Administrator was well positioned to effectively carry out their duties. As described above, this analysis consisted of assessing whether each Title IX Coordinator/DHR Administrator was appropriately positioned organizationally; sufficiently resourced; sufficiently trained; and free from conflicts of interest. Here, we find that the AVP of OEC who serves as the Title IX Coordinator is sufficiently resourced, well trained, and appropriately positioned within the organization.

Since 2011, the AVP of OEC has served as the University's Title IX Coordinator and her contact information — as well as contact information for OEC more broadly — is displayed on the [University website](#). We find that the AVP of OEC is appropriately positioned organizationally, as she reports to the Vice President for Administration and Finance.

In terms of resources, while the Office for Equity and Compliance is currently fully staffed, we encourage the university to carefully monitor the sufficiency of the staffing level. Historically, OEC has taken on a significant number of tasks above and beyond its existing portfolio, which already encompasses a myriad of responsibilities related to Title IX, DHR, ADA, WB/WBR, CANRA, Clery and much more. While the diversity functions are being shifted to other campus partners, OEC's portfolio is still overwhelming. And, if campus outreach and awareness campaigns are successful, Long Beach should expect to see an uptick in reporting.

In terms of training, we observed that the AVP of OEC has received appropriate training, and has built a team in OEC that is supportive, knowledgeable and competent. We note that the AVP of OEC has perhaps

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<sup>22</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.”

the most experience in this role than any other Title IX Coordinator in the CSU system. She has become the go-to person on campus who can answer questions regarding the Nondiscrimination Policy, and other issues related to equity and compliance.

Finally, we note that the AVP of OEC works from a centralized office, which is beneficial. Her prior Chief Diversity Officer responsibilities may have posed a potential conflict of interest given the difference between proactive diversity work and strategic planning and the more reactive response and investigation work.

### **B. Notice of Non-Discrimination**

The Title IX regulations require that institutions publish a nondiscrimination statement.<sup>23</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>24</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>25</sup>

Cal State Long Beach publishes a [Notice of Non-Discrimination](#), which states that the University “does not discriminate on the basis of gender, which includes sex and gender identity or gender expression, or sexual orientation in its education programs or activities.” According to the Notice, “The protection against discrimination on the basis of gender or sexual orientation includes pregnancy, sexual harassment, sexual

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<sup>23</sup>34 C.F.R. § 106.8(b).

<sup>24</sup> 34 C.F.R. § 106.8(b).

<sup>25</sup> 34 C.F.R. § 106.8(b)(2).

misconduct, and gender-based dating and domestic violence, and stalking.” The Notice states that the protection against discrimination extends to “employment, as well as in all education programs and activities,” but does not state that the Institution does not discriminate in its admissions. The Notice also does not provide the required contact information for OCR. Cal State Long Beach’s Notice of Non-Discrimination is not accessible on the University’s website in the footer for each page, but it is posted on its Title IX home page (though it requires scrolling and two clicks in order to get to it). Likewise, the Notice of Non-Discrimination is not located on the Athletics page.

Cal State Long Beach’s Notice of Non-Discrimination does not include a broader notice of Non-Discrimination on the basis of other protected statuses aside from sex, gender, and sexual orientation. Such a Notice, while not a requirement of Title IX, would be consistent with the purpose of Title VI and Title VII of the Civil Rights Act of 1964, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and other relevant federal and state laws prohibiting protected status discrimination, harassment, and retaliation.

### **C. Grievance Procedures**

Finally, the Title IX regulations require educational institutions to “adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited [as sex discrimination under Title IX] and a grievance process that complies with [34 C.F.R. § 106.45] for formal complaints . . . .”<sup>26</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>27</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 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

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<sup>26</sup> 34 C.F.R. § 106.8(c).

<sup>27</sup> *Id.*



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>28</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. 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.

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<sup>28</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.”

## VI. Campus Coordination

OEC and its campus partners have strong working relationships, including through the university's [CARES Team](#). OEC reported to us that campus partners work well together. OEC staff reported being “really impressed with the ability to collaborate across departments.” We also heard from OEC that the campus is full of “amazing, resilient people who are here for the students.” During our meetings on campus and in our conversations with administrators and other stakeholders, we repeatedly heard that the OEC team is approachable, and works well with campus partners. We observed that the OEC team is accessible, knowledgeable, and open to collaboration. This was a strength of OEC and the university. In fact, during our campus visit, nearly all of our meetings included collaborative, cross-unit groups of administrators and faculty who worked together in formal and informal ways.

We note that OEC works well across campus when an issue arises, but they also facilitate a campus Title IX Work Group, which meets quarterly. This group works together to triage cases that need attention across campus. We heard from OEC that these meetings and other regular check-ins with campus partners serve not only to help the team work through crisis situations, but to talk through the day-to-day issues that arise. The Title IX Work group is not, however, a case management or initial assessment triage team.

At Long Beach, like most CSU universities, OEC collaborates with campus partners through multiple, repeated interactions to triage and gather relevant information to assist in the initial assessment of a report, the discussion of supportive measures or campus remedies, and address other questions that require the input of multiple campus partners like student conduct, UPD, housing and residence life, human resources, and faculty affairs. To facilitate more consistent and formalized information sharing and coordination of personnel, we recommend creating a multidisciplinary team (MDT) to create a formal format and information-sharing protocol to strengthen sound decision-making and consistently document all known information.

OEC and a number of campus partners use Maxient as its document management system. This can facilitate the sharing of information in real-time, depending on level of access and permissions. Human Resources and Faculty Affairs, however, do not have an electronic records management system. Some interviewees described the Human Resources file management system as the “wild west.” Likewise, Faculty Affairs has a file room with hard copies of documents and shared folders for files that are still active. Faculty Affairs is in the process of digitizing its paper files. A shared records management system for consistent information sharing would lead to the most consistent and informed decision-making. We

encourage the university to resolve these barriers to information sharing by ensuring that all stakeholders are able to share necessary data and information in real time.

OEC coordinates closely with the following departments, all of which have responsibilities related to conduct or discipline.

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

The [University Police Department](#) has authority to enforce law and make arrests under 830.2 (c) of the California Penal Code. We learned that the University Police Chief has been in his role since March of 2022. UPD has a memorandum of understanding (MOU) with the City of Long Beach Police Department. We learned that when the University police are working with a complainant and they wish to remain confidential pursuant to California Penal Code 293, UPD grant that request and do not share the complainant's information with OEC.

During our campus visit, we met with the [University Police Department Community Engagement Group](#). According to its website, the purpose of the Community Engagement Group is "to proactively and transparently seek advice, counsel, and insight of our community members regarding issues that impact the safety and quality of life of the students, faculty, staff and visitors to our campus." The group is co-chaired by the ASI President and the AVP for Student Affairs, and is made up of university community members, *ex officio*, or appointed by leadership, including a community member who is appointed to the group.

The Cal State Long Beach Police Department issues [crime bulletins](#) in accordance with federal law. The Cal State Long Beach Police Department issues emergency notifications through the BeachALERT Emergency Notification system when an "immediate threat to campus safety is identified and confirmed." All students, faculty, and staff are automatically enrolled to receive [BeachALERT notifications](#) via cell.

The University Police Department also offers public safety, crime prevention, and educational and informational programs, including [self-defense training](#).

#### **B. Student Conduct and Ethical Development**

Cal State Long [Beach's Office of Student Conduct and Ethical Development](#) is housed within the office of Student Affairs, and is responsible for investigating campus-related complaints and charges against

students involving violations of campus regulations. The Office of Student Conduct and Ethical Development also assists students, faculty, staff, administrators and community members in identifying and applying policies and laws applicable to students. The Office attempts to resolve complaints and encourages informal resolutions. The Office of Student Conduct and Ethical Development, is responsible for enforcing the Standards for Student Conduct. The [Office for Student Conduct and Ethical Development](#) also handles matters related to academic integrity.

### **C. Housing and Residential Life**

[Housing & Residential Life](#) at Long Beach is led by the Executive Director of Housing, Residential Life & Auxiliaries, who oversees the Director of Residential Life and the Director of Housing Facilities. We learned that Housing works well with OEC and handles lower-level conduct cases that impact the residential student. Housing offers a variety of programs and different housing units and styles, depending on the student's needs. We note that in order to ensure that prevention education efforts are reaching all students, the residential students are an important target audience.

### **D. Division of Academic Affairs**

The [Division of Academic Affairs](#) at Cal State Long Beach contains the [Office of Faculty Affairs](#). The Office of Faculty Affairs "oversees all academic personnel processes, policies, and procedures for probationary and tenured faculty, retired faculty (FERP) and lecturers." Faculty Affairs is responsible for faculty appointment, evaluation, and development, Academic Personnel issues, Collective Bargaining Agreement Compliance, professional development, leaves of absence, retirements, and employee relations. The office consists of an Interim Associate Vice President, a Director, an Interim Director for Academic Employee & Labor Relations, an Interim Director for the Faculty Center, and eight additional [staff members](#). The Office of Faculty Affairs oversees [faculty grievance procedures](#) for violation of collective bargaining agreements. Faculty Affairs works well with OEC. Through this partnership, the AVP of OEC and the Interim AVP for Faculty Affairs have been able to provide trainings and other informational sessions to faculty and faculty leadership.

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

Long Beach's [Human Resources Management Office](#) (HR) is led by an Interim Associate Vice President for Human Resources Management. HR Management oversees the efforts of Staff Human Resources, the

Human Resources Service Group, and HR Technology Services. Their mission is to “strive to attract, retain, and support a diverse and quality workforce, identify innovative human resources strategies and provide solutions to improve the effectiveness of the CSULB community.” This office oversees, among other things, workplace accommodations, benefits, and payroll. In other sections of the report, we address the programs that HR has made available to employees in order to address equity and inclusion issues in the workplace.

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

The Office for Equity and Compliance is responsible for compliance with the university’s Clery Act responsibilities. The AVP of OEC is also the Clery Director. She and the OEC team meet with campus managers and directors to review and confirm relevant data, complete the [Annual Security Report](#), and identify and train campus security authorities (CSAs).

In conjunction with UPD, the Clery Director is responsible for issuing [Timely Warnings and Emergency Notifications](#) consistent with the guidance set forth in [CSU Executive Order 1107](#). Under these guidelines, UPD uses a written assessment criteria form for timely warnings and emergency notifications to document the factors considered in issuing or declining to issue a timely warning or emergency notification.

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

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

#### **A. Campus Confidential Advocates<sup>29</sup>**

Long Beach employs Campus Confidential Advocates, who are a part of [Not Alone At the Beach](#). The Confidential Campus Advocates are described on the university’s website as “certified rape crisis counselors who are available to provide confidential support services to CSULB students who have been affected by sexual violence or misconduct. The advocates can also assist those who have been affected by

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<sup>29</sup> The Confidential Advocate role is defined in [Attachment C](#) of the Nondiscrimination Policy and discussed in the Systemwide Report.

stalking, domestic or dating violence by linking students to appropriate resources.” The advocates assist students, faculty and staff affected by sexual violence through, among other things, crisis intervention, advocacy, accompaniment to medical appointments, counseling, and court appointments, and by providing referrals and information. Although the website primarily references students, the Campus Confidential Advocates also serve faculty and staff. Nonetheless, like most campus advocates, they report to the AVP of Health and Wellness within Student Affairs.

Until the fall of 2022, the Campus Confidential Advocate was an office of one. There are now two Campus Confidential Advocates for the campus of 40,000 students. The advocates also work closely with the former longstanding advocate, who is now a licensed psychotherapist specializing in trauma and substance abuse within Counseling and Psychological Services. The Campus Confidential Advocate used to be grant funded, but now is a stateside employee.

The Campus Confidential Advocates receive the majority of their referrals through OEC and the CARES Team. OEC and the advocates have worked with the CARES Team to streamline the referral process and ensure that the advocates receive a concurrent referral with OEC, which allows the advocates to quickly reach out to complainants to describe the differences in the roles, confidentiality, and address safety planning or other immediate concerns. The advocates are also able to coordinate and provide supportive measures. Structurally, we observed a need for the campus advocates to have appropriate levels of supervision, including clinical consultation in the context of privilege.

While the advocates have responsibilities for prevention and outreach, like most campus advocates, given the number of students who access the advocacy services, the direct advocacy takes precedence. This can create a challenging dynamic to be able to serve both areas. We observed the need for a specific prevention educator without advocacy roles.

## **B. Respondent Support**

Long Beach offers respondent resources through its [Campus advisors](#). Campus advisors support respondents throughout the process by providing a review of their rights, accompanying them to meetings, assisting them with logistical issues, and connecting them to other resources. Long Beach is one of only a few CSU universities that offers tailored resources for respondents.

### **C. Counseling and Psychological Services**

[Counseling and Psychological Services](#) (CAPS) offers, in addition to other services, crisis intervention, groups, and case management services. CAPS is available for students and services are provided by mental health professionals and by advanced doctoral psychology interns under the supervision of licensed psychologists.

### **D. Student Health Center**

Cal State Long Beach's [Student Health Services](#) offers primary care, immunizations, reproductive and sexual health services including gender affirming care, sports medicine services, lab and pharmacy services, and x-rays. In addition to these services, Cal State Long Beach offers family planning services to low income students. Student Health Services offers wellness programs including those related to body positivity, mindfulness, healing yoga, stress, and nutrition. With respect to sexual misconduct, Student Health Services offers trauma informed counseling, and the Peer Health and Wellness and Health Promotion provides information and assistance on sexual health, and consent education.

### **E. Ombuds**

Long Beach has an [Ombuds office](#). The university website describes the office as a "neutral resource for informal problem-solving." The Ombuds office serves students, alumni, faculty, staff, administrators, and all other stakeholders, and its services include providing information about the university, providing a safe place for discussion, and group workshops and coaching. The Ombuds has been in his role for nine years, but has served as a faculty member since 1979. The Ombuds meets with the President on a quarterly basis to share trends.

### **F. Additional Resources for Students**

Students at Long Beach have access to a variety of on campus resources. In addition to the resources we discussed above, other relevant on-campus resources include:

- The Student Affairs Division houses the University's [CARES team](#), described on the university's website as a team providing "early intervention and crisis mitigation for students through collaboration with campus departments, faculty, and staff." The CARES team consists of representatives from Student Affairs, University Police, CAPS, the Bob Murphy Access Center (the university's students with disabilities services center), Residence Life, Student Health Services, as well as the Associate Dean of Students and a case manager.

- The [Basic Needs](#) department is available to assist and serve students in need whether they are facing displacement, homelessness, food insecurity, or other crisis or emergency situation.
- The university also has an [Alcohol, Tobacco & Other Drugs \(ATOD\) Program](#), which provides support and resources for students who are in recovery or are seeking information about recovery from substance abuse.
- The [Student Life](#) site has links to many other resources available

#### **G. Additional Resources for Employees**

Long Beach offers a program called the [Faculty & Staff Assistance Program](#). The program, according to the website, is a free, confidential resource to help staff and faculty of the university to address and resolve personal, family, or work-related problems. The services are free and available only by appointment. The Employee Assistance Specialist is a Licensed Clinical Social Worker.

Long Beach offers an [Employee Assistance Program](#) (EAP) for all faculty and staff of the University. The EAP engages the services of an outside contractor, Empathia, to provide counseling services. Through the EAP program, employees can access childcare resources, tutoring, senior care, and confidential psychological counseling.

#### **VIII. Prevention, Education, Professional Development, Training and Awareness<sup>30</sup>**

At Long Beach, there are a wide range of campus partners who provide prevention and education programming, including OEC, Not Alone @ the Beach, the Campus Confidential Advocates, Student Affairs, Wellness and Health Promotion, CAPS, Student Affairs, and many more. These efforts, however, are not strategically coordinated, aligned or organized, which can cause confusion for campus constituents, particularly when there are multiple offices doing outreach and prevention for the campus as a whole. For example, multiple departments are currently duplicating efforts to develop bystander intervention and engagement – an initiative of this nature should be university wide, aligned for all in tone, content, delivery, and uniformity of message.

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<sup>30</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.



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>31</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>32</sup> The Nondiscrimination Policy further provides: Confidential Advocates may serve on campus-based task force committees/teams to provide general advice and consulting, participate in prevention and awareness activities and programs, and play an active role in assisting, coordinating, and collaborating with the Title IX Coordinator in developing and providing campus-wide awareness and outreach activities, possibly including prevention activities.<sup>33</sup>

This level of coordination and oversight is not currently occurring at Long Beach. Given the wealth of resources available to coordinate, a shift in oversight and alignment of programming is likely to create synergies that will have long reaching impacts across campus. Specifically, we recommend that Long Beach identify and designate a prevention and education coordinator and a university Prevention and Education Oversight Committee to develop a coordinated, strategic plan that integrates wellness and violence prevention. Effective practices across the country are approaching wellness from an integrated, holistic perspective that recognizes the intersectionality of the issues. Long Beach is well positioned to take implementation to this next level through coordinated oversight and partnership, a strategic and coordinated approach, and campus wide engagement by the multiple, dedicated, engaged campus partners.

#### **A. Employees**

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

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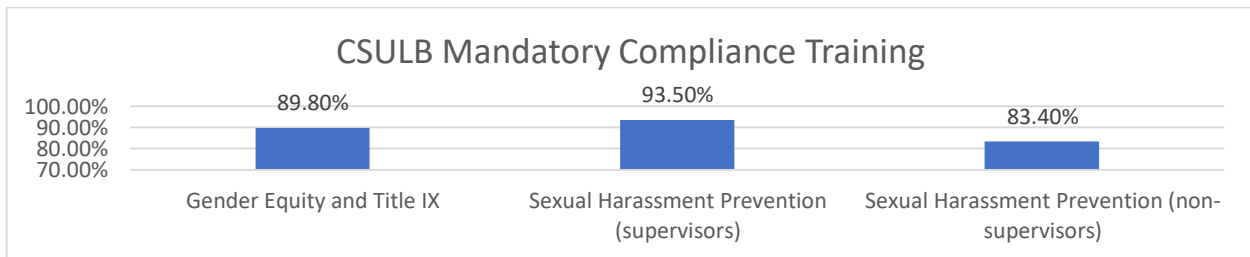
<sup>31</sup> See Attachment B: Campus Title IX Coordinators Role and Responsibilities.

<sup>32</sup> See Attachment C: Confidential Sexual Assault Victim's Advocates.

<sup>33</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.”

and non-supervisors are required to participate in CSU's *Discrimination Harassment Prevention Program* every two years (for at least 120 minutes).

The systemwide Learning and Development Office in the Chancellor's Office hosts these online modules, which are provided by an external vendor, on its systemwide employee learning management system. The Learning and Development Office tracks employee completion of these required programs. The below chart, provided by the Chancellor's Office, shows the completion percentage for Cal State Long Beach for the 2022 calendar year:<sup>34</sup>



In addition to the mandatory compliance requirements of the CSU, Long Beach provides other training and professional development opportunities for faculty and staff. For example, OEC offers customized trainings programs that address a number of topics, including Title IX, DHR, Clery Act compliance, whistleblower, retaliation, and employee workplace accommodations. OEC also provides training on responsible employee reporting obligations.

In addition, Long Beach's Faculty Affairs Division has established a [Faculty Center](#). According to its website, its purpose "is to establish a vibrant, easily accessible facility where faculty can seek advice, guidance, mentoring, support, and community." The Faculty Center addresses diversity and inclusivity, and assists Long Beach faculty in being culturally inclusive in their classrooms. We heard from community members that the Faculty Center works with faculty to be better versions of themselves. The Faculty Center is a well-placed venue to offer expanded professional development and training opportunities, particularly for Deans, department chairs, and other faculty leaders.

A gap we observed across the system relates to the training and professional development provided to managers, supervisors and faculty leaders. To that end, Faculty Affairs has implemented a monthly

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<sup>34</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.

session for department chairs. This is primarily an informational group. The AVP of OEC presented to the department chairs during one of their monthly meetings. Faculty Affairs also created a learning community for new department chairs, another professional development tool to help strengthen leadership skills. The community is a yearlong program to ease these new leaders into their position, while providing support and camaraderie with fellow new chairs. The AVP of OEC and faculty affairs leadership also do a roadshow of training programs for faculty.

Human Resources has also provided training and professional development to MPPs through the NeuroLeadership Institute. Human Resources also offers eight workshops and six complementary programs for managers and leads on Diversity, Equity, and Inclusion (DEI), Title IX, unconscious bias, and Retention, Tenure and Promotion (RTP). The AVP of OEC also presents periodically to the Administrative Services Managers meeting.

In light of the significant concerns we have heard about *other conduct of concern*, we note the need for expanded professional development and training opportunities for faculty and staff. For supervisors and managers (both staff and faculty), that includes content related to Title IX and DHR; respectful and inclusive environments; conflict resolution; bystander intervention strategies; effective leadership and supervision; reporting responsibilities under Title IX, the Clery Act, and CANRA; prohibited consensual relationships; and opportunities to cultivate competencies in navigating difficult conversations, bridging differences, and modeling respect and civility.

We also recommend continued dialogue and engagement related to responsible employee reporting obligations, and how to bridge faculty reluctance to “report it forward” with both legal requirements and institutional commitment to ensure that all complainants and impacted individuals have access to resources and resolution pathways and that the university is positioned to take appropriate action to respond to discrimination and harassment.

## **B. Students**

The offerings for students are even richer. In accordance with the Nondiscrimination Policy and state law, all CSU students are required to complete an online Title IX (sexual violence prevention) training. This is part of a system-wide effort to ensure that all students are provided a safe learning environment. New students complete a longer training – covering “consent, healthy and unhealthy relationships and what to do in the event violence occurs,” as well as how to “identify potentially dangerous situations and how

to intervene to put a stop to them.” Returning students complete shorter refresher training. Students who do not complete the mandatory training by the due date receive a hold on their account that impacts their ability to register for classes. We consistently heard that the on-line training is not effective. We heard that the systemwide training is “ineffective and unengaging and is repetitive and the students skip through it, no one does it to learn, they just do it to skip through.” We heard an express desire for a more interactive and effective approach that would offer “more of an opportunity to engage and hear different perspectives.”

As it relates to students, OEC provides Title IX training for fraternity and sorority members and leadership, club sports officers and other student organization leaders, peer educators and advisors, and Associated Students, Inc. student employees and officers. OEC also trains all students during orientation, including international students, student employees, and athletics staff and athletes. Together with employee programming, OEC offers more than 50 in-person, customized training programs.

[Not Alone @ the Beach](#) is the longest standing grant run program in the California system and was the first recipient of the California Office of Emergency Services grant for Campus Sexual Assault Program in 2015. It is housed in the College of Liberal Arts and led by a team of practitioners and researchers. According to its website, Not Alone @ the Beach “offers holistic, evidence-based programming in gender and power-based violence prevention, awareness programming and outreach services to all CSULB students, faculty and staff.” It is aligned with the primary prevention approach required by federal and state law, which seeks to use evidence-based practices “to help change campus culture ‘at the root’ to prevent violence and abuse from occurring in the first place.” Not Alone @ the Beach identifies its core values as survivor-centered, inclusive, holistic, collaborative, and research driven. Its mission places emphasis on collaboration with campus community partners and the coordination of confidential advocacy, identifying itself as an umbrella organization that joins “together with other campus and community partners in creating a holistic approach to sexual violence prevention and a safer, inclusive campus community.”

Specific programming offered by Not Alone @ the Beach includes:

- [Every Kiss Begins with Consent](#), a 60-minute interactive workshop focused on strategies for how to give and ask for consent within sexual contexts and relationships
- [Flip the Script with EAAA](#), an evidence-based sexual assault resistance program for women
- Bystander education programs, including [Mentors in Violence Prevention](#) (MVP), which helps student leaders to build skills and shift norms, and [interACT](#), a social justice performance troupe run by a Long Beach faculty member

At the time of our campus visit, Not Alone @ the Beach, was hiring a new prevention educator whose role will focus on engaging with complainants involved in the process toward understanding the grievance procedures and expectations.

Given the expertise and experience within OEC and Not Alone @ the Beach, we observed a need for closer collaboration between these two offices, as well as a need for greater integration of programming with other campus partners, including Student Affairs, Health Promotion and Faculty Affairs, to strengthen partnership and collaboration, and ultimately to situate oversight of the legally-required training, prevention and education programs under an administrative structure that maintains the richness and diversity of current programming and experienced leaders, but also allows Long Beach to develop a strategic and formal structure for educating all students, faculty, and staff. For example, Long Beach is currently exploring how to develop and deliver a bystander intervention and engagement program for all students, which requires coordination beyond the current capability of Not Alone @ the Beach *and* under federal law and system policy, the oversight of the Title IX Coordinator (or delegate).

### **C. Coordination**

As it relates to both students and employees, we recommend that Long Beach identify and designate a prevention and education coordinator and a university Prevention and Education Oversight Committee to develop a coordinated, strategic plan that integrates wellness and violence prevention.

### **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.

At Long Beach, as elsewhere, the issues run the range from potential bias incidents, which often involve bias incident response teams, as well as issues related to professionalism, bullying and non-protected status harassment involving faculty and staff. Most of the CSU universities have no formal process to respond to *other conduct of concern*, which can contribute to conduct being unreported or – if reported – inadequately addressed. Campus administrators across Student Affairs, Human Resources, Faculty Affairs, and related offices, including OEC, respond to individual matters and concerns within the existing policy frameworks. Many concerns related to *other conduct of concern* are funneled through OEC, who often steps in to help address concerns in its capacity as the diversity office. Given the under resourcing and staffing turnover identified above, expanding OEC’s jurisdiction in this way is an unsustainable practice which can leave campus community members with negative experiences and perceptions of OEC, despite OEC’s best efforts to address every concern brought to its attention.

We heard *other conduct of concern* described as “that in between conduct that doesn’t rise to the level of a legal issue” or “situations that are disrespectful, but not a violation of DHR.” Faculty members described feeling as if there was no support and nowhere to go to share their concerns. They shared their perspectives that issues have not been addressed over time, referencing stories about certain faculty members’ behaviors. One individual noted, “When our only option is – deal with the matter itself or go to Title IX, 0 to 100, no space to deal with concerns, manage it yourself or go through the process of reporting – it is inhumane and untenable – trying to navigate with no resources.” Another individual shared, “sometimes you don’t want to go to OEC because you want to be able to resolve it without escalating it.” Another shared a stigma about seeking help from OEC: “OED [OEC] is the last office you want to go to; it has never been an office where it was ok to go to that office to seek support – if you are in OED, it’s a problem.” Another explained that even if a campus community member seeks help from OEC, sometimes no recourse is offered and the complainant is left with “a feeling of being let down and betrayed and not having people understand what they had experienced.” And in the cases where OEC does not take action, for any number of legitimate reasons, the complainant is left to return to the living, learning, or working environment without a remedy, which can impact student and employee retention.

Long Beach does have an Ombuds, who can provide intermediary opportunities for discussion, conflict resolution, and problem solving. In addition, an Interaffinity Council has tried to organize to fill the gap in formal process, but the Council is not a formal structure with the ability to triage, document, and delegate responses. The goal behind the Interaffinity Council was described to us as “to figure out if we can handle what we have been hearing about microaggressions, hostile work environment, conflict coming from race and gender issues.” Because of the Council’s familiarity with campus resources, the Council could “send somebody to validation and support, direct them to problem-solving tools, or connect them to resources.” The challenge is that the Council does not have the infrastructure and is not funded or resourced to be able to provide a more consistent, formalized process.

We learned that members of some affinity groups on campus, have formed an inter-affinity council. The council works across the affinity groups to come up with creative solutions designed to help individuals who are dealing with microaggressions, hostile work environments, and conflict arising from race or gender issues. The council is able to send somebody to offer the individual validation and support, suggest some problem-solving tools, or connect to resources. The council has tried to fill in the gaps from OEC, but since it is not a formal structure, it does not currently triage, document and delegate. We suggest that the university learn from the use of this informal mechanism, and develop a broad base of options for dealing with other conduct of concern, such as conflict resolution, training on how to navigate interpersonal conflict, restorative justice, and other forms of remedial responses, as well as working with the Chancellor’s office to develop policy, infrastructure, systems, and training to address *other conduct of concern*.

Long Beach has a number of cross-campus collaborative commissions that may serve as additional resources to better understand *other conduct of concern*, its impacts, and what institutional responses might resonate with students, faculty, and staff. Those include the President’s Commission on the Status of Women (PCSW), the President’s Equity and Change Commission (PECC), the Trans Advocacy Coalition (TAC), and the Lesbian, Gay, Bisexual, Transgender, Queer, Intersex, Asexual + Campus Climate Committee (LGBTQIA+CCC). Faculty and staff affinity groups and student identity-based centers are also key partners in helping to improve campus climate and culture for those most likely to experience microaggressions and potential bias incidents.

As detailed further in the Systemwide Report and the below recommendations, we recommend that Long Beach work closely with the Chancellor’s Office and CSU’s Office of General Counsel to develop a

centralized reporting process, written framework for evaluating reports, and a triage model/review process to evaluate next steps to address *other conduct of concern*

## **X. Recommendations**

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

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

### **A. Infrastructure and Resources**

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

1. Work with the Chancellor's Office to develop a project plan for addressing gaps and implementing recommendations
2. Share existing budget line information with the Chancellor's Office, including historic and anticipated annual fees for external investigators, hearing officers, and other Title IX/DHR related resources, as well as budget line information related to the confidential campus advocates, prevention and education specialists, and respondent resources (recognizing that these resources are typically outside of the Title IX/DHR budget)
3. Map functions within the Title IX/DHR program to ensure sufficient personnel to cover all core functions, including: intake and outreach, case management, investigations and hearings, informal resolution, sanctions and remedies, prevention and education, training, data entry and analysis, administrative tasks, and additional resources to support legally-compliant, effective Title IX/DHR programs, as well as the essential care side of campus responses
  - 3.1. Specifically, OEC would benefit from a prevention and education coordinator, and a support and intake coordinator.
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. Continue to provide respondent support services and identify a sustainable model, if possible, to increase the level of services to respondents

#### **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 multidisciplinary team is trained to treat information confidentially, with sensitivity, and consistent with state and federal privacy laws

- 1.5.6. The MDT should engage in consultation to inform decisions, including those about emergency removal, administrative leave, the reasonable availability of supportive measures, and questions about the scope of the university's education program or activity
- 1.5.7. The MDT meetings should serve as natural opportunities for documenting the factors considered in reaching key decisions and documenting what information was known, when it was known, by whom it was known, and what impact it had on the Title IX Coordinator/DHR Administrator's analysis
- 1.5.8. The MDT should facilitate the development of shared fluency and knowledge among key university partners related to the legal and regulatory requirements, policy frameworks, and considerations related to care and informed and equitable processes
- 1.6. Develop tools for consistent, informed, effective documentation and case management
  - 1.6.1. For quality control, develop a case opening and closing checklist to ensure that all relevant documents, correspondence, and information are captured and preserved electronically
  - 1.6.2. To the extent feasible, seek to maintain data in a usable and searchable electronic format for efficient decision making, analysis and review
  - 1.6.3. Migrate all historical DHR reports and Title IX reports into the enterprise-level case management system, if not already included
  - 1.6.4. Develop periodic reviews for quality assurance
- 1.7. Oversee investigations for quality and consistency of prompt and equitable processes
  - 1.7.1. Establish a protocol to ensure the timeliness of investigations, with routine quality control mechanisms throughout investigation process
  - 1.7.2. Develop quality control processes for monitoring active investigations for thoroughness and timeliness and ensure timely communications to parties throughout the investigative process (e.g., calendar internal 30-day, 60-day and 90-day alerts to prompt the investigator or case manager to make outreach to the parties)
  - 1.7.3. Ensure each report has sufficient review by the Title IX Coordinator/DHR Administrator and University Counsel (for legal review of sufficiency and adherence to policy)
2. Continue to evaluate barriers to reporting and engagement at the university level, with aggregation of data and advice and guidance by the Chancellor's Office
3. Review and revise tone, content, and format of reporting forms and other template communications
4. Review the current post-Title IX/DHR disciplinary processes for faculty and staff to ensure promptness, equity, and informed communication
  - 4.1. Ensure the Title IX Coordinator/DHR Administrator remains engaged in any disciplinary processes, including sanctions and appeals, until final

- 4.2. Ensure that decisions about negotiated settlements are supported by a careful and coordinated review by all relevant campus and system level administrators
5. Develop and implement a process to routinely collect post-resolution feedback from the parties and all impacted individuals

### **C. Communications**

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

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

- 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, Professional Development, 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
  - 3.2. Ensure that the coordinator has oversight over all campus wide programming and identify a model for coordination with Not Alone @ the Beach and other campus programs to provide a strategic, aligned, holistic, and integrated approach

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**

The below chart reflects key metrics and demographic information for California State University Long Beach.

California State University Long Beach			
Location Information			
<b>Location:</b> Long Beach, CA (pop. 451,307) <sup>35</sup>	<b>County:</b> Los Angeles County (pop. 9,721,138) <sup>36</sup>	<b>Locale Classification:</b> Large City <sup>37</sup>	
University Information			
<b>President:</b> Jane Close Conoley, Ph.D. (January 2014-present)			
<b>Designations:</b> Hispanic Serving Institution (HSI) <sup>38</sup> Asian American and Native American Pacific Islander-Serving Institution (AANAPISI) <sup>39</sup>			
Students – Enrollment Data <sup>40</sup>			
Total Number of Students		39,059	
State-Supported		Self-Supported	
Undergraduates	32710	Undergraduates	168
Grad & Post Bac Students	5560	Grad & Post Bac Students	621
Student Ethnicity <sup>41</sup>			
Overall (includes State- and Self-Supported)			
Hispanic / Latino		48%	
Asian		21%	
White		16%	
Two or More Races		4%	
International Student		4%	
Black / African American		4%	
Race and Ethnicity Unknown		2%	
Native Hawaiian / Other Pacific Islander		<1%	
American Indian / Alaska Native		<1%	

<sup>35</sup> United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/longbeachcitycalifornia/PST045221>, population estimate as of July 1, 2021.

<sup>36</sup> United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/losangelescountycalifornia/PST045221>, population estimate as of July 1, 2021.

<sup>37</sup> Defined as a territory inside an urbanized area and inside a principal city with population of 250,000 or more. See National Center for Education Statistics, <https://nces.ed.gov/programs/edge/Geographic/LocaleBoundaries> and <https://nces.ed.gov/surveys/annualreports/topical-studies/locale/definitions>.

<sup>38</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/itudes/eligibility.html>

<sup>39</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>40</sup> California State University Enrollment Data, Fall 2022, Cal State Long Beach: [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>41</sup> *Id.* This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

State-Supported (38,270 students)		Self-Supported (789 students)	
Hispanic / Latino	49%	Hispanic / Latino	39%
Asian	21%	International Student	21%
White	16%	White	17%
Two or More Races	4%	Asian	9%
International Student	4%	Black / African American	6%
Black / African American	4%	Race and Ethnicity Unknown	4%
Race and Ethnicity Unknown	2%	Two or More Races	3%
Native Hawaiian / Other Pacific Islander	<1%	Native Hawaiian / Other Pacific Islander	<1%
American Indian / Alaska Native	<1%	American Indian / Alaska Native	<1%
Other Student Demographics <sup>42</sup>			
Overall (includes State- and Self-Supported)			
First in Family to Attend College		39%	
% students who are traditionally underrepresented <sup>43</sup>		67%	
% of undergrads who were Pell Grant recipients <sup>44</sup>		50%	
% of students who live on campus <sup>45</sup>		7%	
% undergrads who are in a fraternity or sorority <sup>46</sup>		4%	
4-year graduation rate for first-time FT freshmen <sup>47</sup>		38%	
State-Supported (38,270 students)		Self-Supported (789 students)	
Average Age	23	Average Age	30
Sex <sup>48</sup>	59% F; 41% M	Sex <sup>49</sup>	75%F; 25% M
First in Family to Attend College	30%	First in Family to Attend College	19
% traditionally underrepresented <sup>50</sup>	52%	% traditionally underrepresented <sup>51</sup>	45%
Instructional Faculty <sup>52</sup>			
Total # of faculty		2,410	
Tenure-track		34.9%	
Lecturer		65.1%	

<sup>42</sup> *Id.*, except where noted otherwise. This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

<sup>43</sup> For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

<sup>44</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>45</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>46</sup> Data provided by university.

<sup>47</sup> California State University, Graduation & Success Dashboards, with link to Graduation Dashboard, selecting the Summary Overview tab, and with Cal State Long Beach 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 CSULB during the Fall 2018 (most recent complete 4-year term available).

<sup>48</sup> Data does not capture number of students who do not identify on the sex/gender binary.

<sup>49</sup> *Id.*

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

<sup>51</sup> *Id.*

<sup>52</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.

% full-time <sup>53</sup>	45.93%
% part-time	54.07%
Leadership body	Academic Senate <sup>54</sup>
<b>Staff<sup>55</sup></b>	
Total # of staff	1,705
% full-time	97.01%
% part-time	2.99%
<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>56</sup></b>	
NCAA Division	I
NCAA Conference	Big West <sup>57</sup>
Number of sponsored sports for '22-'23 academic year	23
Number of student athletes <sup>58</sup>	401

<sup>53</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>54</sup> Cal State Long Beach Academic Senate. See <https://www.cslb.edu/academic-senate>

<sup>55</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>56</sup> NCAA Directory <https://web3.ncaa.org/directory/orgDetail?id=99>, except where noted otherwise.

<sup>57</sup> All sports are in the Big West Conference except Men's and Women's Indoor Track, which are part of the Mountain Pacific Sports Federation, and Men's Water Polo, which competes in the Golden Coast Conference.

<sup>58</sup> See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for California State University Long Beach. 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 Campus Survey

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

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

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

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

At Long Beach, we received 753<sup>59</sup> responses from students, faculty, staff, and administrators as follows:

Constituency	Number of Responses
Undergraduate Student	389
Graduate Student	94
Staff	119
Administrator or Manager	36
Faculty	127
Other	22

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:

- Unhoused populations on campus. In response to questions regarding safety, survey respondents noted that they felt less safe because the campus was open to the public, and a large number of unhoused individuals remained on campus.
- Perception of Title IX Office. Survey respondents were critical of the Office of Equity and Compliance as an office that serves the institution rather than the stakeholders.
- Faculty and staff report discrimination. Faculty and staff reported bullying and disrespect within their workplace environments, as well as discrimination on the basis of gender or national origin.
- Faculty declining to follow mandatory reporting requirements. Several survey respondents stated that they would not report incidents of sexual assault despite being required to do so by law.
- Clarity and transparency with witnesses in investigation settings. Some survey respondents described being contacted by the Title IX office for a meeting despite being unaware of the capacity in which they were being called.

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<sup>59</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.

- Confidentiality concerns were commonplace. Particularly in the employment context, survey respondents stated that they were concerned about confidentiality and retaliation.
- Requests for more relevant in-person training. Many survey respondents stated that the Title IX training provided was irrelevant or “cheesy,” and many also requested in person trainings.
- ADA compliance. Survey respondents stated that they experienced disability discrimination or had difficulty accessing accommodations.



### **Appendix III Title IX Annual Report Metrics**

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

As part of our review of the Title IX program at Cal State Long Beach, we reviewed the University's annual Title IX reports for years 2018-2019 through 2021-2022. These annual reports are posted online on Cal State Long Beach's Office of Equity and Diversity website.<sup>60</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 the Office of Equity and Diversity 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

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<sup>60</sup> <https://www.csulb.edu/equity-and-diversity/title-ix-at-the-beach> (last visited May 6, 2023).

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

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

In presenting the below data, we note that some campuses identified challenges with accuracy or completeness in their data. We have attempted to reconcile that data where possible, recognizing that some CSU institutions have provided data prepared by individuals who are no longer employed by the institution. Before publishing this report, we sent outreach to all Title IX Coordinators to request that they verify the accuracy of their 2021-2022 annual Title IX report. Cal State Long Beach verified the accuracy of the 2021-2022 annual Title IX report via email on May 5, 2023.

Finally, we recognize the significant impact of the global pandemic on colleges and universities across the country, including Cal State Long Beach. 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 Diversity 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>61</sup>

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	Data not reported	65	Data not Reported	63
Reports of Dating/Domestic Violence		28		32
Reports of Stalking		31		20
Sexual Exploitation*		-		3
Sexual Harassment*		-		79
<b>Total # of Reports in Above Categories</b>		<b>124</b>		<b>197</b>
* This data was not requested by the Chancellor's Office prior to the 2021-2022 academic year.				

#### B. Respondents' Roles<sup>62</sup>

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

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Respondent is a student	20	46	16	69
Reports in which the Respondent is an employee	10	13	4	18
Reports in which the Respondent is a third-party	Not Reported	10	Not Reported	13
Reports in which the Respondent is unknown		79		25
Reports in which the Respondent is unidentified		72		
<b>Total # of Reports in Above Categories</b>		<b>30</b>		<b>148</b>

<sup>61</sup> This data does not include reports of incidents that fail to meet the threshold of Title IX misconduct.

<sup>62</sup> Respondent Role totals may differ from Reported Conduct totals due to multiple allegations for one Respondent.

**C. Case Outcomes<sup>63</sup>**

The below data reflect the collective outcomes of reports to the Title IX and Gender Equity Office.<sup>64</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	110	50	-	71
Reports in which the Complainant’s identity was unknown to the Title IX Office	-	0	-	8
Reports in which the Complainant requested supportive measures or resources only	26	0	3	51
Reports that resulted in other outcomes (except formal investigation)	51	64	107	41
Reports that resulted in a formal investigation*	4	12	1	0
* We learned through this review that this category is not an accurate indicator of the total number of investigations, in part because of how the question was narrowly framed by the Chancellor’s Office. 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>63</sup> Case Outcome totals may differ from Reported Conduct totals depending on exclusion of pending cases at the time of the annual report and inclusion of resolved open cases from previous years.

<sup>64</sup> As a reminder, in 2021-2022, the data included Sexual Exploitation and Sexual Harassment, which were not included in earlier years. Because of the manner in which data was gathered by the Chancellor’s Office, it is unclear how the addition of these two categories of conduct impacted the number of outcomes.