

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

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California State University, Sacramento

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## I. Introduction

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

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

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

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

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

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, Sacramento (Sacramento State Report). The Sacramento State review was led by Devon Riley and Adam Shapiro. The Sacramento State 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 Sacramento State 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.

Sacramento State is located in Sacramento, CA. It has a student population of approximately 31,852, 6% of whom live on campus, and a workforce of approximately 3,162 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 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 Sacramento State, Cozen O'Connor conducted a three day onsite visit from October 11 to 13, 2022. We also held additional follow-up meetings via Zoom. In total, Cozen O'Connor conducted 21 meetings with 37 administrators and other key university partners, some of whom we spoke with on multiple occasions. These meetings included interviews with the following individuals and departments (identified by role):

- University President
- Office for Equal Opportunity (OEO)
  - Title IX Coordinator / DHR Administrator
  - Associate Director
  - Senior Investigator
  - Project Manager
- Vice President for Inclusive Excellence
- Director of Belonging Education and Support
- Student Affairs and Student Life
  - Vice President of Student Affairs
  - Assistant Dean of Students
  - Director of Student Organizations & Leadership
- University Police Department (UPD)
  - Police Chief
  - Deputy Police Chief
- Human Resources and Labor Relations
  - Associate Vice President, Human Resources
  - Director, Employee & Labor Relations
  - Director, Academic Labor Relations
- Vice Provost for Faculty Success
- Vice Provost for Student Academic Success
- Records Management
  - Director, Policy and Records Management
  - Director, Administration and Business Affairs
  - Audit Manager
- University Housing
  - Executive Director
  - Senior Director
  - Associate Director of Residential Education
- Director of Equity and Affinity Centers
- Associated Students, Inc. (ASI) Professional Leadership
  - Executive Director
  - Director of Human Resources
- Athletics
  - Athletic Director

- Senior Associate Athletic Director
- Associate Athletic Director (former)
- Student Health and Counseling Services
  - Director, Student Health and Counseling Services
  - Director of Counseling
  - Director of Health Services
  - Case Workers (multiple)
  - Confidential Advocate
- Clery
  - Clery Coordinator
  - Clery Coordinator (former)
- University Counsel

In addition to these meetings with administrators and campus partners, Cozen O'Connor sought feedback from students, staff, and faculty through a variety of modalities, including in-person engagement, through a systemwide survey, through a dedicated email address ([calstatereview@cozen.com](mailto:calstatereview@cozen.com)), as well as individual meetings via Zoom. During our October 2022 campus visit, Cozen O'Connor held an open student forum that was attended primarily by members of Associated Students – Student Government (approximately 10 attendees) and an open faculty forum, which nobody attended.

In December 2022, we asked each of the 23 universities to disseminate an invitation to participate in an online survey. University presidents and the Chancellor's Office communicated the availability of the survey to all faculty, staff, and students at the university. The survey was open from December 2022 through February 2023. In total, we received 474 responses from Sacramento State 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:** The Office for Equal Opportunity (OEO) administers the University's Title IX and DHR program. We observed challenges with respect to resourcing, which inevitably has downstream effects on the functioning and resources that OEO is able to provide to the community. Although OEO is part of the well-resourced Division of Inclusive Excellence and has access to a budget for programming, administrators and the campus partners who intersect with OEO reported that OEO was under resourced to serve the needs of the university. Sacramento State is the sixth largest university in the CSU

system. Sacramento State experienced a significant uptick in Title IX and DHR reports in fall 2022 following the return to campus after the lifting of COVID-19 restrictions. In part because of challenges with resourcing, OEO (as well as the Confidential Advocate) has not been able to plan and engage in as much community outreach and prevention and education programming as is needed and as occurred prior to the COVID-19 pandemic.<sup>2</sup>

**Awareness and Visibility of OEO:** Although campus professionals generally have a positive impression of OEO and a strong working relationship with OEO, some segments of the campus community, especially students, have a lack of fundamental understanding of what OEO is, what it does, the services and resources it offers, and where it is located on campus. This disconnect – which is, in part, a function of insufficient training and prevention programming – was particularly concerning to student leaders, who shared that the student population comprises members of marginalized communities including first generation and undocumented students, who either do not feel comfortable accessing available resources or do not know how to access such resources. To address these concerns, we recommend taking steps to increase the community awareness and visibility of OEO, including an awareness campaign to educate the university about OEO, its purpose and function, and resources available through OEO.

**Internal OEO Processes and Coordination with Campus Partners:** Despite the strong working relationships between OEO and partner offices, some campus partners expressed confusion or concern about how OEO evaluates whether a case constitutes a potential Nondiscrimination Policy violation. We also noted that OEO does not always formally separate its intake/outreach functions from its investigative function, which may contribute to an underdeveloped process for initial assessment. To address these issues, we recommend that Sacramento State create a formal multidisciplinary team that would meet on a regular basis to discuss all incoming student, staff, and faculty reports related to Title IX and DHR; that OEO conduct an internal mapping exercise of their internal processes to identify efficiencies; and that OEO formally separate intake/outreach from

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<sup>2</sup> As described below, however, Sacramento State has made significant investments since our campus visit to address these resource concerns. This spring, the university hired two additional OEO employees (an additional investigator and an administrative support person) and a second Confidential Advocate.



investigations to build clearer structures around the initial assessment as a distinct stage of the process. Additionally, we recommend continued oversight of the OEO function to ensure consistency and coordination regarding OEO's process for evaluating whether a report constitutes a potential violation of the Nondiscrimination Policy.

**Prevention and Education:** Given staffing and resource challenges, Sacramento State's approach to prevention and education, the responsibility for which is owned primarily by the Confidential Advocate, is *ad hoc*, rather than strategic, and prevention and education programming is minimal. We recommend that Sacramento State build a formal prevention and education program, including a dedicated prevention coordinator and a campus Prevention and Education Oversight Committee, to address issues related to discrimination and harassment, including sexual and gender-based harassment and violence.

**Documentation and Recordkeeping:** The university has inconsistent documentation and recordkeeping practices. Because of these inconsistencies, information is not always maintained centrally and cannot always be easily accessed by OEO or other departments. This inefficiency has resulted in an overreliance on individual and institutional memories. We recommend that the university develop protocols for consistent collection and retention of data that can be easily shared, tracked, and queried.

**Addressing Other Conduct of Concern:**<sup>3</sup> We learned about significant issues (including recent bias incidents) on campus that have not been sufficiently addressed through existing processes. We observed confusion and lack of clarity between OEO and other campus partners responsible for responding to such behaviors, including Labor Relations,

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

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

as to whether *other conduct of concern* should be regarded as potential policy violations that must be investigated and resolved through OEO. Sacramento State, through the Division of Inclusive Excellence, has taken proactive steps to attempt to address some of this *other conduct of concern* by creating the [Belonging Education & Support Team \(BEST\)](#), whose mission is to “lead[] . . . campus efforts to reduce experiences of bias and promote a civil, respectful, and inclusive community that opposes any act of racism, religious intolerance, sexism, ageism, ableism, trans- and homophobia, or other forms of intolerance.” Although this function is still in its infancy, we observed optimism that it will serve as a value-add to address behaviors that otherwise would go unaddressed on campus. Since our campus visit, the Director of Belonging Education & Support (who also served as the Chair of BEST) has left the university; an interim director is serving in this role until a permanent replacement is found. We recommend that Sacramento State work closely with the Chancellor’s Office and CSU’s Office of General Counsel to develop a formal process to address reports of conduct that are not reported to have been on the basis of protected status or that do not rise to the policy thresholds for discrimination or harassment.

#### IV. Additional Context

We note that since our campus visit, there have been a number of developments that have impacted the Title IX and DHR functions at the university. Most notably, in fall 2022, there were multiple reported incidents of [sexual assault](#) that impacted the Sacramento State community. On November 18, 2022, the university hosted a student-led town hall to address campus safety concerns. During that town hall, students urged administrators to hire more staff in OEO, improve the quality of lighting on campus, and amend the reporting system for sexual assaults. Following the meeting, President Nelsen vowed “to work proactively rather than reactively to end sexual violence and ensure that everyone feels safe.”

President Nelsen<sup>4</sup> subsequently [announced to the campus community](#) on January 24, 2023 that the university had created a Sexual Violence Prevention, Safety, and Support Action Plan that focused on “prevention and support resources” aimed at improving campus safety. The [Action Plan](#), which consists

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<sup>4</sup> We note that President Nelsen, who has served since July 2015, announced his retirement effective July 15, 2023. The CSU Board of Trustees appointed [J. Luke Wood](#) as the new President, effective July 16, 2023.

of seven goals – (i) increasing awareness of sexual assault to inform recognition and prevention; (ii) creating and communicating resources to student survivors of sexual assault; (iii) educating students on appropriate methods of prevention and intervention to promote prosocial behaviors; (iv) hiring additional employees to support prevention and response; (v) increasing outreach opportunities and communication of educational and support resources for survivors; (vi) enhancing campus public safety features; and (vii) embedding a trauma-informed approach in the Title IX complaint response process – and 31 concrete action items in support of those goals, is posted publicly and updated regularly.

In furtherance of the goals outlined in the Action Plan, the university has invested in resources to better enable Sacramento State to prevent and respond to incidents of sexual violence. These investments include the hiring of a second campus Confidential Advocate; the hiring of an additional OEO investigator; the hiring of an OEO administrative support coordinator; and the hiring of two student outreach interns to promote the university's Sexual Violence and Sexual Harassment educational campaign.

## **V. The Office for Equal Opportunity**

### **A. Infrastructure**

The Office for Equal Opportunity (OEO) is part of the Division of Inclusive Excellence and is physically located in Del Norte Hall Room 2005. OEO's Executive Director reports to the Vice President for Inclusive Excellence. OEO's portfolio includes administering the university's Title IX and DHR programs. As stated on [OEO's website landing page](#):

[OEO] is the department appointed by the university to address any issues of discrimination, harassment or retaliation. Among other responsibilities, OEO offers training and outreach to campus constituents on these important topics, provides consultations, and fosters adherence to university policies. These policies include prohibitions against sexual misconduct, sexual exploitation, dating or domestic violence, and stalking. Students, employees, or third parties who believe they have experienced harassment, discrimination, or retaliation based on a protected status should promptly contact us for more information on resources and options. Protected Statuses Include: age, disability, gender, genetic information, gender identity or expression, nationality, marital status, race or ethnicity, religion, sexual orientation, and veteran or military status.

As presently constituted, OEO consists of [six staff members](#): the Executive Director of Equal Opportunity, Title IX Coordinator and DHR Administrator; an Associate Director; a Senior Investigator; a Complaint Resolution Officer (investigator); a Title IX Hearing Coordinator; and an Administrative Support Coordinator.<sup>5</sup> The Executive Director has served as the university's Title IX Coordinator and DHR Administrator since 2013 (except for the 2021-2022 academic year when he served as the Title IX Coordinator at San José State University). The Associate Director, who has a legal background, has worked at OEO since 2016 (also serving as an investigator). The Senior Investigator has served in that role since February 2022 (prior to which she served as an investigator in another CSU university's Title IX office). The Title IX Hearing Coordinator (and project manager) has served in that role since June 2022. And, as noted above, the Complaint Resolution Officer and Administrative Support Coordinator are new hires to OEO, having started in spring 2023.

With the Executive Director having served the university as Title IX Coordinator and DHR Administrator for almost a decade, OEO has a high level of institutional knowledge and memory, and has generally had relative stability during this time. However, at around the same time as the Executive Director briefly left Sacramento State for another university, OEO's then-Associate Director also resigned her position. The simultaneous departure of OEO's two senior-most employees left a leadership and experience vacuum within OEO for portions of 2022. OEO is still working to rebuild the office and reestablish the historical stability that previously existed. At the time of our campus visit, OEO had only four full-time employees, and a need was expressed for additional resources. These immediate resource concerns have been alleviated with the additional hires referenced above.

Since April 2022, OEO has utilized Maxient as its case management system. It was reported to us that, prior to the rollout of Maxient, documentation and recordkeeping practices within OEO had been inconsistent for years, with "everyone doing their own thing;" some individuals relied on Excel Spreadsheets, others relied on shared online folders, and others relied on their email inboxes to serve as their personal "filing system."

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

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<sup>5</sup> As noted above, OEO has also recently hired two student outreach interns to promote the university's Sexual Violence and Sexual Harassment educational campaign.

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 Awareness of OEO**

Based on feedback we received during our campus visit, we observed a dichotomy in terms of community awareness of OEO and OEO's level of visibility. On the one hand, campus professionals whose duties intersect with Title IX and DHR functions reported having a high level of awareness of OEO, and were generally knowledgeable about where the Office is and what it does. These professionals reported that the OEO Executive Director has a warm and engaging personality and is good at making his presence felt on campus. They also reported that the routine coordination and communication between OEO and their own offices was "phenomenal" and that, for instance, "It's easy to pick up the phone and collaborate with OEO."

On the other hand, students with whom we spoke were vocal in communicating to us that "the average Sac State student" has "no idea" what OEO is, where it sits, what it does, the services and resources it offers, and what Title IX entails. They reported that "the dissemination of information to students is terrible." They explained that this perceived lack of visibility and awareness was especially concerning because marginalized populations account for a high percentage of the student body, including first-generation, undocumented, and historically underrepresented students. They reported that – to the extent that students were familiar with Title IX or OEO – they associated those terms with adjudication, not supportive measures. They also shared that OEO does little by way of "tabling" on campus to spread awareness about the Office, and that during the COVID-19 pandemic, there was little to no in-person campus presence for OEO (they operated primarily via Zoom), which led to circumstances where multiple students went to the OEO to attempt to make a report, but "nobody was there, which says something to the campus community." The students suggested that information about OEO and Title IX resources more generally be posted to the [Canvas](#) teaching and learning hub, which they said is used routinely by the student body for academic purposes.

OEO's Executive Director sent us a spreadsheet of trainings and outreach events from the last several years, which reflected multiple "meet and greet" and "tabling" events, especially around the time of New Student Orientation. With respect to in-person presence on campus, OEO staff have been back in person since mid-2021 and are currently on a staggered hybrid schedule to ensure that at least one staff member

is physically in the office during normal business hours. OEO now has five student-interns (two specifically assigned to OEO) who work at OEO in person on a part-time basis, as well. OEO has posters on both office doors with contact information and QR codes to ensure that individuals can access resources and support in the event that no staff is in the office at the time of their visit. Finally, we note that we spent several days on campus in the building that houses OEO (Del Norte Hall) and there was minimal directional signage regarding OEO. As privacy concerns can be a barrier to reporting for complainants, the limited signage may be intentional; however, some campus partners with whom we spoke shared their perception that there is a dearth of signage on the campus as a whole (and not specifically relating to OEO).

We observed a disconnect between OEO's awareness-raising efforts and how those efforts have been received, especially by the student population. Several administrators provided feedback that the cause of this disconnect was that OEO was not sufficiently resourced (at least at the time of the campus visit) to proactively provide TIX trainings and prevention and education programming to the entire campus community. They added additional context that Sacramento State is largely a "commuter campus." Although OEO does some education and training with certain "high risk" segments of students (e.g., Athletics, Residential Life), they noted that "if you pull a commuter [student] to the side, [you will find that] they don't know anything about OEO or Title IX."

### C. Website

Sacramento State's OEO website is comprehensive and includes:

- A [landing page](#) with general information about the Office, and links for online reporting of TIX incidents, DHR incidents, acts of bias, and other incidents
- A "[Mission and Purpose](#)" webpage
- A [Notice of Nondiscrimination Based on Gender or Sex](#)
- [FAQs](#) regarding the complaints and CSU Executive Orders, and a [chart](#) with directions for where and how to report concerns
- A list of [available resources](#)
- Information regarding [bystander intervention and incapacitation](#)
- Resources for employees, including [tips for responding to disclosures](#) and [responsible employee reporting reminders](#).
- A webpage with information regarding [requesting OEO trainings](#).
- A standalone [Title IX landing page](#) with additional information and resources, including:
  - How to [report an incident](#)
  - How to [support someone who reported](#)
  - The [process](#) after submitting a report
  - [TIX Annual Reports](#)

- [Myths and Facts About Sexual Violence](#)
- [Victims' Rights and Options](#)
- [Support Services](#) information
- [Bystander Intervention](#) and [Risk Reduction](#) tips
- [CSU Title IX training materials](#)

We have identified opportunities for improvement in our recommendations.

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

Reports of prohibited conduct based on protected statuses, including discrimination, harassment, and retaliation, may be made to OEO in person or via email, telephone, or online reporting forms<sup>6</sup> that are accessible through [OEO's website](#). There are two separate online reporting forms based on the type of prohibited conduct being reported – one for [Sexual Misconduct, Dating/Domestic Violence, or Stalking](#) (the “Title IX Reporting Form”) and one for [Discrimination, Harassment, and Retaliation](#). Additionally, the Title IX website also has a [webpage](#) with instructions for reporting an incident that contains links to two separate Title IX Reporting Forms – one for students and one for employees/third parties – but the forms are identical.

We note that the online reporting forms are easily accessible and visible via multiple locations on OEO's website. However, having multiple online reporting forms may be confusing to an individual who wishes to make a report but does not understand the difference between the Title IX Reporting Form and the DHR Reporting Form. As the information solicited by each of these forms is identical, and OEO personnel are best equipped to determine whether a case should be routed under the Title IX framework or the DHR framework, our recommendations include combining the Title IX and DHR Reporting forms into one single form for simplicity and avoidance of confusion, and not distinguishing between online reporting forms for students and employees.

Reports can be made by a complainant directly or through third parties (e.g., responsible employees). The online reporting form does not state whether complainants may submit their report anonymously, but does state that “[e]mployees are required to disclose all information including the names of the parties, even where the person has requested anonymity. The Office for Equal Opportunity will determine whether such confidentiality is appropriate given the circumstances of each such incident.”

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<sup>6</sup> The CSU System publishes an online Complaint Form as Attachment F of the Nondiscrimination Policy.

## E. Case Processing

Upon receipt of a report that potentially falls within the scope of OEO's jurisdiction (as determined by OEO's Executive Director or Assistant Director), OEO conducts outreach to the complainant. OEO uses CSU-provided outreach template communications to ensure consistency in communication. The outreach letter, which has information specific to Sacramento State, provides all legally required information to the complainant in a neutral and informative tone. To the extent the complainant does not respond, OEO makes a second outreach attempt.

If the complainant responds, OEO schedules an intake meeting where they explain, using a PowerPoint slide deck, OEO's function and role, the Nondiscrimination Policy, supportive measures and resources (including the Confidential Advocate and law enforcement) available whether or not the complainant wishes to pursue a resolution, and available resolution options including what a formal investigation would look like, among other topics. The OEO website also has a link to a document explaining the [Rights and Options for Victims](#) of sex-based offenses.

The outreach and intake duties are generally, but not always, the responsibility of OEO's Project Manager. It was reported to us that in certain instances, an OEO investigator will conduct outreach and/or intake and also conduct the investigation, for continuity purposes (to avoid multiple handoffs among OEO staff) or because of a case-specific reason such as another office like University Police or the Confidential Advocate already being involved. Our recommendations include formally separating OEO's outreach/intake functions from its investigative functions in order to avoid potential confusion by parties between OEO's responsibility to help the parties through the provision of supportive measures and OEO's responsibility, in cases that proceed to formal resolution, to conduct a neutral and impartial gathering of facts.

The steps following the initial meeting with the complainant may include the following: provision and oversight of supportive measures, investigation and hearing, informal resolution, or the dismissal of a formal complaint (based on the judgment of the OEO Director (Title IX Coordinator and DHR Administrator) following the initial meeting). The steps following a report are outlined on OEO's [Title IX website](#). The provision of supportive measures is managed by the OEO staff, who are able to implement supportive measures promptly. A complainant may receive supportive measures even if no formal



complaint and investigation is sought. The majority of reports to OEO involves the provision and oversight of supportive measures.

In the event a complainant does not wish to proceed to formal resolution, OEO will nonetheless evaluate whether there are risk factors to the broader university community (such as pattern evidence, use of weapons, etc.) such that it must nonetheless proceed to an investigation; OEO staff will check available databases (now, using Maxient; previously, using manual searches of OEO files) to make this assessment.

In the event a complainant wishes to proceed to resolution and OEO determines it is within its jurisdiction to do so, the respondent is provided the same process and access to the supportive measures and resources. OEO staff reported that scheduling intake meetings with the respondent can sometimes take weeks, which causes a delay in the process.

Informal resolutions, at the request of the complainant, are handled by OEO's Assistant Director or Senior Investigator, in consultation with the Executive Director.

Title IX and DHR investigations are conducted by the OEO staff. At the time of our campus visit, the Assistant Director and Senior Investigator were the two OEO staff members responsible for conducting investigations. There is now a third employee, the Complainant Resolution Officer, who conducts investigations. OEO uses legally compliant and neutral templates provided by the Chancellor's Office for communicating with parties and witness with respect to the Notice of Allegations, witness interview requests, and evidence review notifications.

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

Based on information received during our campus visit, OEO was experiencing a large uptick in reports in fall 2022, based in part on the return to campus from COVID. We were informed that the Office typically receives about 250 reports per year, but the Office received 72 reports in September 2022 alone.

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

At Cozen O'Connor's request, OEO provided a sample of Title IX and DHR investigation reports. OEO provided 10 reports, five relating to Title IX and five relating to DHR. The investigation reports were from the 2019 to 2022 timeframe, which included timeframes when OEO had different leadership and different investigators than present staff. With the exception of one report, all of the reports we reviewed were written by investigators who are no longer part of the OEO team. In terms of substance, the investigation reports we reviewed reflected that OEO was thorough in terms of collecting and summarizing evidence, consistent and clear in their writing and documentation of steps taken, and, where applicable, cogent in their reasoning and analysis. Additionally, the reports reflected that the investigations conducted by OEO were timely in that final reports were issued on average within 4-5 months of the initial report to OEO. The cases ranged in length from 4.5 months (DHR), 5 months (Title IX), 2.5 months (Title IX), 6 months (Title IX), 4.5 months (Title IX), 8 months (Title IX), 4 months (DHR), 3 months (Title IX), 4 months (DHR), and 3.5 months (Title IX).

We heard from administrators that the case processing time for OEO investigations generally stays within the goal of 100 business days, but due to a variety of factors (e.g., complexity of the case, availability of witnesses, investigator workload), this goal is not always met. We requested, but did not receive, information showing the timelines of all Title IX and DHR investigations handled by OEO for the last two years.

Sacramento State utilizes template communications provided by the CSU system, tailored to include Sacramento-State specific information. The templates are legally compliant, neutral and informative in tone, and convey professionalism and competency.

## **G. Community Feedback about OEO**

We received limited feedback regarding the quality of interactions with OEO, and some of this feedback was anecdotal in nature. As noted above, campus professionals consistently had positive things to say about the current Office's professionalism and responsiveness. And as also noted above, some students

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<sup>7</sup> We requested to review a small sample of case files at each university to evaluate form, comprehensiveness of documentation, timeliness, and responsiveness. Given the scope of our assessment, we did not conduct an extensive audit of all Title IX and DHR records.

reported having negative experiences with OEO (especially during the 2021-22 period when there was a vacuum in OEO leadership and OEO staff were not physically present on campus). One community member reported that OEO was ill equipped to deal with Title IX issues involving individuals who suffer from mental illnesses; the community member reported having an overwhelmingly negative experience with OEO, both in terms of process and OEO's substantive ability to handle the intersection of Title IX and disabilities.

## **VI. Core Title IX and Related Requirements**

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

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<sup>8</sup>34 C.F.R. § 106.8(a).

<sup>9</sup>34 C.F.R. § 106.8(b).

<sup>10</sup>34 C.F.R. § 106.8(c).

<sup>11</sup>These include Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975. The implementing regulations for these statutes outline some requirements that are similar or identical to certain of the "core Title IX obligations." For instance, most of the regulatory frameworks require a notice of nondiscrimination. See 34 C.F.R. § 100.6(d) (Title VI), 34 C.F.R. § 104.8 (Section 504), and 34 C.F.R. § 110.25 (Age Discrimination Act), and 28 C.F.R. § 35.106 (ADA). Furthermore, the implementing regulations for the Age Discrimination Act closely mirror the core Title IX obligations in that they require educational institutions to: (i) designate at least one employee to coordinate their efforts to comply with and carry out their responsibilities, including investigation of complaints; (ii) notify beneficiaries of information regarding the regulations and the contact information for the responsible employee; and (iii) adopt and publish grievance procedures providing for prompt and equitable resolution of complaints. 34 C.F.R. § 110.25.

### A. Title IX Coordinator

Under the current Title IX regulations, every educational institution that receives federal funding must designate at least one employee, known as the Title IX Coordinator, to coordinate the institution's Title IX compliance efforts.<sup>12</sup> In this role, the Title IX Coordinator is designated as the university official responsible for receiving and coordinating reports of sex discrimination, including sexual harassment, made by any person.<sup>13</sup> The Title IX Coordinator's role and responsibilities should be clearly defined, and the institution must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the institution, of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.<sup>14</sup> The Title IX regulations detail the responsibilities of the Title IX Coordinator, which include, among other things:

1. Receiving reports and written complaints;<sup>15</sup>
2. Coordinating the effective implementation of supportive measures;<sup>16</sup>
3. Contacting complainants to discuss the availability of supportive measures, with or without the filing of a formal complaint;<sup>17</sup>
4. Considering the wishes of the complainant with respect to supportive measures, including explaining the process for filing a formal complaint;<sup>18</sup>
5. Attending appropriate training;<sup>19</sup>

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<sup>12</sup> 34 C.F.R. § 106.8(a).

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

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

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

<sup>16</sup> *Id.*

<sup>17</sup> 34 C.F.R. § 106.44(a).

<sup>18</sup> *Id.*

<sup>19</sup> 34 C.F.R. § 106.45(b)(1)(iii) ("A recipient must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment

6. Remaining free from conflicts of interest or bias with respect to complainants or respondents, generally or individually;<sup>20</sup>
7. Overseeing the prompt and equitable nature of any investigation or resolution;<sup>21</sup> and
8. Overseeing effective implementation of any remedies issued in connection with the grievance process.<sup>22</sup>

Under the Title IX regulations, guidance documents issued by the U.S. Department of Education, Office for Civil Rights (OCR), and effective practices, the Title IX Coordinator should be sufficiently positioned within the institutional organizational structure, sufficiently resourced to carry out care and compliance responsibilities, sufficiently trained and experienced, and free from conflicts of interest.<sup>23</sup> Generally, Title IX Coordinators and DHR Administrators should be positioned to operate with appropriate 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

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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 prejudice of the facts at issue, conflicts of interest, and bias.")

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

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

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

<sup>23</sup> These effective practices have been articulated, among other places, in a [Dear Colleague Letter](#) from the U.S. Department of Education's Office for Civil Rights on April 24, 2015. Although this Dear Colleague Letter has since been rescinded, the underlying concepts described in the letter are still instructive. The 2015 Dear Colleague Letter stated, "The Title IX coordinator's role should be independent to avoid any potential conflicts of interest and the Title IX coordinator should report directly to the recipient's senior leadership . . ." The Letter further instructed that "the Title IX coordinator must have the authority necessary to [coordinate the recipient's compliance with Title IX] and, in order to do so, "Title IX coordinators must have the full support of their institutions . . . [including by] making the role of the Title IX coordinator visible in the school community and ensuring that the Title IX coordinator is sufficiently knowledgeable about Title IX and the recipient's policies and procedures."

ensure implementation of [the Nondiscrimination Policy] in all areas . . . .” (emphasis in original) Attachment B further requires that all campus Title IX Coordinators and Deputy Title IX Coordinators be MPPs and “have the qualifications, authority and time to address all complaints throughout the campus involving Title IX issues.”<sup>24</sup> Finally, Attachment B recommends that all campus Title IX Coordinators “be someone without other institutional responsibilities that could create a conflict of interest (e.g., someone serving as university counsel or as a disciplinary decision maker)” and that they report to a supervisor who is a Vice President or higher.

In addition to reviewing these written guidelines applicable to the system as a whole, Cozen O'Connor evaluated whether, in practice, each campus Title IX Coordinator and DHR Administrator was well positioned to effectively carry out their duties. As described above, this analysis consisted of assessing whether each Title IX Coordinator/DHR Administrator was appropriately positioned organizationally; sufficiently resourced; sufficiently trained; and free from conflicts of interest.

Sacramento State has had the same Title IX Coordinator and DHR Administrator since 2013, with the exception of a short stint as San Jose State’s Title IX & Gender Equity Officer between January and July 2022. The Title IX Coordinator/DHR Administrator’s contact information – as well as contact information for the Title IX Office more broadly – is displayed on a university [website](#). We find that the Title IX Coordinator/DHR Administrator is appropriately positioned organizationally, as he reports directly to the Vice President for Inclusive Excellence, who is a part of the President’s senior leadership team.

In terms of resources, the Title IX and DHR functions struggles in much the same way as other offices across the system. While OEO currently has more employees than most other campus Title IX/DHR offices – six in total (consisting of the Title IX Coordinator/DHR Administrator; an Associate Director; a Senior Investigator; a Complaint Resolution Officer; a Project Manager and Title IX Hearing Coordinator; and an

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<sup>24</sup> The [Nondiscrimination Policy](#) similarly defines campus DHR Administrators as “the [MPP] Employee at each campus who is designated to administer this Nondiscrimination Policy and coordinate compliance with the laws prohibiting Discrimination, Harassment and Retaliation.” The Nondiscrimination Policy states that the DHR Administrator “may delegate tasks to one or more designees, provided that any designee shall be an MPP Employee or an external consultant, and the DHR Administrator retains overall responsibility and authority.”

Administrative Support Coordinator) – the OEO team reported that staffing was nonetheless insufficient to meet the needs of the campus.<sup>25</sup>

In terms of training, we observed that the Title IX Coordinator/DHR Administrator has a sufficient level of substantive subject matter fluency with respect to Title IX and DHR issues. Having served in the role for 10 years, the Title IX Coordinator and DHR Administrator is one of the most experienced Title IX Coordinators within the CSU system.

Finally, Sacramento State’s OEO houses both the Title IX and DHR functions and we observed no obvious conflicts of interest in terms of the Title IX Coordinator/DHR Administrator role.<sup>26</sup>

### **B. Notice of Nondiscrimination**

The Title IX regulations require that institutions publish a nondiscrimination statement.<sup>27</sup> The statement must notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and unions that:

1. The institution does not discriminate on the basis of sex in its education programs and activities, and that it is required by Title IX not to discriminate in such a manner;<sup>28</sup>
2. The institution does not discriminate with respect to admissions or employment; and
3. Inquiries about the policy may be referred to the Title IX Coordinator, the Assistant Secretary for Civil Rights in the U.S. Department of Education’s Office for Civil Rights, or both.

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<sup>25</sup> As noted above, since our campus visit, OEO has added two additional team members (the Complaint Resolution Officer (who serves as an additional investigator) and the Administrative Support Coordinator). Each of these positions was filled in spring 2023.

<sup>26</sup> Because the Title IX and DHR functions report to the VP of Inclusive Excellence, we note that there is the potential for the appearance of a conflict of interest between proactive equity functions and more reactive investigative functions. However, campus administrators reported that this reporting line is effective and has not posed any actual conflicts of interest.

<sup>27</sup> 34 C.F.R. § 106.8(b).

<sup>28</sup> *Id.*

Along with these notification requirements, institutions must display contact information for the Title IX coordinator on their respective websites, and in each handbook or catalog that it makes available to all stakeholders listed above.<sup>29</sup>

Sacramento State has a [Notice of Non-discrimination Based on 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, including employment. According to the Notice, this prohibition on discrimination extends to sexual harassment, sexual misconduct, sexual exploitation, dating and domestic violence, and stalking. The Notice provides the required contact information, for the campus Title IX Coordinator and OCR, to individuals seeking to report sex discrimination. However, it does not state that the prohibition on discrimination extends to admissions.

Sacramento State's Notice of Non-discrimination Based on Gender or Sex is accessible on the university websites for [Title IX](#) and [OEO](#). We note, however, that the OEO website also contains a [link](#) to a slightly updated version of the Notice of Non-discrimination, which was revised on March 16, 2023. This modified version of the Notice, while similar to the other Notice posted on the Title IX and OEO websites, contains contact information for an additional "Deputy Title IX Coordinator," has additional instructions about how to file a report of sex discrimination, including sexual harassment, and explicitly states that the prohibition against discrimination extends to admissions.<sup>30</sup> There is no direct link to either version of these Notices on most other university webpages, including the webpages for Admissions, Athletics, and Student Life.

Separately, Sacramento State's OEO's ["Our Mission & Purpose" webpage](#) states that OEO's "mission is to support and promote the University's commitment to creating an education and working environment free from discrimination, harassment (including sexual harassment) and retaliation, sexual misconduct,

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<sup>29</sup> 34 C.F.R. § 106.8(b)(2).

<sup>30</sup> The revised March 2023 Notice version has the following additional language:

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to have experienced the conduct that could constitute sex discrimination or sexual harassment). The preferred reporting method is through the Sac State Online Reporting Form. However, reports can be made in-person, by mail, by telephone, or by electronic mail (equalopportunity@csus.edu), using the contact information below, or by any other means that results in the Sac State Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the reporting options described above.



sexual exploitation, domestic violence, dating violence, and stalking,” and that “OEO reviews and investigates allegations of Discrimination, Harassment, and Retaliation as it relates to protected status as well as Sexual Misconduct, Sexual Harassment, Dating/Domestic Violence, and Stalking at CSUS.” The webpage lists various “protected statuses,” including age, disability, medical condition, nationality, race or ethnicity, religion, veteran or military status, as well as sex and gender. However, the OEO website does not contain a broader Notice of Nondiscrimination on the basis of protected statuses other than sex and gender.

With limited exceptions, the university does not appear to consistently publish a broader Notice of Nondiscrimination on the basis of other protected statuses, such as race, color, national origin, religion, age, and disability.<sup>31</sup> Such a Notice, while not a requirement of Title IX, would be consistent with the purpose of Title VI and Title VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and other relevant federal and state laws prohibiting protected status discrimination, harassment, and retaliation.

### C. Grievance Procedures

Finally, the Title IX regulations require educational institutions to “adopt and publish grievance procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited [as sex discrimination under Title IX] and a grievance process that complies with [34 C.F.R. § 106.45] for formal complaints . . . .”<sup>32</sup> The regulations further require educational institutions to provide notice of the grievance procedures and process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the institution will respond to such a report or complaint.<sup>33</sup>

CSU’s Chancellor’s Office maintains the [CSU Policy Prohibiting Discrimination, Harassment, Sexual Misconduct, Sexual Exploitation, Dating Violence, Domestic Violence, Stalking, and Retaliation](#)

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<sup>31</sup> The University’s [Human Resources website](#), for instance, contains a broader Notice of Nondiscrimination, as does the University’s [Admission website](#). Based on the results of a Google search, Sacramento State’s College of Continuing Education also publishes a broader “Nondiscrimination Policy” on its [website](#). Human Resources also publishes an [“Equal Opportunity Statement”](#) for job applicants.

<sup>32</sup> 34 C.F.R. § 106.8(c).

<sup>33</sup> *Id.*

[\(Nondiscrimination Policy\)](#). 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 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. 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.

## **VII. Campus Coordination**

Administrators and key campus partners reported communicating and interfacing with OEO about student, staff, and faculty cases on a regular basis. The professional collaboration between partner offices and OEO was reportedly strong and respectful. These interactions were reported to occur both formally (through structured, regularly scheduled meetings) and informally (e.g., through phone calls). As reported to us, there is a standing biweekly student case management team that is tasked with collaborating and sharing information about new and open student cases, as well as coordinating efforts to offer support and resources to affected individuals. The members of this team include representatives from OEO, Student Conduct, the University Police Department (UPD), Belonging Education & Support Team, Student Affairs, and Housing. Moreover, OEO has regular meetings with Academic Labor Relations and Employee Relations, as well as the Faculty Vice Provost, to gather and share information about reported concerns involving faculty and staff. Finally, individuals referenced a “Sexual Violence Assessment Team” (SVAT) that meets monthly, and comprises representatives from OEO, University Police, Athletics, Health Services, Confidential Advocacy, Student Conduct, and the faculty.

These collaborative efforts are essential to a well-functioning Title IX and DHR program; we note, however, that there was some confusion expressed to us by key stakeholders about what each of the teams is, how frequently they meet, what their official names are, and the purposes they serve that, to us, raised questions about their efficacy, the clarity of their missions, and whether they might be able to function more efficiently.

Aside from these regular meetings, we also received consistent feedback that OEO collaborates routinely with other departments such as Athletics and Student Organizations, and that there was a healthy relationship between OEO and these other partnering offices.

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

The [Sacramento State Police Department \(UPD\)](#) is a full-service, state law enforcement agency. At the time of our campus visit, UPD had 28 sworn officers and approximately 50 total employees, including support staff. UPD operates 24 hours a day, year round, and has peace officer authority statewide. UPD provides emergency response services, conducts criminal investigations, offers crime prevention, active shooter training, and other educational programs, as well as a range of other [services](#).

When UPD responds to a report of sexual violence, officers are trained to provide victims with a Title IX packet that contains information about available resources and reporting options. UPD's [website](#) also has a link to the Title IX webpage, but does not otherwise have information about sexual assault or violence.

UPD officers are responsible employees and share reports with OEO; however, pursuant to California Penal Code 293, the Department honors a complainant's request not to disclose their name and, if requested, will not include the complainant's name in the information shared with OEO; in such cases, UPD will share the details of the incident with OEO but will use "John/Jane Doe" to maintain the anonymity of the complainant.

The Chief of Police reports to the Vice President & Chief Financial Officer.

## **B. Student Conduct**

Sacramento State's [Office of Student Conduct](#) (OSC), which is within the Division of Student Affairs, implements the Student Conduct Code by administering the CSU student disciplinary process for allegations of student misconduct. OSC responds to a variety of incidents that may include behavioral misconduct, academic dishonesty, and concerning student behavior. Incidents of student misconduct may include issues with alcohol, drugs, theft, weapons, violence, harassment, sexual misconduct, hazing, or other violations that are not academic in nature and do not constitute a Nondiscrimination Policy violation. OSC refers matters that relate to Title IX and DHR to OEO, and OEO refers matters that don't rise to the level of a potential Nondiscrimination Policy violation to OSC. OSC's website [landing page](#) has information about OEO, as well as a link to OEO's website with [reporting options and instructions](#).

OSC has one employee – the Assistant Dean and Student Conduct Director, who has been employed at Sacramento State since 2004 and has served in this role since 2018. The Student Conduct Director reports to the Associate Vice President for Student Engagement & Success/Dean of Students.

## **C. Housing**

[Student Housing](#) is within Student Life and is led by an Executive Director, a Senior Director, an Associate Director, and staffed by a Residence Hall Coordinators, Resident Advisors, and administrative staff. Housing staff reported collaborating well with OEO and attend regular meetings with OEO, and other campus partners, to discuss reports to OEO. Housing reported those meetings occur monthly. Housing

also partners with Students of Concern to provide resources and collaborates with Student Conduct to implement conduct outcomes.

Upon receipt of a report of discrimination or harassment on the basis of a protected status, housing staff (typically an RA is the first responder) enters the report into Maxient and select the option to notify OEO of the report. Reports entered into Maxient are reviewed by a Residence Hall Coordinator and then a Director to ensure proper routing to OEO.

#### **D. Employee & Labor Relations (Human Resources)**

[Employee & Labor Relations](#) (ELR) sits within Human Resources. The ELR function at Sacramento State provides a variety of services to employees, including interpreting policies, procedures, and collective bargaining agreements (CBAs); managing the performance evaluation process; and providing counseling, mediation, and conflict management. The function is also responsible for implementing labor agreements and assisting with workplace matters through workplace investigations, progressive performance management, trainings, correction action, and addressing workplace environment concerns. At the time of our campus visit, the ELR team was led by the Director of Employee & Labor Relations, who reported to the Senior Associate Vice President of Human Resources (who, in turn, reported to the university's Vice President and Chief Financial Officer). The Director was supported by three full-time employees. The ELR Director left the university in 2023.

#### **E. Academic Labor Relations (Human Resources)**

[Academic Labor Relations](#) (ALR) also sits within Human Resources. ALR provides a variety of services that assist the university's academic leaders in building collaborative and effective relationships with union leaders for the California Faculty Association (CFA) and United Autoworkers (UAW) which represent faculty and academic student employees, respectively. ALR administers the CBAs for the CFA and UAW, including by consulting with management and employees regarding workplace issues; CBA interpretations and grievances; requests for information; and arbitration. The ALR team is led by the Director of Academic Labor Relations, who reports to the Senior Associate Vice President of Human Resources. The Director is supported by one employee (an Academic Labor Relations Specialist).

## **F. Clery Act Responsibilities**

Sacramento State's Clery Act responsibilities are fulfilled by the university's Clery and Unrelated Business Income Tax Compliance Manager, who assumed the Clery Compliance Manager role in May 2022. At the time of our campus visit, the Clery Compliance Manager was new to this role and explained that she relies on and has been trained by the university's Director of Presidential Business Operations, who preceded her in the role.

The Clery Compliance Manager is responsible for maintaining information necessary to prepare the university's [Annual Security Report](#), and for identifying and training campus security authorities (CSAs). In order to gather data necessary for the Annual Security Report, the Clery Compliance Manager reviews reports within Maxient (which contains reports from several sources including OEO, Housing, and Student Conduct) and consults with UPD to determine whether they are Clery reportable. Additionally, the Clery Compliance Manager receives de-identified reports of potential Clery crimes from the Confidential Advocate.

Timely warning assessments are made by UPD, which has its own assessment matrix, which it uses to aid in its decision-making.

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

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

### **A. Confidential Advocates<sup>34</sup>**

Sacramento State contracts externally with [WEAVE](#), the primary provider of crisis intervention services for survivors of domestic violence and sexual assault in Sacramento County, to provide confidential advocacy services to all members of the university community. At the time of our campus visit, Sacramento State had one Confidential Advocate who was embedded on campus at the Health Center

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<sup>34</sup> The Confidential Advocate role is defined in Attachment C of the Nondiscrimination Policy and discussed in the Systemwide Report.

and reported to the Senior Associate Vice President of Student Health and Counseling Services. As of spring 2023, the university has added a second Confidential Advocate from WEAVE.

The Confidential Advocate role at Sacramento State serves students, staff, and faculty. As detailed on Sacramento State's [Sexual Violence Support webpage](#), the role of the Confidential Advocate is "to promote safe and healthy relationships and support survivors of sexual assault, domestic violence, and sex trafficking." Confidential advocacy services are available to community members who have experienced sexual assault, sexual harassment, dating violence, domestic violence, or stalking, and who wish to receive confidential support, review available resources, information, and reporting options, or receive advocacy, accompaniment, or counseling.

As described to us, the Confidential Advocate role serves the Sacramento State community in two primary ways – first, by providing intervention and support to individuals in crisis situations; and second, by conducting prevention and education programming. The Confidential Advocate reported that she provides trainings and resources to the campus community regarding sexual assault, dating violence, and domestic violence prevention, bystander intervention, trauma informed care, and other related topics. She provided Cozen O'Connor with various PowerPoint presentation on these topics that she has delivered to campus members.

Information regarding the Confidential Advocate is also available on OEO's [Title IX website](#).

## **B. Respondent Support**

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

### **A. Student Health and Counseling**

[Student Health & Counseling Services](#) (SHCS) sits within the division of Student Affairs, and offers health, counseling, and wellness education services to currently enrolled students who pay the health fee. The

Health Center is open during normal business hours Monday to Friday from 8:30 a.m. to 4:00 p.m. On average, students who require counseling attend 4-5 sessions, and SHCS generally attempts to limit students to approximately 10 sessions and will offer referrals to outside resources if additional care is required.

Within SHCS, there is a [Health & Wellness Promotion](#) office within the WELL that, among other things, offers peer education on alcohol and drugs, and workshops on general wellness, mental wellbeing, and healthy relationships. SHCS also partners with WEAVE to co-host events and activities that support survivors of sexual violence. Most recently, in April 2023, SHCS co-hosted several events for [Sexual Assault Awareness Month](#); these events included a Stand with Survivors Gallery Exhibit, Denim Day, and Take Back the Night.

SHCS also has a full-time [Care Coordinator](#) who is available to assist faculty, staff, and administrators by discussing available services, answering questions, and helping make referrals.

#### **B. Ombuds**

Sacramento State does not have an ombudsperson.

#### **C. Additional Resources for Students**

Sacramento State has a [Crisis Assistance & Resource Education Support \(CARES\)](#) office that is part of the Division of Student Affairs. The CARES team provides support to students who are in crisis or experiencing unique challenges to their education. These challenges may include transportation barriers, mental health and wellness issues, physical health and wellness issues, and other issues relating to food and housing insecurity. The CARES team is [staffed](#) with a Senior Case Manager, a Case Worker, an Administrative Support Coordinator, and a Rapid Rehousing Coordinator.

The university also has a [Behavioral Intervention Team](#) (BIT), which serves a resource available to the university to address students of concern. The BIT is a multidisciplinary team that meets regularly to monitor reports of students of concern and track patterns, behaviors, and disturbances to groups or individuals. The BIT can perform a threat assessment and determines the appropriate response and mechanisms to intervene and respond to a crisis or concerning behaviors. The team consists of representatives from Student Affairs; Counseling and Psychological Services (CAPS); Student Conduct; Housing; Student Organization and Leadership; Human Resources; University Counsel; and UPD.



### **C. Additional Resources for Employees**

For employees, the university offers an [Employee Assistance Program](#) (EAP) administered through Empathia, which is available to provide professional assistance to employees and their families (dependents and permanent household members) in assessing and resolving personal problems that may be affecting well-being or job performance. Among the services EAP provides to employees are counseling sessions, work/life resources and referrals, financial consultations, and legal referrals.

### **IX. Prevention, Education, Professional Development, Training and Awareness<sup>35</sup>**

Under the Nondiscrimination Policy, the Title IX Coordinator is responsible for “coordinating training, education, and preventive measures,” which may be delegated to a Deputy Title IX Coordinator.<sup>36</sup> Even if responsibilities are shared with a Confidential Advocate, the Title IX Coordinator “remains primarily responsible for all campus-based prevention and awareness activities.”<sup>37</sup> The Nondiscrimination Policy further provides: Confidential Advocates may serve on campus-based task force committees/teams to provide general advice and consulting, participate in prevention and awareness activities and programs, and play an active role in assisting, coordinating, and collaborating with the Title IX Coordinator in developing and providing campus-wide awareness and outreach activities, possibly including prevention activities.<sup>38</sup>

This level of coordination and oversight is not occurring at Sacramento State, nor at most universities across the system.

#### **A. Students**

In addition to the online module, OEO offers various Title IX overview trainings for certain “high risk” segments of the student population. These trainings are offered, for instance, at new student orientation,

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<sup>35</sup> The legal and regulatory framework, which sets forth requirements under federal and state law, is outlined in Section VII.B.2. of the Systemwide Report, Legal Framework re: Prevention and Education.

<sup>36</sup> See Attachment B: Campus Title IX Coordinators Role and Responsibilities.

<sup>37</sup> See Attachment C: Confidential Sexual Assault Victim's Advocates.

<sup>38</sup> *Id.* Under Attachment C, all awareness outreach activities must “comply and be consistent with University policies” and the Advocate is required to “partner and collaborate with the Title IX Coordinator to ensure the activities comply with CSU policy and are consistent with campus-based practices.”

at transfer student orientation, and to athletes, Residence Life staff, fraternity and sorority life, and international students. OEO provided a spreadsheet listing dozens of trainings, as well as tabling and “meet and greet” events, that it hosted in 2022-2023 and in prior years. In addition to regularly scheduled trainings, OEO offers trainings through its [website](#) to custom audiences upon request. Examples of the types of trainings offered, as listed on the website, include Employee DHR training, Student DHR training, Meet and Greets, Trauma Informed Training, MPP 101, and Sac State 101.

Prevention and education responsibilities are shared between OEO and the Confidential Advocate, with the Confidential Advocate being the primary owner of these responsibilities. Due to resource constraints, campus administrators reported that Sacramento State effectively provides “the bare minimum” when it comes to prevention and education. One administrator said, “We’re checking the compliance box but that’s about it.” OEO provided sample training and education materials that are used by OEO and the Confidential Advocate. Some of the OEO training materials include PowerPoint slides regarding bystander intervention, risk reduction, and consent. The Confidential Advocate’s presentation materials include slides relating to healthy relationships, domestic violence, sexual assault, rape culture, consent, bystander intervention, trauma, and trauma-informed responses.

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

As noted above, in response to a string of recent sexual assaults that impacted the campus community, Sacramento State published a [2022-23 Sexual Violence Prevention, Safety, and Support Action Plan](#) to address the safety concerns of community members. This Action Plan contains seven goals and 31 specific action items, many of which specifically relate to prevention, education, and awareness. These action items will be essential in terms of augmenting the university’s prevention and education efforts. Some examples from the Action Plan are reproduced in the chart below:

Goal 1: Increase the awareness of sexual assault to inform recognition and prevention			
Key Action Step	Timeline	Action Level Owner	Current Status
1.1 Create a series of video messages that illustrate the magnitude of sexual assault and importance of awareness	Ongoing	Student Affairs (SA)  University Communication (UComm)	2 of 4 messages were created and sent during the Fall Semester. (Highlighted = Completed) 1- Confidential Campus Advocate – Laura Swartzen - <a href="https://youtu.be/TOrzMk8Bgb8">https://youtu.be/TOrzMk8Bgb8</a> 2- SVAT Student Representative – Michael Cheng - <a href="https://youtu.be/GUdtgh9kxOY">https://youtu.be/GUdtgh9kxOY</a> 3- Mandated Reporting – Stephanie Cruz (filming currently being scheduled) 4- Informed Consent – Britnie Hopkins (TBD)
1.2 Develop a series of in-person workshops for students to understand the signs and consequences of sexual assault	In Progress	Sexual Violence Awareness Team (SVAT)	The Sexual Violence Awareness Team (SVAT) has increased the number of students participating to leverage their perspective and expertise in designing in-person or virtual workshops for students focused on prevention, intervention, consequences and resources related to sexual assaults
1.3 Create a Canvas course on Sexual Assault Prevention to replace the current required training	Not Started	Student Affairs (SA) & Information Resources & Tech (IRT)	Have specifications defined for the Feb. 1 call for IRT projects; SA in collaboration with IRT will create a canvas course which will meet training requirements for students, be free of charge, and provide stats on student performance.
Goal 2: Create and communicate resources for student survivors of sexual assault			
Key Action Step	Timeline	Action Level Owner	Current Status
2.4 Develop a toolkit for staff/faculty and partners to help educate the students	In Progress	Student Health and Counseling Services (SHCS)	Toolkit has been sent to WEAVE for review and approval.

2.6 Create a specific Educational curriculum for survivors, including international students	In Progress	Confidential Advocate	Campus Confidential Advocate has created and is launching a workshop about WEAVE and working with survivors (similar to the SafeZone training format). Training is awaiting approval.
<b>Goal 3: Educate students on appropriate methods of prevention and intervention to promote prosocial behaviors</b>			
Key Action Step	Timeline	Action Level Owner	Current Status
3.1 Evaluate and Update intervention and active bystander training	In Progress	SA	SA is working with Student Health and Counseling Services (SHCS) and SVAT on creating additional video material regarding intervention and being an active bystander
3.2 Hold regular forums, group activities, or similar to bring together students, faculty, and administrators in a collaborative effort to end campus sexual assaults.	In Progress	ASI SVAT	More events like the town hall on Nov. 18, 2022 will be organized. Sexual Assault Awareness Month Day of Action is April 4, and many activities like this have already been planned.
3.3 Create a university-wide Consent campaign, including consent workshops, resources, and marketing materials.	Ongoing	SVAT	Created the messaging (Hornets for C.L.E.A.R. Consent) and working with Inclusive Excellence Communications Specialist on the branding and designs for the campaign.
3.4 Promote and elevate Sexual Assault Awareness Month events that occur annually while ensuring these efforts continue throughout the academic year.	Ongoing	Inclusive Excellence (IE) OEO SHCS	Planned April 2023 activities:  Take Back the Night (survivor speak out, resource fair, and walk on campus to reclaim space)  Denim Day (raising awareness that clothing does not equal consent)  SAAM Day of Action (April 4, 2023) new this year under OEO, kicks off SAAM with guest speakers and activities

<b>Goal 4: Hire additional employees to support prevention and response</b>			
<b>Key Action Step</b>	<b>Timeline</b>	<b>Action Level Owner</b>	<b>Current Status</b>
4.1 Contract with WEAVE to hire another Confidential Advocate for next semester	Completed	SHCS	Another Confidential Campus Advocate has been hired and will start 1/31/23. They will be located in the American River Courtyard
<b>Goal 5: Increase outreach opportunities and communication of educational and support resources for survivors</b>			
<b>Key Action Step</b>	<b>Timeline</b>	<b>Action Level Owner</b>	<b>Current Status</b>
5.1 Hire two student outreach interns to promote SVSH educational campaign	Completed	OEO	Student Outreach Intern Program and hiring of OEO student interns completed January 2023.
5.2 Create targeted student outreach materials, communication channels, education, and resources	In Progress	OEO	Ensure that materials are relevant, timely, and easily accessible for students.

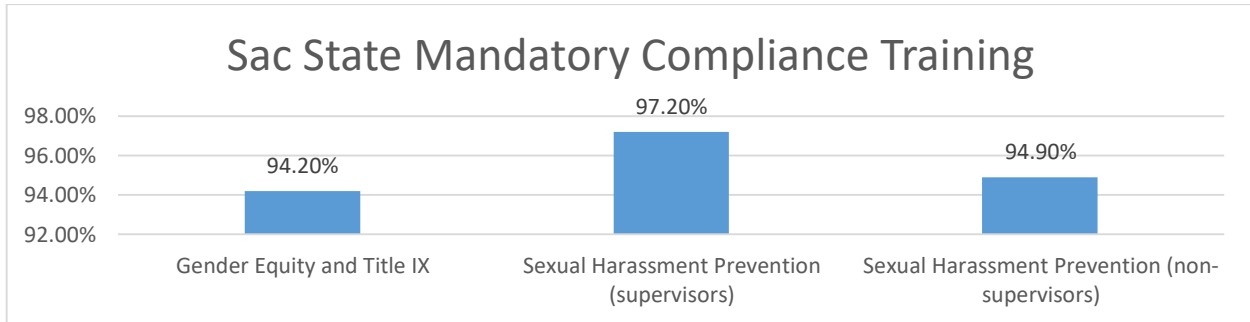
In furtherance of the goals of this Action Plan, the campus community organized several events in April 2023 in honor of Sexual Assault Awareness Month. These events included [Denim Day and Take Back the Night](#), the latter of which included a rally of students and supporters (including members of the Sexual Violence Awareness Team (SVAT)) on the campus’s Liberty Quad.

### **B. Employees**

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

The systemwide Learning and Development Office in the Chancellor’s Office hosts these online modules, which are provided by an external vendor, on its systemwide employee learning management system.

The Learning and Development Office tracks employee completion of these required programs. The below chart, provided by the Chancellor’s Office, shows the completion percentage for Sacramento State for the 2022 calendar year:<sup>39</sup>



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

#### **X. Other Conduct of Concern**

As with other universities across the CSU system and nationwide, Sacramento State navigated challenges in responding to *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.

During our campus visit, the community was in the process of confronting bias incidents emanating from the recent discoveries of swastikas in various campus locations. More generally, the university, like universities nationwide, has struggled with a response mechanism for addressing issues relating to civility, bullying, protected speech that negatively impacts constituents, and actions and words that entail

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<sup>39</sup> These percentages have been validated by each campus. Please note employees designated by their campus as “on leave” were removed from these final percentages.

misconduct but that do not relate to protected status and/or do not rise to the level of being sufficiently persistent, severe, and/or pervasive.

We observed with respect to this *other conduct of concern* that there was some level of confusion and frustration emanating from certain university offices who intersect with OEO on a regular basis and are responsible for addressing these behaviors. The feedback we received was that there have been ongoing disagreements with OEO about the types of conduct that are regarded as potential policy violations that must be investigated and remediated through OEO. Partners from one of these campus offices shared their perception OEO was “punting” too many cases to them and taking the position that too few cases “rise to the level” of being sufficiently persistent, severe, and/or pervasive under CSU’s policy and the federal Title IX regulations. Based on this feedback, we observed a need for additional clarity and agreement regarding relevant jurisdictional thresholds.

According to some campus partners, there have been multiple negative downstream impacts of referring these matters to other offices, including Human Resources and Employee & Labor Relations. These downstream impacts reportedly include that the campus community is left with the perception that “OEO did not investigate and therefore it deemed the behaviors to be okay” and the reality that other offices are either ill-equipped to deal with these behaviors themselves or are too under-resourced to do so effectively. For instance, we learned that Academic Labor Relations is “effectively an office of one” but has been serving as a reservoir for complaints of *other conduct of concern*; as a result, ALR has resorted to training associate deans within the colleges to conduct their own investigations into these reports, which the deans do “begrudgingly because they don’t have the skills to do the work effectively.” This practice was described to us as “an accident waiting to happen.”

Notably, Sacramento State has proactively devoted significant resources to addressing bias incidents through the Division of Inclusive Excellence. Consistent with the university’s [Antiracism and Inclusive Campus Plan](#), the Division has created the [Belonging Education & Support Team \(BEST\)](#), whose mission is to “lead[] . . . campus efforts to reduce experiences of bias and promote a civil, respectful, and inclusive community that opposes any act of racism, religious intolerance, sexism, ageism, ableism, trans- and homophobia, or other forms of intolerance.”

BEST has a [Vision Statement](#) and has recently published a [Bi-Annual Report on Acts of Bias 2022-23](#), which included information relating to 106 validated cases of bias and “systemic recommendations for campus

transformation, priority setting, and initiative development to further institutionalize and promote positive campus culture.” The [BEST Team](#) comprises a broad cross-section of key campus partners, including representatives from OEO, Student Conduct, Human Resources, Student Organizations, Academic Labor Relations, Housing, CAPS, Employee Labor Relations, Student Affairs, Faculty Diversity and Inclusion, Services for Students with Disabilities, and Athletics. We note, however, that since our campus visit, the Director of Belonging Education & Support (who also served as the Chair of BEST) has left the university; an interim director is serving in this role until a permanent replacement is found.

The Division of Inclusive Excellence also created its own [Acts of Bias Reporting Tool](#), an online reporting portal that is accessible from the BEST website. The reporting tool states that it is “a mechanism . . . to capture experiences that do not meet the legal threshold of discrimination, yet deserve[] to be confronted, recognized, and addressed in a systematic manner.” The form allows a complainant to share a description of the reported conduct and to choose which category the reported conduct entails (including “access blocking,” “exclusion/microinvalidations,” “hate symbols and images,” “hierarchy of human value,” “invisibilized,” “microaggressions,” “power dynamics,” “procedural injustice,” “religious and ancestral bias,” “silencing,” and “other”).

As the bias incident response function is still in its infancy, community members reported that it was too soon to evaluate whether BEST would adequately address *other conduct of concern*. They commented, for instance, that a lot of people are probably unaware of the function or do not understand it, and that “the proof will be in the pudding.”

## **XI. 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
  - 3.1.1. To be fully resourced, OEO would have a Title IX Coordinator/DHR Administrator, a training and education coordinator, a support and intake coordinator, two investigators (which may increase over time), and an administrative manager
4. Based on benchmarking and recommendations from the Chancellor's Office, identify recurring baseline (or line item) funding (both source and amount) for the Title IX/DHR program
5. Work with the Chancellor's Office to implement an enterprise-level case management system and develop protocols for consistent collection and retention of data
6. Ensure an adequate supervisory model that includes a routine cadence of supervisory meetings, guidance about how to ensure effective oversight and accountability measures, an appropriate level of detail for review, development, integration and tracking of decision-making frameworks, and balancing implementers' independence and autonomy with the need to identify and elevate critical issues and concerns about safety/risk
  - 6.1. Provide training or professional development as needed to strengthen the oversight competencies and review of subject matter decisions
7. Commit to the consistent investment in professional development and continuous learning for Title IX and DHR professionals and senior leaders who oversee the Title IX/DHR program (CLEs, conferences, system training, etc.)
8. Identify a sustainable model to provide respondent support services

## **B. Strengthening Internal Protocols**

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

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

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

- 1.5. Strengthen campus collaboration and information-sharing through a multidisciplinary team (MDT) model
- 1.6. In conjunction with the Chancellor's Office, update membership and protocols for the multidisciplinary team by identifying 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
  - 1.6.1. The MDT should meet regularly and at a minimum, weekly, to review all new reports
  - 1.6.2. 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)
  - 1.6.3. 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
  - 1.6.4. 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
  - 1.6.5. 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
  - 1.6.6. 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
  - 1.6.7. 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
  - 3.1. Consolidate the online Title IX Reporting Form and DHR Reporting Form into one single form
  - 3.2. Consolidate the incident reporting instructions such that all community members (regardless of whether they are students, staff, or faculty) are directed to submit online incident reports using the same online reporting form
4. Review the current post-Title IX/DHR disciplinary processes for faculty and staff to ensure promptness, equity, and informed communication
  - 4.1. Ensure the Title IX Coordinator/DHR Administrator remains engaged in any disciplinary processes, including sanctions and appeals, until final
  - 4.2. Ensure that decisions about negotiated settlements are supported by a careful and coordinated review by all relevant campus and system level administrators
5. Develop and implement a process to routinely collect post-resolution feedback from the parties and all impacted individuals
6. Invest in professional development opportunities for OEO staff to further develop both the care and compliance functions of the role
7. Assess for need for additional professional development and subject matter expertise in terms of TIX scope/jurisdiction issues

### **C. Communications**

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

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

- 3.6. Include a broader Notice of Nondiscrimination on the basis of other protected statuses such as age, race, national origin, and disability.
  - 3.7. Simplify the [How Do I Report an Incident?](#) webpage to include only one link to the reporting form (as opposed to one for students and one for employees/third parties), as the forms are identical
  - 3.8. List all OEO staff members on OEO's own website. Currently, the full staff directory is listed only on the website for the [Division of Inclusive Excellence](#).
4. Gather, evaluate, and update all existing informational materials, web resources, posters/flyers, social media information, and other public-facing communications about the Title IX/DHR program to ensure that those materials:
    - 4.1. Reflect the current staffing and structure of the office, the current CSU Nondiscrimination Policy and resolution processes, and current information about on- and off-campus resources including confidential resources
    - 4.2. Are written in clear language, accessible (from both a disability perspective and a reading comprehension perspective), and consider strategic placement of newly developed print materials in areas frequented by students, staff, and faculty
    - 4.3. 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.)
  5. Develop an expanded annual report with meaningful information/data
  6. Develop standing committee of representative student, faculty and staff ambassadors to support and facilitate institutional efforts to more effectively communicate with campus constituents
  7. Identify and prioritize opportunities for in-person engagement with Title IX/DHR staff (e.g., pop-up events, tabling at an information fair, open houses in various central locations, routine scheduled short presentations to key audiences, and/or sponsored or co-sponsored events);

#### **D. Prevention, Education, Training and Awareness**

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

1. Allot sufficient budget lines to ensure consistent, baseline funding for personnel, legally-required programming, and technology/learning management systems
2. Proactively coordinate with system-level subject matter experts to assist with education, training, materials and communications related to complex and difficult issues facing all CSU institutions

3. Designate one individual with specific oversight of all university prevention and education planning and programming, preferably a full-time role without other job responsibilities
  - 3.1. This coordinator should be tasked with oversight of and responsibility for all legally-required programming under Title IX, the Clery Act, and California law
4. Convene a university-wide Prevention and Education Oversight Committee to coordinate and align programming across the university
  - 4.1. The Committee should include all departments who provide training, prevention and education, including, at a minimum, representatives from the Title IX/DHR program, the confidential advocate, student affairs, student health, counseling, UPD, athletics, fraternity and sorority life, residential life, human resources and employee labor relations, academic/faculty affairs, DEI professionals, identity-based affinity centers, university subject-matter experts, and staff, faculty, and student representatives
  - 4.2. The Committee should include subcommittees, as determined by the Committee. Committees may focus on the needs of various constituencies (undergraduate students, graduate students, staff, administrators, and faculty) or the types of programming (compliance, professional development, prevention and education, bystander intervention, etc.)
  - 4.3. The Committee should be charged with reviewing prevention program content, evaluating proposed programming or speakers, ensuring that prevention-related communications are reaching all constituents, and developing and implementing a mechanism for assessing effectiveness including by monitoring participation levels and measuring learning outcomes
5. With assistance from the Chancellor's Office, develop a strategic plan for university programming that identifies all training requirements under federal and state law and CSU policy, all constituencies and constituent groups in need of training, and all potential university partners that can collaborate to deliver content
  - 5.1. Constituent groups subject to required training should include students (undergraduate and graduate); targeted student populations (athletes, fraternity and sorority life, residential students, residence life student staff, international students, student leaders); senior leadership; faculty (deans, department chairs, leads, lecturers); staff (managers, supervisors); and campus partners who assist in the implementation of Title IX/DHR
  - 5.2. Identify all university partners who provide programming, including affinity and identity-based centers and student affairs personnel
  - 5.3. Identify opportunities for virtual and in-person engagement
  - 5.4. Develop core principles and standards for content development
  - 5.5. Build a university calendar that includes online modules, social norm campaigns, orientation for students and employees, recurring opportunities for programming, and awareness events



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

#### **E. Responding to Other Conduct of Concern**

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

1. In conjunction with the Chancellor's Office and CSU's Office of General Counsel, develop a written policy, document, or statement by senior leadership to establish expectations, guidelines, and/or definitions of conduct
  - 1.1. The written framework should address unprofessional conduct, abusive conduct, microaggressions, acts of intolerance, and other disruptive behavior in the living, learning and working environment
  - 1.2. The written framework must also address intersections with free speech and academic freedom, including the explicit recognition that the CSU cannot discipline for protected speech
2. Reinforce CSU values and expectations about respect, tolerance, and professionalism through programming and opportunities for in-person engagement
3. Strengthen and expand available competencies regarding conflict resolution, navigating interpersonal conflict, restorative justice, and other forms of remedial responses
  - 3.1. Strengthen traditional employee relations functions within human resources to assist in responding to concerns involving faculty and staff
  - 3.2. Strengthen competencies of managers, supervisors, deans and department chairs by providing expanded training and professional development to meet the needs of assigned roles
  - 3.3. Consider the need for additional personnel, such as an ombudsperson or a conflict resolution professional, including those with expertise in restorative justice and mediation
  - 3.4. Develop communications competencies to embrace the tension of difficult issues including the intersections of speech in the contexts of politically and socially-charged events and issues
  - 3.5. Communicate the new and available conflict resolution suite of resources through web content, annual training, and awareness campaigns
  - 3.6. Invest in education and training about conflict resolution
4. Create a centralized reporting mechanism that includes the option for online and anonymous reporting
  - 4.1. Ensure that the landing page for the anonymous reporting option includes appropriate caveats about the university's limited ability to respond to an anonymous report
5. Build a triage model/review process to ensure that all reports are assessed by Title IX and DHR professionals (and a subset of the Title IX/DHR MDT) and evaluate potential avenues for resolution that include the following:
  - 5.1. Identify potential policy violation and investigative response, if any
  - 5.2. Refer to the appropriate administrator/department to coordinate/lead the response
  - 5.3. Identify reasonably available individual supportive measures, if any, and

- 5.4. Identify appropriate community remedies, if any
6. The reporting and resolution processes must ensure sufficient documentation system to track responsiveness, patterns and trends

**Appendix I**  
**Metrics: Campus Demographics and Population<sup>40</sup>**

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

California State University Sacramento			
Location Information			
<b>Location:</b> Sacramento, CA (pop. 528,001) <sup>41</sup>	<b>County:</b> Sacramento County (pop. 1,584,169) <sup>42</sup>	<b>Locale Classification:</b> Large City <sup>43</sup>	
University Information			
<b>President:</b> Robert S. Nelsen (July 2015-July 15, 2023) J. Luke Wood (July 16, 2023-present)			
<b>Designations:</b> Hispanic Serving Institution (HSI) <sup>44</sup> Asian American and Native American Pacific Islander-Serving Institution (AANAPISI) <sup>45</sup>			
Students – Enrollment Data <sup>46</sup>			
Total Number of Students		31,852	
State-Supported		Self-Supported	
Undergraduates	28389	Undergraduates	443
Grad & Post Bac Students	2494	Grad & Post Bac Students	526
Student Ethnicity <sup>47</sup>			
Overall (includes State- and Self-Supported)			
Hispanic / Latino		38%	
White		24%	
Asian		20%	
Two or More Races		6%	
Black / African American		6%	
Race and Ethnicity Unknown		4%	

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

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

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

<sup>43</sup> Defined as a territory inside an urbanized area and inside a principal city with population of 250,000 or more. See National Center for Education Statistics, <https://nces.ed.gov/programs/edge/Geographic/LocaleBoundaries> and <https://nces.ed.gov/surveys/annualreports/topical-studies/locale/definitions>.

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

<sup>45</sup> AANAPISIs are defined under the Higher Education Act as colleges or universities with an undergraduate enrollment that is at least 10% Asian American and Native American Pacific Islander. Additionally, at least half of the University's degree-seeking students must be low-income. See <https://www2.ed.gov/about/offices/list/ope/itudes/eligibility.html>

<sup>46</sup> California State University Enrollment Data, Fall 2022, Cal State Sacramento: [https://tableau.calstate.edu/views/SelfEnrollmentDashboard/EnrollmentSummary?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay\\_count=no&%3AshowVizHome=no](https://tableau.calstate.edu/views/SelfEnrollmentDashboard/EnrollmentSummary?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no) For purposes of this table, "state-supported" refers to students for whom the State of California underwrites some or all of their educational expenses and "self-supported" refers to students whose educational expenses are not underwritten by the state. Across the California State University system, with some exceptions, self-supported degree seeking students are generally those enrolled in programs administered by professional and continuing education programs.

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

International Student		2%	
Native Hawaiian / Other Pacific Islander		1%	
American Indian / Alaska Native		<1%	
<b>State-Supported (30,883 students)</b>		<b>Self-Supported (969 students)</b>	
Hispanic / Latino	38%	White	34%
White	23%	Hispanic / Latino	27%
Asian	20%	Asian	15%
Two or More Races	6%	Black / African American	8%
Black / African American	6%	Race and Ethnicity Unknown	8%
Race and Ethnicity Unknown	3%	Two or More Races	5%
International Student	2%	International Student	2%
Native Hawaiian / Other Pacific Islander	1%	Native Hawaiian / Other Pacific Islander	1%
American Indian / Alaska Native	<1%	American Indian / Alaska Native	<1%
<b>Other Student Demographics<sup>48</sup></b>			
<b>Overall (includes State- and Self-Supported)</b>			
First in Family to Attend College		30%	
% students who are traditionally underrepresented <sup>49</sup>		44%	
% of undergrads who were Pell Grant recipients <sup>50</sup>		51%	
% of students who live on campus <sup>51</sup>		6%	
% undergrads who are in a fraternity or sorority <sup>52</sup>		25%	
4-year graduation rate for first-time FT freshmen <sup>53</sup>		28.1%	
<b>State-Supported (30,883 students)</b>		<b>Self-Supported (969 students)</b>	
Average Age	23	Average Age	35
Sex <sup>54</sup>	57% F; 43% M	Sex <sup>55</sup>	73% F; 27% M
First in Family to Attend College	30%	First in Family to Attend College	31%
% traditionally underrepresented <sup>56</sup>	45%	% traditionally underrepresented <sup>57</sup>	35%
<b>Instructional Faculty<sup>58</sup></b>			
Total # of faculty		1,777.00	
Tenure-track		39.9%	
Lecturer		60.1%	

<sup>48</sup> *Id.*, except where noted otherwise. This data includes students at the undergraduate, graduate, and post-baccalaureate levels.

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

<sup>50</sup> Pell Grants are federal grants that are usually awarded only to undergraduate students who display exceptional financial need. See U.S. Department of Education, Federal Student Aid, <https://studentaid.gov/understand-aid/types/grants/pell>. This data is for 2021 as 2022 data is not yet available.

<sup>51</sup> California State University, 2022 Systemwide Housing Plan, Figure 7, p. 20: <https://www.calstate.edu/impact-of-the-csu/government/Advocacy-and-State-Relations/legislativereports1/Legislative-Report-CSU-Systemwide-Housing-Plan.pdf>

<sup>52</sup> This figure was calculated utilizing data obtained from the California State University, Sacramento Greek Life 2019 - 2020 Annual Report <https://www.csus.edu/student-life/student-organizations/fraternity-sorority-life/internal/documents/19-20-annual-report.pdf>

<sup>53</sup> California State University, Graduation & Success Dashboards, with link to Graduation Dashboard, selecting the Summary Overview tab, and with Cal State Sacramento 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 CSUF during the Fall 2018 (most recent complete 4-year term available).

<sup>54</sup> Data does not capture number of students who do not identify on the sex/gender binary.

<sup>55</sup> *Id.*

<sup>56</sup> For purposes of this table, “traditionally underrepresented” refers to students with ethnicity of Hispanic, Black/African American, or Native American/Alaska Native.

<sup>57</sup> *Id.*

<sup>58</sup> California State University, CSU Faculty, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-faculty>, except where noted otherwise.

% full-time <sup>59</sup>	46.83%
% part-time	53.17%
Leadership body	Faculty Senate <sup>60</sup>
<b>Staff<sup>61</sup></b>	
Total # of staff	1,385
% full-time	98.99%
% part-time	1.01%
<b>Collective Bargaining Units</b>	
Unit 1	Cal. Fed. of American Physicians and Dentists (UAPD)
Units 2, 5, 7, 9	California State University Employees' Union (CSUEU)
Unit 3	California Faculty Association (CFA)
Unit 4	Academic Professionals of California (APC)
Unit 6	Teamsters, Local 2010 – Skilled Trades
Unit 8	Statewide University Police Association (SUPA)
Unit 11	Academic Student Employees (UAW)
<b>Athletics<sup>62</sup></b>	
NCAA Division	I
NCAA Conference	Big Sky Conference <sup>63</sup>
Number of sponsored sports for '22-'23 academic year	22
Number of student athletes <sup>64</sup>	452

<sup>59</sup> California State University, CSU Workforce, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-workforce/Pages/default.aspx>. See "Headcount/FTE by Campus" tab.

<sup>60</sup> Cal State Sacramento Academic Senate. See <https://www.csus.edu/academic-affairs/senate/>

<sup>61</sup> California State University, CSU Workforce, Fall 2022. See <https://www.calstate.edu/csu-system/faculty-staff/employee-profile/csu-workforce/Pages/default.aspx>. See "Headcount/FTE by Campus" tab.

<sup>62</sup> NCAA Directory, <https://web3.ncaa.org/directory/orgDetail?id=102>, except where noted otherwise.

<sup>63</sup> All sports are in the Big Sky Conference with the following exceptions: Baseball (Western Athletic Conference), Women's Gymnastics (Mountain Pacific Sports Federation), and Women's Rowing (American Athletic Conference).

<sup>64</sup> See U.S. Department of Education, Equity in Athletics Data Analysis, at <https://ope.ed.gov/athletics/#/>, data for California State University Sacramento. 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.

At Sacramento State, we received 474 responses<sup>65</sup> from students, faculty, staff, and administrators as follows:

Constituency	Number of Responses
Undergraduate students	192
Graduate students	38
Staff	132
Administrators/Managers	32
Faculty	95
Other	14

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:

Below are the most prevalent themes that arose from the survey responses:

- Recent sexual assaults and assaults in parking structures. In response to questions regarding safety on campus, a number of survey respondents noted that there had been sexual assaults in parking structures on campus, as well as an assault by a stranger in a dorm.
- Title IX serving the institution. Some survey respondents wrote that they did not trust Title IX, stating they believed it only served the interests of the institution.
- Other conduct of concern as an obstacle to inclusivity and respect. Survey respondents noted that conduct such as bullying or microaggressions that made their environments less inclusive were not actionable under any policy.
- Timing and communication. Some survey respondents stated that complaints were not adequately investigated or followed up on, and that the investigator said they would not pursue a resolution because they were quitting soon.
- Concerns about disability and accessibility. Some survey respondents reported that they were not able to sit in class because the spaces were inaccessible, and others stated they had issues

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<sup>65</sup> Some survey respondents identified as belonging to multiple constituencies; hence, the number listed here is smaller than the sum total in the chart below.



accessing accommodations. Neurodivergent respondents also felt as though they had been discriminated against.

- Backlash from some individuals about DEI efforts. A number of survey respondents expressed that efforts toward diversity and inclusion had erred into bias against white individuals.
- Permitting retirement instead of discipline. Some survey respondents noted that respondent employees were permitted to retire rather than face discipline.
- Training concerns. Many survey respondents stated that training was not engaging, and some noted that consent instructions were not correct.
- Impact of tenure and seniority on concern for retaliation. Retaliation was a concern for many survey respondents, particularly with respect to power dynamics. Survey respondents noted that they feared reporting, particularly as untenured faculty.
- CAPS under-resourced. Several survey respondents noted that CAPS is underfunded and there are not appointments available, or that three was an unrealistically low limit for the number of visits permitted.
- Reviews as a tool for bias. Faculty survey respondents noted that their compensation and retention was directly impacted by student reviews, a dynamic that permits bias to infiltrate their working environment.

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

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

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

#### II. Caveats Regarding Interpretation of Data

In evaluating this data, we note that the CSU system currently lacks sufficient tools, processes, and practices to support consistent and reliable data-gathering across all 23 universities. That being said, we have confidence that the data, while imperfect, provides sufficient reliability to extrapolate key themes and observations. As currently structured, the data-gathering system has significant challenges:

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

- data gathered by the Chancellor’s Office is reliant on reporting by Title IX/DHR staff at each university based on the nature and manner in which they keep documentation;
- the structure and questions posed by the Chancellor’s Office to request data for the annual Title IX report have changed over time and not all universities use the same report structure;
- some data requests and questions may be unclear and therefore subject to interpretation; and,
- the annual Title IX reports do not capture foundational data that would enable an informed comparison between universities, such as number of students and employees and number of residential versus commuter students.

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

In presenting the below data, we note that some universities identified challenges with accuracy or completeness in their data. We have attempted to reconcile that data where possible, recognizing that some universities have provided data prepared by individuals who are no longer employed by the CSU. Before publishing this report, we sent outreach to all Title IX Coordinators to request that they verify the accuracy of their 2021-2022 annual Title IX report. Sacramento State verified the accuracy of the 2021-2022 annual Title IX report via email on April 28, 2023.

Finally, we recognize the significant impact of the global pandemic on colleges and universities across the country, including Sacramento State. 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 OEO received each per year; the procedural outcomes of those reports; and the number of reports involving student respondents, employee respondents, third-party respondents, and unknown or unidentified respondents.

#### A. Types of Reported Conduct<sup>66</sup>

	2018-2019	2019-2020	2020-2021	2021-2022
Reports of Sexual Misconduct/Sexual Assault	-	56	34	20
Reports of Dating/Domestic Violence		32	23	18
Reports of Stalking		14	9	26
Sexual Exploitation*		-	-	2
Sexual Harassment*		-	-	40
<b>Total # of Reports in Above Categories</b>	<b>110</b>	<b>95</b>	<b>58<sup>67</sup></b>	<b>110</b>

\* This data was not requested by the Chancellor's Office prior to the 2021-2022 academic year.

#### B. Respondents' Roles<sup>68</sup>

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

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Respondent is a student	34	36	20 <sup>69</sup>	72
Reports in which the Respondent is an employee	2	6	2	8
Reports in which the Respondent is a third-party	74	28	19 <sup>70</sup>	6
Reports in which the Respondent is unknown		24	16	24
Reports in which the Respondent is unidentified				0
<b>Total # of Reports in Above Categories</b>	<b>110</b>	<b>94</b>	<b>57</b>	<b>110</b>

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

<sup>67</sup> The data reports a total of 58 despite the totals of the types of reports being 66.

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

<sup>69</sup> The data lists the total as 15.

<sup>70</sup> The data lists the total as 15.

**C. Case Outcomes<sup>71</sup>**

The below data reflect the collective outcomes of reports to OEO.<sup>72</sup>

	2018-2019	2019-2020	2020-2021	2021-2022
Reports in which the Complainant did not respond to outreach and there was insufficient information to move forward	94	24	11	31
Reports in which the Complainant’s identity was unknown to the Title IX Office		16	7	8
Reports in which the Complainant requested supportive measures or resources only		No Data Available	25	48
Reports that resulted in other outcomes (except formal investigation)		49	46	8
Reports that resulted in a formal investigation*	16	13	3	9
* We learned through this review that this category is not an accurate indicator of the total number of investigations, in part because of how the question was narrowly framed by the Chancellor’s Office. This number does not capture investigations that were open at the end of the reporting period. It also does not capture investigations that were substantially completed, but discontinued at the request of the complainant, because the case was otherwise resolved, or because the matter was dismissed based on mandatory/discretionary grounds under Title IX and university policy.				

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<sup>71</sup> Case Outcome totals may differ from Reported Conduct totals depending on exclusion of pending cases at the time of the annual report and inclusion of resolved open cases from previous years.

<sup>72</sup> As a reminder, in 2021-2022, the data included Sexual Exploitation and Sexual Harassment, which were not included in earlier years. Because of the manner in which data was gathered by the Chancellor’s Office, it is unclear how the addition of these two categories of conduct impacted the percentage of outcomes.