

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

California State University, Los Angeles

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I. Introduction

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

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

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

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

¹ Definitions for discrimination, harassment, and retaliation, including the protected statuses under federal and state law are defined in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#) (Nondiscrimination Policy).

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

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

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

This report outlines Cozen O'Connor's assessment of the Title IX and DHR programs at California State University, Los Angeles (Los Angeles Report). The Cal State LA review was led by Devon Riley and Cara Sawyer. The Los Angeles 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 Los Angeles 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 LA is located in Los Angeles, CA. It has a student population of approximately 26,500, 23% of whom live on campus, and a workforce of approximately 2,575 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 LA, Cozen O'Connor conducted a three-day onsite campus visit from November 29 through December 1, 2022, as well as multiple additional virtual follow-up meetings conducted over Zoom. In total, Cozen O'Connor conducted over 21 meetings with more than 30 Title IX and DHR professionals, administrators, and other key campus partners, some of whom we spoke to on multiple occasions. These meetings included interviews with the following offices and individuals (identified by role):

- University President
- Office of Equity, Diversity, and Inclusion (OEDI)
 - Title IX Officer, Director of HR, Equity and Diversity
 - Deputy Title IX Coordinator, Investigator
- Campus Victim Advocate (Peace Over Violence)
- Student Health Services
 - Interim Director & Medical Chief of Staff
- Student Affairs/Dean of Students
 - Associate VP for Student Life and Dean of Students
 - Associate Dean of Students, Student Conduct
- Executive Vice President and Provost
- Counseling and Psychological Services
 - Interim Associate Director, Counseling & Psychological Services
 - Associate Vice President for Student Life
- Health Promotion/Education
 - Assistant Director Health Education
 - Student Health Compliance Officer
- Athletics
 - Executive Director, Athletics
 - Deputy Athletic Director/Deputy Title IX Coordinator
 - Associate Vice President for Student Affairs
- Housing and Residential Life
 - Executive Director Housing and Residence Life
- University Police Department
 - University Police Chief
- Human Resources
 - Associate Vice President, Human Resources Management
- Faculty Affairs
 - Associate Vice President for Faculty Affairs
- Identity Center/Affinity Group Leaders
 - Director Cross Cultural Centers
 - Associate Vice President for Student Life
 - Associate Dean of Students: Wellness and Engagement

- Fraternity & Sorority Life Coordinator
- Director, Office for Students with Disabilities
- University Counsel
- Clery
 - Clery Director
 - Administrative Manager, University Police
- Equity Diversity Inclusion and Belonging Task Force (four attendees)
- Diversity, Equity, Inclusion, and Belonging
 - Associate Vice President for Diversity, Equity and Inclusion

In addition to these meetings with administrators and campus partners, Cozen O'Connor sought feedback from students, staff, and faculty through a variety of modalities, including in-person engagement, through a systemwide survey, through a dedicated email address (calstaterewiew@cozen.com), as well as individual meetings via Zoom. During our campus visit, Cozen O'Connor held an open forum for faculty (eleven attendees) and met with the Academic Senate Executive Committee (four attendees). We also met with ASI Leadership (eleven attendees). Following our campus visit, we received information sent to us via the CalStateReview@cozen.com email address.

In December 2022, we asked each of the 23 universities to disseminate an invitation to participate in an online survey. Campus 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 until March 2023. In total, we received 690 responses to the survey from Cal State LA 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:

Insufficient Infrastructure, Visibility, and Trust Gap: The Office of Equity, Diversity, and Inclusion (OEDI) carries out Cal State LA's Title IX and DHR programs. OEDI is responsible for responding to reports of discrimination and harassment, providing supportive measures to individuals reporting and responding to such reports, conducting investigations and hearings, facilitating informal resolution agreements, providing training for students and employees, and overseeing prevention and awareness programming. In light of these significant responsibilities, OEDI has an underdeveloped

infrastructure required to support its response functions and is under-resourced to carry out its myriad roles.

While OEDI professionals have appropriate subject matter expertise, experience, and training, there is a disconnect in their efforts and how those efforts are received by campus constituents. OEDI sits within Human Resources Management (HR). Its limited number of OEDI employees also hold HR responsibilities and it does not have an independent identity outside of HR. OEDI is not well known to students, in part because of confusion in its name (which is similar to another office) and a challenged physical location, and could benefit from steps to increase campus awareness and visibility. OEDI also has a negative perception amongst faculty and staff, in part because of its connection to HR, and in part because of historical experiences or perspectives which taint current perception. We recommend moving OEDI out of HR, separating Title IX/DHR and HR functions, and building out the infrastructure to provide dedicated attention to intake and supportive measures. OEDI can also benefit from strengthening internal OEDI processes, including intake and initial assessment, elevating the care elements of compliance in response to reports, and strengthening collaboration with campus partners.

Prevention and Education: As it relates to prevention and education, there are many campus partners engaged in providing programming for students and employees. Project Safe (a domestic and sexual violence and stalking awareness program) and Health Promotion and Education in the Student Health Center each engage in campus programming above and beyond the CSU's required online modules. They offer a wide variety of programming, although these efforts are less robust than in the past given the impacts of COVID-19 and understaffing. Project SAFE also maintains an extensive [website](#) that is rich with resources, guidance for reporting and safety considerations, and links to external websites and resources, although there is room for improvement in coordination between OEDI and Project Safe in the structure of the website. As with all of the CSU universities, we recommend Cal State LA engage in more strategic planning and dedication of resources, including a dedicated prevention and education coordinator and a campus Prevention and Education Oversight Committee, to provide a holistic approach to sexual and interpersonal violence prevention and address issues related to discrimination and harassment. Given the gaps in awareness reported to us, as well as

the issues of distrust, in-person engagement with campus constituents is critical to shifting perception and building trust.

Responding to *Other Conduct of Concern*:² As with other CSU universities, Cal State LA struggles in its response to conduct issues that may not fall under the Nondiscrimination Policy, but are nonetheless disruptive to the living, learning, and working environment. We also learned about concerns, particularly from faculty, that *other conduct of concern* is underreported and that ineffective institutional responses have allowed it to continue unchecked for years. Faculty shared concerns about microaggressions and potential bias incidents, reflecting that the administrative structures were insufficient to provide consistent and responsive action. While individual administrators seek to address reports related to *other conduct of concern*, Cal State LA has no consistent and formalized mechanism for responding to and navigating these behaviors. As a result, the university triages these behaviors in an *ad hoc* manner, leading to inconsistent responses, which have led to perceptions by students, staff, and faculty that there is a lack of accountability. We recommend that Cal State LA work closely with the Chancellor's Office to develop a formal process to address reports of *other conduct of concern*.

IV. The Office of Equity, Diversity, and Inclusion

A. Infrastructure

[OEDI](#) reviews and investigates all complaints involving allegations pursuant to the policies and procedures set forth in the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation \(Nondiscrimination Policy\)](#). OEDI also receives and responds to all complaints involving allegations regarding [prohibited consensual](#)

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

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

[relationships between employees and students](#). In addition to responding to reports, OEDI provides a wide range of sexual misconduct and sexual harassment prevention education trainings to the campus community, serves as the office that handles whistleblower complaints, and implements accommodations for employees pursuant to the Americans with Disabilities Act (ADA) statute and regulations. OEDI is also tasked with overseeing the University's designated lactation spaces.

OEDI consists of the Title IX Officer and Director of Human Resources Equity, and Diversity Policies and Procedures, who serves as the University's Title IX Coordinator and DHR Administrator. OEDI staff includes a full-time Deputy Title IX Coordinator/Investigator/ADA Compliance Specialist, and an HR Generalist, who works half of her time with OEDI and the other half with the Workers Compensation unit. Currently, the university has a posting for an administrative support position that would support both OEDI and the Labor/Employee Relations Unit.

The current Title IX Coordinator previously served as a Title IX investigator for Cal State LA between 2012 and 2018, and returned to the university in October 2021 as the Title IX Coordinator. The Deputy Title IX Coordinator was hired in 2022. The Title IX Coordinator reports to the Associate Vice President of Human Resources, with a dotted line to the University President. OEDI is in the Human Resources Management reporting line within the Division of Administration and Finance.

The Title IX Coordinator and the Deputy share the duties of conducting intake meetings with complainants, managing the provision of supportive measures for parties, and conducting investigations for cases that proceed to investigation. In certain circumstances, the Title IX Coordinator engages external investigators. OEDI also provides training to the community. The administrative support maintains case data in Maxient, a recently adopted records management system. The Title IX Coordinator is also responsible for approving employees' requests for reasonable workplace accommodations and the Deputy Title IX Coordinator serves as the ADA specialist.

We learned that OED receives a relatively low number of reports. Cal State LA is the 8th largest CSU university, by student enrollment, but receives a relatively small percentage of reports for a campus its size. Between August 2022 and February 2023, OEDI reported receiving 120 reports and completing 12 investigations. During the prior fiscal year, OEDI responded to 73 reports of allegations related to Title IX. It was reported to us that the majority of the reports are from faculty. While reporting numbers have been impacted by the COVID-19 pandemic, Cal State LA's reporting numbers have been consistently low. We recognize that Cal State LA has a relatively small residential population, which may impact incidence rates,

but without more data and analysis, it is difficult to extrapolate conclusions about the low reporting rate, which could also be impacted by concerns related to awareness, trust, and potential retaliation. Rebuilding trust and fostering increased reporting should be a priority for Cal State LA

[OEDI's website](#) states that the office also addresses whistleblower complaints, however, according to the [University Internal Auditor's website](#), those complaints are to be sent to the Whistleblower's Office, which is in the Internal Auditor's Office.

OEDI's infrastructure is underdeveloped, even in light of the low reporting numbers. The support and investigative functions are compressed, which blurs the lines between the two separate functions. Despite the strong interest to engage in education and awareness programming, OEDI is not sufficiently staffed to meaningfully engage in awareness and education programming. As the Title IX and DHR program gains traction in the community, through increased visibility and rebuilt trust, we expect that the volume of reports and the demands on the office will increase.

A fully resourced office would include, at a minimum, a Title IX Coordinator/DHR Administrator, a prevention and education coordinator, a support and intake coordinator, two investigators (the need for which may increase over time or may be subsumed by the CSU Center for Investigations and Resolutions), and a full-time administrative manager. The addition of a support and intake coordinator would allow the office to have increased separation between the care and support function of the office (the support and intake coordinator) and the resolution function of the office (investigators), and would allow for a reallocation of workload to the education coordinator, who would be able to track training requirements and ensure follow through.

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

B. Visibility and Community Awareness of OEDI

We observed barriers to the accessibility of OEDI during our visit. First, there is the inherent confusion caused by the similarity in name of OEDI and another office, called the Office of Diversity, Equity, and

Inclusion Office (ODEI).³ These are two separate offices which serve different purposes, however, ODEI often receives reports that were meant for OEDI. Second, there is not a physical office dedicated to OEDI. Rather there are two offices for the two OEDI full-time staff on the sixth floor of the Student Services Building, behind a receptionist desk that reads, “Human Resources Management.” There is no signage for OEDI on the first floor elevator bank and students and employees would only know the location of the staff offices from the website; at the same time, there is signage for Diversity, Equity, and Inclusion, which sits on the eighth floor. We also noted that the website does not clearly establish OEDI as a resource for addressing Title IX and DHR for students, faculty, and staff, as the top banner of the OEDI landing page reads, “Human Resources Management” and “OEDI,” not the full name of the office, is displayed directly below. Student leaders suggested that OEDI have office space in the basement of the student union to increase OEDI’s visibility and accessibility.

We learned from student leaders their concern that “the average Cal State LA student does not know what Title IX is.” Students reportedly do not retain awareness or knowledge from required trainings, and only learn of OEDI when they “go seeking for information” on how to make a report. We heard that some students who are familiar with OEDI do not trust the office and/or process either because the process “failed them” or they fear peer retaliation given their perception that reports are rarely kept private among students. The social media site @CalStateLATruth on Instagram serves as a forum for students to voice concerns, including those related to discrimination and harassment, but also creates a reported chilling effect on reporting because students fear their issue will be discussed on the site and “misinformation will spread.”

Our recommendations include the development of an awareness campaign that collaborates with key campus partners, including Student Health, to raise awareness of OEDI and the Confidential Advocate. We also recommend that the university review and revise the names of these two offices to reduce confusion and create a unique and identifiable identity for OEDI.

³ The Diversity, Equity and Inclusion Office is not referenced on the Cal State LA website. There is, however, information about the Diversity, Equity, Inclusion, and Belonging Committee available on the website. See <https://www.calstatela.edu/diversity>.

C. Website

OEDI's website needs to be updated and refreshed to increase user accessibility, improve information sharing, and facilitate engagement with the office. The website should be refreshed to frontload information about reporting, resources, an overview of resolution options, and clear information about what happens when a report is received. In particular, there is a need for significantly expanded information about supportive measures and care, which are obscured even in OEDI's description of its function ("reviews and investigates complaints"). The website could also be better organized to feature Title IX and DHR. Currently, the headline links feature: Equal Employment (which links to open positions at the University), Policies and Procedures, Title IX, Title IX Training, Forms, and omits reference to DHR entirely. Information related to resources is harder to find on the website and requires multiple clicks to access. The website is the primary source of information to the community about OEDI and should clearly reflect its purpose, its resources, and its function. The website would be best positioned outside of the HR framework.

D. Reporting Options

Reports can be made to the Title IX Coordinator/DHR Administrator in person or via email, telephone, or an [online reporting form](#) accessible through the [OEDI's website](#). Reports can be made by a complainant directly or through third parties (e.g., responsible employees). The online reporting form may be submitted anonymously and the form informs the reporter that "While anonymous reports are accepted, you are STRONGLY encouraged to provide your name and contact information in order to allow us to most effectively respond to the report."

The online reporting form is accessible and conveniently placed on the OEDI landing page. The online reporting form, however, references out of date Executive Orders 1096 and 1097 and should be updated to reflect the current policy name. Last, it is helpful for the reporter to know that completing the form anonymously may impact the ability of the office to respond.

E. Case Processing

At the time of our visit, OEDI maintained records of reports in an Excel spreadsheet. Maxient was already in use by Student Affairs and Housing & Residence Life, but OEDI was not initially using Maxient. Since our

visit, we learned that OEDI has begun to integrate Maxient. OEDI is entering new cases into Maxient, but has not yet migrated ongoing and closed cases into Maxient.

Upon receipt of a report, the case is entered into the OEDI spreadsheet and Maxient. The Title IX Coordinator sends outreach to the complainant using a template letter. To the extent the complainant responds, the Title IX Coordinator schedules an intake meeting with the complainant to learn more about the report, review the policy, discuss reasonably available supportive measures, and discuss the option of filing a formal complaint.

The Title IX Coordinator and the Deputy Coordinator each manage a case load of supportive measures and open investigations. We learned that between August 4, 2022, and February 28, 2023, OEDI received 120 reports. This is a significant increase from earlier years, which we view as positive. During the 2022-2023 academic year, the Title IX Coordinator conducted four investigations, the Deputy Coordinator conducted six investigations, two investigations were assigned to external investigators, three reports were resolved via informal resolution, and one report was resolved in a live hearing.

The Title IX Coordinator reported that informal resolutions are generally completed within 100 days. For active investigations, OEDI sets and tracks due dates for investigation reports to stay within the 100 days provided in the Nondiscrimination Policy. Investigations sometimes take longer, but generally not beyond one 30-day extension of time.

OEDI adopted the CSU templates to ensure consistent communications. Our review of the investigation files shows the templates are being used consistently. There are additional opportunities to create template communications for notifications of extensions, the investigation report, and informal resolution agreements. In our meetings with the community, we heard repeatedly that the response and tone of OEDI is “overly legalistic.” The further development of template communications should balance legal requirements with providing information in a digestible way, and reflecting care for the community.

F. Review of Case Files⁴

OEDI provided and we reviewed four case files of completed investigations, three of which related to employee respondents and one of which related to a student respondent. The reports reflected a thorough fact gathering and detailed presentation of information gathered. There were notable opportunities for continued improvement in writing and presentation. We observed at least one instance in which the analysis on credibility written by the investigator did not align with effective practices and trauma-informed approaches. Our recommendations will speak to additional training and professional development for the OEDI staff to address writing credibility analyses consistent with effective practices. Another investigation report included a compilation of interview notes pasted wholesale in the body of the report. As the investigation report is to be a summary of all relevant inculpatory and exculpatory information, the reports could be further developed to reflect the care and investment in the matter.

The files included correspondence between the investigator and the parties, the tone of which was neutral and informative. The files reflected that OEDI was responsive to reports and outreach from parties. There was one instance in which a party wrote to the investigator for a case status update and noted that they had not heard from the investigator for two months. The investigator promptly responded to the party with a case update. Our recommendations include calendaring regularly-scheduled status updates for all investigations to ensure parties are informed of case status and progress.

G. Community Feedback on OEDI

As noted above, student leadership shared that most students are not familiar with OEDI, and those who do, have a distrust formed by perceptions that the process has failed students and that student reporters will be retaliated against for making a report.

Employees, particularly faculty, with whom we spoke shared negative experiences with OEDI. The pervasive perception is that OEDI protects the university over protecting individuals. Compounding that perception are feelings of distrust based on the belief that individuals were dissuaded, ignored, and

⁴ 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.

minimized by OEDI. It is important to note that some of the reported experiences that shaped this perception date back many years.

Faculty also shared that individuals are reluctant to file a complaint in part because they believe that OEDI will not move forward on their report and in part because of the long-standing power differentials that exist in academics (e.g., tenured versus non-tenured professionals). Faculty members described a fear of filing a “career ending report” and experiencing peer pressure from colleagues who dissuade reporters from reporting as other potential barriers to reporting.

Staff also shared a lack of trust in OEDI. We heard that reporters often feel “dismissed” for making a report and “blamed” for the conduct. We heard about a broader fear of retaliation felt by staff for engaging with Human Resources Management more generally, and that employees are viewed as “the enemy of the university” if they engage Human Resources Management. The lack of a University Ombuds was also cited as a barrier for reporting experiences or seeking resources.

These themes were echoed in the survey responses. Fear of retaliation was a common theme we observed in the survey feedback, resulting in reports being withdrawn by the complainant. Many survey respondents also reported experiences of “victim blaming” by OEDI. Throughout the survey, respondents stated that they believed their complaints were not investigated or were ignored. Several respondents expressed distrust in the office and the personnel.

We heard repeatedly that OEDI is an adjudicatory office, which is consistent with how it is presented on the website. Campus constituents were unaware of the support function of OEDI or the university’s Confidential Advocate. Based on our observations, OEDI is disconnected with the Cal State community and has had challenges rebuilding trust with faculty and staff. Our recommendations seek to help Cal State LA elevate the care and support function of OEDI to better serve its community through: 1) professional development to better incorporate the care aspects of the *care-compliance continuum*; 2) additional resources to adequately staff OEDI to carry out both the care and the compliance functions; and 3) improved engagement with the community to rebuild trust.

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;⁵ (ii) adopt grievance procedures that are prompt and equitable;⁶ and (iii) publish a non-discrimination statement.⁷ 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,⁸ 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 compliance efforts.⁹ 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.¹⁰ The Title IX Coordinator's role and responsibilities should be clearly defined, and the institution must notify applicants for admission and employment, 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

⁵ 34 C.F.R. § 106.8(a).

⁶ 34 C.F.R. § 106.8(b).

⁷ 34 C.F.R. § 106.8(c).

⁸ These include Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975. The implementing regulations for these statutes outline some requirements that are similar or identical to certain of the "core Title IX obligations." For instance, most of the regulatory frameworks require a notice of non-discrimination. See 34 C.F.R. §§ 100.6(d) (Title VI), 34 C.F.R. § 104.8 (Section 504), and 34 C.F.R. § 110.25 (Age Discrimination Act), and 28 C.F.R. § 35.106 (ADA). Furthermore, the implementing regulations for the Age Discrimination Act closely mirror the core Title IX obligations in that they require educational institutions to: (i) designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities, including investigation of complaints; (ii) notify beneficiaries of information regarding the regulations and the contact information for the responsible employee; and (iii) adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. 34 C.F.R. §§ 110.25.

⁹ 34 C.F.R. § 106.8(a).

¹⁰ *Id.*

designated as the Title IX Coordinator.¹¹ The Title IX regulations detail the responsibilities of the Title IX Coordinator, which include, among other things:

1. Receiving reports and written complaints;¹²
2. Coordinating the effective implementation of supportive measures;¹³
3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;¹⁴
4. Considering the wishes of the complainant with respect to supportive measures, including explaining the process for filing a formal complaint;¹⁵
5. Attending appropriate training;¹⁶
6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;¹⁷
7. Overseeing the prompt and equitable nature of any investigation or resolution;¹⁸ and
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.¹⁹

¹¹ *Id.*

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

¹³ *Id.*

¹⁴ 34 C.F.R. § 106.44(a).

¹⁵ *Id.*

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

¹⁷ 34 C.F.R. 106.45(b)(1)(iii).

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

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

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.²⁰ Title IX Coordinators and DHR Administrators should be positioned organizationally 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 MPPs and "have the qualifications, authority and time to address all complaints throughout the campus involving Title IX issues."²¹ 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 Title IX Coordinator and DHR Administrator was well positioned to

²⁰ 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 and aligned with the current regulations. 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."

²¹ 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."

effectively carry out their duties. As described above, this analysis consisted of assessing whether each Title IX Coordinator/DHR Administrator was appropriately positioned organizationally; sufficiently resourced; sufficiently trained; and free from conflicts of interest.

The University's Title IX Coordinator and DHR Administrator has been with the university since October of 2021. Her contact information — as well as contact information for the Title IX Office more broadly — is displayed on the university's OEDI [website](#). We have concerns that the Title IX Coordinator/DHR Administrator's reporting structure is not optimal, as she reports to the Associate Vice President of Human Resources Management, who reports to the Vice President for Administration. For a number of reasons, we urge Cal State LA to consider moving OEDI out of Human Resources Management and elevating the reporting line directly to the Vice President for Administration. This recommendation helps to ensure that OEDI is perceived as accessible by students, staff, and faculty, which is sometimes precluded when the Title IX/DHR program sits within HR. In addition, Attachment B requires that the Title IX Coordinator report to a Vice President or higher for appropriate independence and autonomy.

In terms of resources, OEDI is not sufficiently resourced. OEDI has few employees as compared to other Title IX offices — 2.5 in total (consisting of the Title IX Coordinator/DHR Administrator; a Deputy Title IX Coordinator; and a part-time administrative assistant), with an additional vacancy for a part-time administrative assistant. This staffing level is insufficient to meet the needs of the campus. In addition, OEDI employees all have duties outside of Title IX and DHR, and, as OEDI is also the de facto office responsible for prevention and compliance training, the portfolio for an office this size is substantial.

In terms of training, the Title IX Coordinator/DHR Administrator is appropriately trained, as evidenced by the list of [CSU provided trainings](#). In addition, we observed that the Title IX Coordinator/DHR Administrator has appropriate subject matter expertise with respect to Title IX and DHR issues. Having served in her current role for over 18 months, and as a Title IX Coordinator at the university for six years prior (2012-2018), the Title IX Coordinator has significant and relevant experience.

Finally, in terms of a conflict of interest, OEDI staff each have other HR duties in addition to their roles in OEDI. In particular, the Title IX Coordinator/DHR Administrator is also responsible for determinations regarding employee workplace accommodations, and the Deputy Title IX Coordinator is also an ADA specialist. In certain instances, these dual roles could create a conflict of interest. They also impact perceptions of OEDI, particularly given negative perceptions of HR that sometimes carry over.

B. Notice of Non-Discrimination

The Title IX regulations require that institutions publish a non-discrimination statement.²² 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;²³
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.²⁴

Cal State LA has a Notice of Non-Discrimination on the Basis of Gender or Sex, which, consistent with the Title IX regulations, states that the University does not discriminate on the basis of gender or sexual orientation in its education programs and activities. The Notice specifically states it extends to "employment as well as in all education programs and activities operated by the University." The Notice omits reference to admissions, as required by the Title IX regulations. According to the Notice, this prohibition on discrimination extends to sexual harassment, sexual misconduct, sexual exploitation, gender-based dating and domestic violence, and stalking. The Notice provides the required contact information, for the campus Title IX Coordinator and OCR, to individuals seeking to report sex discrimination.

Cal State LA's Notice of Non-Discrimination on the Basis of Gender or Sex is accessible on the university website for [OEDI](#), and has been disseminated to the university community in a communication from the

²² 34 C.F.R. § 106.8(b).

²³ *Id.*

²⁴ 34 C.F.R. § 106.8(b)(2).

President. However, there is no direct link to the Notice on most other university webpages, including the webpages for Admissions, Athletics, and Student Life.²⁵

Separately, the Office of the President's website includes a [broader Notice of Non-Discrimination](#), which states that the University's "commitment to equality of opportunity for all individuals" requires that "no discrimination shall occur in any program or activity of the university on the basis of race, color, religion, national origin, sex, gender identity, gender expression, ancestry, physical or mental disability, medical condition, pregnancy, age (over 40), marital status, political affiliation, sexual orientation, genetic information, covered veteran status, or any other classification prohibited by state or federal laws." This broader notice is 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"²⁶ 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.²⁷

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

²⁵ The Cal State LA Athletics webpage does contain a link to the Title IX Notice of Non-Discrimination Statement, on the [Staff Directory](#) page, but the [link](#) is currently broken.

²⁶ 34 C.F.R. § 106.8(c).

²⁷ *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.²⁸ 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.

²⁸ 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

During our campus visit, we learned of challenges in coordination between OEDI and key campus partners that delayed process and created barriers to information sharing and understanding of process. In recent follow up meetings, we learned that those challenges were resolved; however, they highlight the need for a multidisciplinary team (MDT) and a shared records management system for consistent information sharing, which leads to informed decision-making. OEDI currently hosts a Title IX Response Team, which includes UPD, the AVP of HR, University Counsel, and the VP for Student Affairs. The group assembles monthly to address reports received by OEDI to assess procedural steps and consult in decision-making. In addition to the Title IX Response Team, OEDI meets bi-weekly with Student Conduct to review the current student OEDI cases and discuss next steps. Given the challenges in coordination, our recommendations address how to more effectively develop and utilize an MDT to ensure continued coordination.

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

A. University Police Department

The University Police Department (UPD), within the [Department of Public Safety](#), consists of 23 (budgeted) sworn police officers. At the time of our visit in December 2022, UPD was understaffed and working to actively recruit more officers. As of May 2023, the University's website contains job postings for the following positions within UPD: Police Sergeant, Police Officer Cadet/Police Officer, Police Dispatcher, and Community Service Officer.

UPD also includes dispatchers and community officers. The Chief of Police/Director of Public Safety reports to the Vice President of Administration and Finance and CFO. UPD has arrest powers, and primarily patrols on-campus, but does enforce a one-mile radius beyond campus. The surrounding law enforcement jurisdictions include California Highway Patrol (CHP), Monterey Park PD, East LA Sheriff, Alhambra PD, and LAPD.

We learned that UPD investigates reports of criminal sexual or gender-based violence that reportedly occurred on-campus, which includes fact-gathering, and evidence collection. UPD officers are trained to provide complainants with information related to medical care and survivor advocate resources. UPD will

keep OEDI aware of an investigation. Under its interpretation of California Penal Code 293, UPD does not include a complainant's name in reports to OEDI where the complainant has requested that their name not be part of the UPD public records.

According to the Public Safety website, UPD is accredited by the National Law Enforcement Accreditation program. Cal State LA's Police Department is only one of a limited number of university police departments in California to meet the standards of the program, which certifies that UPD is committed to excellence in law enforcement.

B. Student Conduct

The Cal State LA's [Office of Student Conduct](#) is tasked with addressing student behavior that violates the Code of Student Conduct. Student Conduct is housed within the [Office of the Dean of Students](#). The current Associate Dean of Students for Student Conduct conducts investigations involving allegations of student code of conduct violations, and intersects with OEDI in the adjudication phase (consultation on terms of information resolution and sanction following a formal investigation) of Title IX and DHR cases involving student respondents.

During our campus visit, Student Conduct and OEDI were ironing out overlapping process and some challenges in information sharing, which we later learned from OEDI are largely resolved.

C. Housing and Residence Life

The office for [Housing and Residence Life](#) at Cal State LA consists of an Executive Director, Director, an Associate Director for Business operations, Associate Director for Facilities, and an Assistant Director, seven business operations staff, two Residence Life Coordinators, two support staff, and four facilities staff. Housing capacity is 2600 students. During the fall 2022 semester, there were 1800 students living in campus housing, and 65 Resident Assistants (RAs). Upon receipt of report of conduct that may violate the Nondiscrimination Policy, RAs complete and submit an online report directly to OEDI.

During our campus visit, we learned of recent confusion over which office would respond when conduct potentially violated both the Nondiscrimination Policy and the Student Conduct Procedures (Executive Order 1098), which we understand has since been resolved. We also heard concerns that the Title IX training for the Residence Life students and student-employees is insufficient. Our recommendations below address the development and expansion of a comprehensive training program, as well as improved

communication and coordination between OEDI and key campus partners, like Residence Life, to prevent potential misunderstandings related to process and procedure.

D. Faculty Affairs/Academic Affairs

The Provost is the head of the Division of Academic Affairs at Cal State LA. The Provost oversees the Vice Provost for Academic Affairs, the Associate Vice President for Faculty Affairs, Executive Director of Enrollment Services, Associate Vice President and Dean of Undergraduate Studies, and the Deans of the eight Colleges in the University, and the University Library.

Faculty Affairs Administration consists of the Associate Vice President for Faculty Affairs, the Director of Faculty Affairs Operation, and their staff.

E. Human Resources

The office for [Human Resources](#) (HR) is led by an Associate Vice President for Human Resource Management. The following offices are located, administratively within HR: Benefits, Compensation and Classification, Workforce Planning, OEDI, Faculty Affairs, Training and Development, Employee/Labor Relations, Workers' Compensation, and Payroll Services.

F. Clery Act Responsibilities

Cal State LA's Clery Director had recently assumed the role (approximately four months earlier) when we visited campus in late 2022. Between 2014-2022, the role was held by the current Administrative Manager for Public Safety. At the time of our visit, the previous Clery Director engaged regularly with the new Clery Director to ensure a seamless transition.

The Clery Director meets monthly with campus managers and directors to review and confirm relevant data. She is responsible for the compilation of the Annual Security Report, identification and training of campus security authorities (CSAs), and issuing timely warning and emergency notifications. UPD, in conjunction with the Clery Director, is responsible for assessing whether a timely warning should be issued to the university community. UPD uses a written assessment criteria form for timely warnings to document the factors considered in issuing or declining to issue a timely warning.

VII. Campus Resources for Students and Employees

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

A. Confidential Advocates²⁹

The university's [Confidential Advocate](#) works on campus two days per week through a contract with Peace Over Violence (POV), a local rape crisis center. The Confidential Advocate provides the following services to students on campus: trauma-informed crisis intervention services; comprehensive case management and advocacy services, which also includes accompaniments with students to other programs on-campus or off-campus; and participation in internal campus meetings and community activities and events. The Confidential Advocate reports to the Director of Counseling and Psychology Services (CAPS).

The Confidential Advocate is located in the Student Health Center and is available for consultation 8 hours per week (Mondays: 9-1 and Thursdays 1-5). Currently, the on-campus hours meet the demand, as the Confidential Advocate receives on average two referrals per month from Title IX, the CARE team, and CAPS. The Confidential Advocate's office provides privacy to facilitate confidential meetings, however, the location is so discreet and there is no signage, that many students do not know of its location.

B. Respondent Support

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

²⁹ The Confidential Advocate role is defined in Attachment C of the Nondiscrimination Policy and discussed in the Systemwide Report.

C. Counseling Services

Cal State LA's [Counseling and Psychological Services](#) (CAPS) offers individual psychotherapy, support groups, drop-in groups, couple's counseling (both must be CSU students), crisis triage appointments, and brief assessment appointments for first-time clients in order to determine next steps to CSU students. CAPS also assists students with obtaining access to psychiatric services, and provides space in their offices for students to engage in telehealth visits with their current psychiatrist. Students may receive up to ten sessions with CAPS per year, before they are referred to longer term counseling in the community.

Through interviews with administrators, we learned that CAPS employs seven licensed counselors, one referral specialist, three support staff, and seven interns who are pre-licensure. CAPS is located within the Student Health Center. As of May 2023, Cal State LA had active postings for two Counseling positions and one Clinical Coordinator position on its [recruitment](#) website.

In fall 2019, members of the ASI board drafted a [Resolution on CAPS: Transparency and Mental Health Service Standards](#), which was subsequently passed by the Academic Senate in December 2020. According to information shared with the [University Times in February 2021](#), following the resolution's passage by the Academic Senate, the ratio of counselors to students improved and barriers to students receiving individual sessions with a counselor were removed. Previously, students seeking an appointment with a CAPS counselor were required to attend workshops before they could receive one-on-one counseling. Currently, the intake process requires an assessment, which assists CAPS in determining the level of risk in order to provide appropriate care.

D. Student Health Services

Cal State LA's [Student Health Center](#) provides basic medical care, reproductive care, and limited specialty care for Cal State LA students. The [Health Promotion and Education Center](#) at Cal State LA offers inclusive, evidence-based health and wellness programs. The Center offers workshops and presentations focused on the following areas: General Health (alcohol and other drug use, healthy relationships, and relationship violence, safe sex, and stress management), Sleep, Mental Health, Nutrition and Fitness, and Reproductive/Sexual Health. The Center also provides CPR training, Naloxone administration training, and Mental Health First Aid training. Health counselors are also available to provide sessions for students related to reproduction and family planning. The Student Health Ambassadors (SHAC) are trained Peer Educators who help the Center by planning and participating in health outreach events.

E. Ombuds

As of May 2023, Cal State LA does not have an Ombuds position. According to the Academic Senate Resolution calling for a Ombudsperson at Cal State LA, the university previously had such a position. The above-linked resolution, which was on the Academic Senate agenda as a second read item as of May 2, 2023, calls on the university to establish two Ombuds positions, one to serve employees, and one to serve students.

F. Additional Resources for Students

Students at Cal State LA have access to a number of on campus resources. In addition to the resources discussed above ([CAPS](#), the [Campus Advocate](#), [Student Health Services](#), and [Health Promotion and Education Center](#)), there are [various affinity groups](#). Other relevant on-campus resources include:

- Cal State LA's [CARE Team](#) is a campus resource for students, faculty and staff who have concerns regarding alarming, problematic, or disruptive student behavior. The goal is to support students who may be in distress before a crisis, by intervening early with an appropriate course of action. Since our visit, OEDI has become a member of the CARE team.
- [Community Care](#) is a new resource, dedicated to fostering a safe and welcoming environment at Cal State LA. Community Care Advocates are trained to maintain peace by addressing conflict and crisis.
- The [Diversity, Equity, Inclusion, and Belonging](#) (DEIB) website provides resources related to promoting DEIB on campus.

Additional resources and links can be accessed [here](#).

G. Additional Resources for Employees³⁰

Cal State LA offers an [Employee Assistance Program](#) (EAP) for all employees of the University. Provided by LifeMatters, the service is free of charge and offers professional assistance to help employees, and family members of employees, resolve issues that affect their personal lives, or the employee's job performance.

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

Primary and ongoing prevention and awareness programming as well as bystander intervention programming required by the Violence Against Women Reauthorization Act of 2013 (VAWA), which

³⁰ 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.

amended the Clery Act, is offered primarily through [Project SAFE](#). In addition, [Health Promotion and Education](#) in the Student Health Center provides training on sexual violence, an introduction to college health (titled Golden Eagle Wellness), and components of sexual health programming. Health Promotion and Education's programming decreased during COVID, and has not returned to the pre-COVID offerings. Through the supplemental training offered by OEDI and [Project SAFE](#), Cal State LA provides significant prevention and education programming required by VAWA. However, we learned during our campus visit that Cal State LA does not have a university-wide committee focused on health and wellbeing, and does not have staff specifically dedicated to violence prevention programming or training. We observed a need to coordinate prevention and education programming and engage in strategic planning to ensure effectiveness.

A. Students

Under the Nondiscrimination Policy, all Cal State LA students are required to take Title IX online training every academic year. In addition, OEDI provides programming for students in the following offerings: ASI leadership (2 hours), athletics (90 minutes twice per year), resident assistants (90 minutes twice per year), social organizations (90 minutes four times per year), graduate student orientation (30 minutes), international student orientation (30 minutes), nursing orientation (15 minutes), summer students (2 hours), summer bridge students (30 minutes), summer youth employment program (1 hour), and early entrance program (2 hours). OEDI is invited into the classroom, and provides speakers in Management of Dietetics and Philosophy of Sex classes. In addition, OEDI provides 90-minute sexual assault prevention training multiple times per year for the entire community.

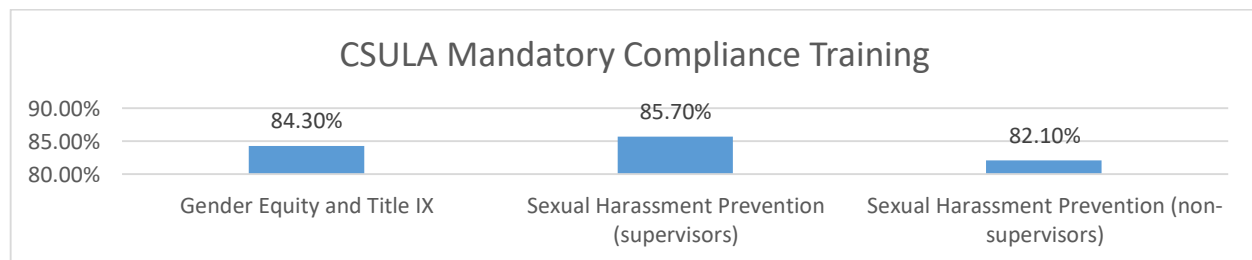
[Project SAFE](#), a domestic and sexual violence and stalking awareness program in the Student Health Center, provides web-based programming on prevention, bystander intervention, identification of misconduct, healthy relationships, evidence preservation, and resources. The programming is largely provided online through Project SAFE's webpage, which contains links, videos, definitions, examples, and more. Notably, the website makes numerous references to OEDI, but the link to OEDI takes the user to the webpage for the Office of Diversity, Equity, and Inclusion, not to OEDI, highlighting the concern about the confusion caused by the similarity in name of the two offices. That being said, the website is a great source of information and programming that serves as a highlight to the education and awareness programming invested in by Cal State LA. The message coming through from the community is the programming is not reaching the students. Our recommendations speak to developing an awareness

campaign to improve student access to the wealth of information provided by Project SAFE, that includes tabling events, posters, and other communication measures to increase awareness.

B. Employees

Consistent with California state law, CSU policy requires all CSU employees to complete the online CSU *Sexual Misconduct Prevention Program Training*, also known as *Gender Equity and Title IX*, on an annual basis (for at least 60 minutes). In addition to this annual requirement for all CSU employees, supervisors and non-supervisors are required to participate in an 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 each university for the 2022 calendar year:³¹



OEDI also offers training to the following Cal State LA employees: new employee orientation (2 hours offered monthly), new faculty training, athletics staff (90 minutes), and police and parking department (60 minutes). OEDI reported, and provided examples of, targeted training when they see an increase in reports or a pattern of conduct from a particular academic department, office, program, or social group.

Given the impacts of COVID-19, many of the trainings were video recorded and provided virtually. In person trainings have begun to occur with more frequency.

³¹These percentages have been validated by each CSU university. Please note employees designated by their university as "on leave" were removed from these final percentages.

C. Coordination

OEDI maintains a calendar of trainings to track upcoming and completed trainings. Our recommendations provide additional opportunities to track and plan for training and prevention programming and collaborate with campus partners. As noted above, our recommendations include developing an awareness campaign to draw students to Project SAFE and introduce them to OEDI.

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.

We learned that microaggressions, a form of *other conduct of concern*, are generally underreported. Specifically, student leadership reported that students are less likely to report microaggressions experienced from faculty and are more likely to “take it on the chin” out of fear that their report will “fail” and the faculty member will be “protected.” Faculty described being particularly impacted by unchecked microaggressions. Faculty with whom we met shared concerns about the prevalence of microaggressions among faculty and its negative impact on culture, but also expressed fear in reporting due to the power dynamics at play with tenured faculty and department chairs. The accounts shared painted a dim and difficult picture.

In talking with key Title IX and DHR professionals, we noted meaningful steps to address conduct that does not constitute a policy violation, albeit on an *ad hoc* basis. We heard from OEDI that reports of microaggressions are referred back to HR or Faculty Affairs to address. OEDI, in conjunction with HR or Faculty Affairs, has addressed such conduct through direct conversations, workshops, and engaged external professionals, like trainers and coaches, to work with specific departments to address conduct that does not rise to the level of a policy violation. We noted in the three investigation reports we reviewed involving employees, for cases that resulted in findings of non-responsibility, the matters were referred to

leadership in HR or Faculty Affairs “for review and further handling.” While steps are being taken to respond to reports, those efforts are only minimally addressing the pervasive issues described by community members.

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. To be fully resourced, at a minimum, OEDI would have a Title IX Coordinator/DHR Administrator, a prevention and education coordinator, a support and intake coordinator, two investigators (the need for which may increase over time or may be subsumed by the CSU Center for Investigations and Resolutions), and a full-time administrative manager. The addition of a support and intake coordinator would allow the office to have increased

separation between the care and support function of the office (the support and intake coordinator) and the resolution function of the office (investigators), and would allow for a reallocation of work load to the prevention and education coordinator, who would be able to track training requirements and ensure follow through.

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. Consider moving OEDI out of Human Resources Management and shift the reporting line to report directly to the Vice President for Administration
7. 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
8. 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.)
9. Identify a sustainable model to provide respondent support services

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. Invest in professional development opportunities for OEDI staff to further develop both the care and compliance functions of the role
 - 1.3. Develop robust intake, outreach, and case management protocols for supportive measures and resources

- 1.3.1. 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
 - 1.3.2. Seek to hold an intake meeting with all individuals who make a report of conduct that would potentially violate the Nondiscrimination Policy
 - 1.3.3. Develop protocols for notifying and coordinating with the confidential advocate at the intake meeting, if possible
 - 1.3.4. 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
 - 1.3.5. Create a feedback loop to acknowledge responsible employee reports and confirm receipt of the report and next steps
 - 1.3.6. 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
- 1.4. 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:
- 1.4.1. Take steps to respond to any immediate health or safety concerns raised by the report
 - 1.4.2. 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
 - 1.4.3. 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
 - 1.4.4. 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
 - 1.4.5. 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
 - 1.4.6. Assess the available information for any pattern of conduct by respondent

- 1.4.7. Discuss the complainant's expressed preference for manner of resolution and any barriers to proceeding (e.g., confidentiality concerns)
- 1.4.8. Explain the policy prohibiting retaliation and how to report acts of retaliation
- 1.4.9. Determine the age of the complainant, and if the complainant is a minor, make the appropriate report of suspected abuse consistent with state law
- 1.4.10. Evaluate other external reporting requirements under federal or state law or memoranda of understanding
- 1.4.11. Develop, and follow, a comprehensive written checklist/form to ensure that all required actions are taken under state and federal law
- 1.4.12. 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
- 1.4.13. 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
- 1.5. 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
- 1.6. Strengthen campus collaboration and information-sharing through a multidisciplinary team (MDT) model
 - 1.6.1. 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
 - 1.6.2. The MDT should meet regularly and at a minimum, weekly, to review all new reports
 - 1.6.3. 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)
 - 1.6.4. 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

- 1.6.5. 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
- 1.6.6. 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
- 1.6.7. 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
- 1.6.8. 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
- 1.7. Develop tools for consistent, informed, effective documentation and case management
 - 1.7.1. For quality control, develop a case opening and closing checklist to ensure that all relevant documents, correspondence, and information are captured and preserved electronically
 - 1.7.2. To the extent feasible, seek to maintain data in a usable and searchable electronic format for efficient decision making, analysis and review
 - 1.7.3. Migrate all historical DHR reports and Title IX reports into the enterprise-level case management system, if not already included
 - 1.7.4. Develop periodic reviews for quality assurance
- 1.8. Oversee investigations for quality and consistency of prompt and equitable processes
 - 1.8.1. Establish a protocol to ensure the timeliness of investigations, with routine quality control mechanisms throughout investigation process
 - 1.8.2. 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)
 - 1.8.3. 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 OEDI, 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 OEDI, 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 the observations above and ensure sufficient placement across university websites
- 3.4. Update OEDI and Project SAFE web content as highlighted in the above observations
- 3.5. 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:
 - 3.5.1. 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
 - 3.5.2. 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
- 3.6. 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
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
 - 9.1. Update the [Project Safe](#) webpage to include information about synchronous and asynchronous campus programming
 - 9.2. Update the [Project Safe](#) webpage to incorporate more direct links to OEDI and reporting options
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 Population³²

The below chart reflects key metrics and demographic information for Cal State LA.

California State University, Los Angeles			
Location Information			
Location: Los Angeles, CA (pop. 141,874) ³³	County: Los Angeles County (pop. 3,161,005) ³⁴	Locale Classification: Large City ³⁵	
University Information			
President: William A. Covino, Ph.D. (September 2013-present) ³⁶			
Designations: Hispanic Serving Institution (HSI) ³⁷ Asian American and Native American Pacific Islander-Serving Institution (AANAPISI) ³⁸			
Students – Enrollment Data ³⁹			
Total Number of Students		26,464	
State-Supported		Self-Supported	
Undergraduates	22,536	Undergraduates	146
Grad & Post Bac Students	3491	Grad & Post Bac Students	291
Student Ethnicity ⁴⁰			
Overall (includes State- and Self-Supported)			
Hispanic / Latino		73%	
Asian		11%	
White		6%	
Black / African American		4%	
Two or More Races		2%	
International Student		2%	
Race and Ethnicity Unknown		2%	

³² Unless otherwise noted, Cozen O’Connor obtained data concerning California State, Los Angeles’ demographics, populations, Title IX and DHR staffing, operations and caseload from California State University and Cal State LA sources. This report will be updated to reflect material inaccuracies brought to our attention on or before September 15, 2023.

³³ United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/losangelescitycalifornia/PST045221>, population estimate as of July 1, 2021.

³⁴ United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/losangelescountycalifornia/PST045221>, population estimate as of July 1, 2021.

³⁵ 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>.

³⁶ On August 18, 2022, President Covino [announced](#) he is retiring at the end of the 2022-23 academic year. Dr. Leroy Morishita was [appointed interim President](#) and will assume his role on July 31, 2023.

³⁷ 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>

³⁸ 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>

³⁹ California State University Enrollment Data, Fall 2022, Cal State LA: 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.

⁴⁰ *Id.* This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

Native Hawaiian / Other Pacific Islander		<1%	
American Indian / Alaska Native		<1%	
State-Supported (26,027 students)		Self-Supported (437 students)	
Hispanic / Latino	73%	Hispanic / Latino	54%
Asian	11%	Asian	19%
White	5%	White	13%
Black / African American	4%	Black / African American	5%
Two or More Races	2%	Race and Ethnicity Unknown	5%
International Student	2%	Two or More Races	2%
Race and Ethnicity Unknown	2%	International Student	<1%
Native Hawaiian / Other Pacific Islander	<1%	American Indian / Alaska Native	<1%
American Indian / Alaska Native	<1%	Native Hawaiian / Other Pacific Islander	<1%
Other Student Demographics⁴¹			
Overall (includes State- and Self-Supported)			
First in Family to Attend College		46%	
% students who are traditionally underrepresented ⁴²		77%	
% of undergrads who were Pell Grant recipients ⁴³		66%	
% of students who live on campus ⁴⁴		23%	
% undergrads who are in a fraternity or sorority ⁴⁵		1.5%	
4-year graduation rate for first-time FT freshmen ⁴⁶		25.4%	
State-Supported (26,027 students)		Self-Supported (437 students)	
Average Age	24	Average Age	31
Sex ⁴⁷	59% F; 41% M	Sex ⁴⁸	68%F; 32% M
First in Family to Attend College	46%	First in Family to Attend College	35%
% traditionally underrepresented ⁴⁹	77%	% traditionally underrepresented ⁵⁰	59%
Instructional Faculty⁵¹			
Total # of faculty	1,613.00		
Tenure-track	36.2%		
Lecturer	63.8%		
% full-time ⁵²	45.33%		
% part-time	54.67%		

⁴¹ *Id.*, except where noted otherwise. This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

⁴² For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

⁴³ 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.

⁴⁴ 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>

⁴⁵ Data provided by university.

⁴⁶ California State University, Graduation & Success Dashboards, with link to Graduation Dashboard, selecting the Summary Overview tab, and with Cal State LA 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 CSULA during the Fall 2018 (most recent complete 4-year term available).

⁴⁷ Data does not capture number of students who do not identify on the sex/gender binary.

⁴⁸ *Id.*

⁴⁹ For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

⁵⁰ *Id.*

⁵¹ California State University, CSU Faculty, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-faculty>, except where noted otherwise.

⁵² 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.

Leadership body	Academic Senate ⁵³
Staff⁵⁴	
Total # of staff	962
% full-time	98.23%
% part-time	1.77%
Collective Bargaining Units	
Unit 1	Cal. Fed. of American Physicians and Dentists (UAPD)
Units 2, 5, 7, 9	California State University Employees' Union (CSUEU)
Unit 3	California Faculty Association (CFA)
Unit 4	Academic Professionals of California (APC)
Unit 6	Teamsters, Local 2010 – Skilled Trades
Unit 8	Statewide University Police Association (SUPA)
Unit 11	Academic Student Employees (UAW)
Athletics⁵⁵	
NCAA Division	II
NCAA Conference	CCAA ⁵⁶
Number of sponsored sports for '22-'23 academic year	14
Number of student athletes ⁵⁷	154

⁵³ Cal State LA Academic Senate. See <https://www.calstatela.edu/academicssenate>

⁵⁴ 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.

⁵⁵ NCAA Directory, <https://web3.ncaa.org/directory/orgDetail?id=100> except where noted otherwise.

⁵⁶ All sports are in the California Collegiate Athletic Association except Women's Beach Volleyball, which is Independent, and Women's Tennis which competes in the Pacific West Conference.

⁵⁷ See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for California State University, Los Angeles. Number of student athletes equals the sum of the Unduplicated Count of Participants for Men's Teams plus the Unduplicated Count of Participants for Women's Teams.

Appendix II Feedback from Survey

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

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

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

- Physical Safety and Security. Survey respondents were asked to rate their physical safety on campus, including locations in which they felt more or less safe.
- Culture of Inclusivity and Respect. Survey respondents provided feedback with respect to the culture of inclusivity and respect in their working, living, and classroom environments.
- Prevention, Education and Training Programs. Survey respondents were asked to rate the quality of the prevention, education, and training programs provided by the university.
- Interactions with Title IX/ DHR. Survey respondents were asked to describe their interactions with Title IX and DHR, share their perspective whether complaints were handled properly, and provide any insights and recommendations they had as community members to foster reporting and build trust in these resources.
- Barriers to Reporting. Survey respondents were asked about their perspectives of campus resources, including confidential resources and reporting options, and to share feedback about potential barriers to reporting.

We received feedback from students, faculty, staff, and administrators in the form of survey responses. In total, we received 690⁵⁸ responses to the survey from Cal State LA students, faculty, staff, and administrators as follows:

Constituency	Number of Responses
Undergraduate Student	322
Graduate Student	97
Staff	126
Administrator or Manager	42
Faculty	122
Other	19

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:

- Strangers on campus. Survey respondents noted that the presence of non-students and unaffiliated individuals on campus interfered with their feelings of safety, including unhoused people and aggressive preachers or political solicitors who followed people around on campus.
- Racism raised as a pervasive issue. Survey respondents shared their perspective racism was pervasive at Cal State LA. Survey respondents described experiencing both microaggressions and what they perceived as more blatant and intentional racism.
- Specific instances of misconduct in the classroom reported. Survey respondents described professors using racially charged language in classroom settings, as well as a professor hosting class sessions partially nude.
- Top down culture of respect and care. Survey respondents stated that their issues in the workplace stemmed from inadequate leadership, including at the senior leadership level.
- Loss of trust in Title IX and university. Survey respondents generally expressed a loss of trust, noting that they did not believe that the university took complaints seriously, and that Title IX existed to serve the purposes of the university rather than its stakeholders. Survey respondents

⁵⁸ Some survey respondents identified as belonging to multiple constituencies; hence, the number listed here is smaller than the sum total in the chart below.

also stated that they believed the university was concealing complaints, noting that the student newspaper had published stories about concealing complaints before the pandemic.

- Victim-blaming. Many survey respondents described feeling victim-blamed upon seeking Title IX assistance.
- Retaliation concerns were commonplace. Survey respondents stated that they were very concerned about retaliation in response to filing a complaint, noting that many students withdrew their complaints to avoid perceived or potential retaliation.
- Responsiveness and compliant communication. Survey respondents stated that they believed their complaints were not investigated or were ignored.
- Distrust in OEDI. Several survey respondents stated that they did not trust OEDI or its personnel based on their experiences or their perceptions based on other people's experiences.
- Other conduct of concern or bullying. Although not as prominent as other concerns at the university, a number of survey respondents expressed concern about conduct that, while not explicitly sexual harassment, constituted bullying and was not sufficiently addressed.
- Access to mental health services. Survey respondents shared that they had difficulty accessing mental health services on campus.

Appendix III Title IX Metrics (Title IX Annual Reports)

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

As part of our review of the Title IX program at Cal State LA, we reviewed the University's annual Title IX reports for academic years 2018-2019 through 2021-2022. These annual reports are posted online on the OEDI website.⁵⁹ 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 OEDI 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 university.

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 CSU individual universities. As currently structured, the data-gathering system has significant challenges: it is reliant on self-reporting by Title IX staff at the university level based on the nature and manner in which they keep documentation; across

⁵⁹ <https://www.calstatela.edu/hrm/oedi-title-ix> (last visited May 11, 2023).

the system, the CSU universities do not use consistent documentation and recordkeeping systems and practices to maintain their university'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 universities use the same report structure; some data requests and questions may be unclear and therefore subject to interpretation; and the annual Title IX reports do not capture foundational data that would enable an informed comparison between universities, such as number of students and employees and number of residential versus commuter students.

Importantly, the annual Title IX reports do not reflect the full breadth of work being performed by Title IX Offices, which is most often concentrated in campus outreach, prevention and education programming and training; responding to reports, conducting intake meetings, overseeing supportive measures, and conducting initial assessments; overseeing informal resolutions; coordinating with campus partners; responding to information requests in a variety of capacities; ensuring accurate and contemporaneous documentation; and strategic leadership on Title IX issues more broadly. The data currently requested also does not 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 university Title IX functions or make meaningful comparisons with other CSU universities 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 universities identified challenges with accuracy or completeness in their data. We have attempted to reconcile that data where possible, recognizing that some CSU universities have provided data prepared by individuals who are no longer employed by the university. 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 LA verified the accuracy of the 2021-2022 annual Title IX report via email on April 25, 2023. Cal State LA provided additional information about reports open as of June 30, 2022, including one which resulted in a completed formal investigation and four which resulted in informal resolutions. Those updates are reflected in the below tables.

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

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

The below charts reflect the number of reports of Sexual Misconduct/Sexual Assault, Dating/Domestic Violence, and Stalking that the Title IX and Gender Equity Office received each per year; the procedural outcomes of those reports; and the number of reports involving student Respondents, employee Respondents, third-party Respondents, and unknown or unidentified Respondents.

A. Types of Reported Conduct

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	Data not Reported	22	8	17
Reports of Dating/Domestic Violence		7	4	12
Reports of Stalking		15	5	16
Sexual Exploitation*		-	-	0
Sexual Harassment*		-	-	28
Total # of Reports in Above Categories		44	17	73
* This data was not requested by the Chancellor's Office prior to the 2021-2022 academic year.				

B. Respondents' Roles

The below data relate to the numbers of reports of Sexual Misconduct/Sexual Assault, Dating/Domestic Violence, and Stalking only.

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Respondent is a student	15	15	4	30
Reports in which the Respondent is an employee	4	1	0	8
Reports in which the Respondent is a third-party	Data not reported	8	3	14
Reports in which the Respondent is unknown		20	10	13
Reports in which the Respondent is unidentified				0
Total # of Reports in Above Categories	19	44	17	65

C. Case Outcomes

The below data reflect the collective outcomes of reports to the Office for Equity, Diversity, and Inclusion.⁶⁰

	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	33	20	6	19
Reports in which the Complainant’s identity was unknown to the Title IX Office		-	-	1
Reports in which the Complainant requested supportive measures or resources only		-	7	12
Reports that resulted in other outcomes (except formal investigation)		25	4	35
Reports that resulted in a formal investigation*	9	6	0	3
<p>* We learned through this review that this category is not an accurate indicator of the total number of investigations, in part because of how the question was narrowly framed by the Chancellor’s Office. This number does not capture investigations that were open at the end of the reporting period. It also 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.</p>				

⁶⁰ As a reminder, in 2021-2022, the data included Sexual Exploitation and Sexual Harassment, which were not included in earlier years. Because of the manner in which data was gathered by the Chancellor’s Office, it is unclear how the addition of these two categories of conduct impacted the percentage of outcomes.