

BAKERSFIELD

**September 22, 2015**

CHANNEL ISLANDS

Since our last update, the CSU has engaged in the following additional steps to address sexual violence on its campuses:

CHICO

DOMINGUEZ HILLS

**Chancellor’s Systemwide Work Group**

EAST BAY

In June 2014, Chancellor Timothy White appointed a cross-disciplinary team to implement all recommendations received from the California State Auditor at all 23 campuses, not just the two audited CSU campuses. Since that time, the team assisted each campus with planning and implementation of all recommendations, which are now in place at all 23 campuses. The State Auditor’s recommendations have also now been built into CSU’s recently revised systemwide policies.

FRESNO

FULLERTON

HUMBOLDT

LONG BEACH

**Revised Policies and Procedures**

LOS ANGELES

In June 2015, CSU again issued newly revised policies and procedures<sup>1</sup> to adopt an innovative investigation and adjudication system designed to encourage reporting, bolster trust in the process, protect privacy and confidentiality, provide confidential reporting options, safeguard rights to notice and an opportunity to respond, and provide an extensive menu of remedies and support services, including:

MARITIME ACADEMY

MONTEREY BAY

NORTHRIDGE

POMONA

- 1) Suspensions of one academic year or more or expulsion, withdrawal in lieu of suspension or expulsion, and withdrawal with pending misconduct investigations or disciplinary proceedings shall be entered on the respondent student’s transcript without exception. This requirement may not be waived in connection with any resolution agreement (in lieu of a hearing on sanctions).

SACRAMENTO

SAN BERNARDINO

SAN DIEGO

SAN FRANCISCO

- 2) All employees, unless covered by a legal privilege, are mandated reporters of sexual misconduct, including sexual violence. Further policy language was provided to explain these responsibilities.

SAN JOSÉ

SAN LUIS OBISPO

SAN MARCOS

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<sup>1</sup> Student complaint and investigation policy and procedure – CSU Executive Order 1097 <http://www.calstate.edu/EO/EO-1097-rev-6-23-15.pdf>; Student disciplinary policy and procedure – CSU Executive Order 1098: <http://www.calstate.edu/EO/EO-1098-rev-6-23-15.pdf>; Systemwide Sex Discrimination, Sexual Harassment, Sexual Misconduct, Dating and Domestic Violence, and Stalking Policy – CSU Executive Order 1095: <http://www.calstate.edu/EO/EO-1095-rev-6-23-15.pdf>; Employee and Third Party complaint and investigation procedure – CSU Executive Order 1096: <http://www.calstate.edu/EO/EO-1096-rev-6-23-15.pdf>.

SONOMA

STANISLAUS

- 3) As before, campuses will respond to all reports, whether formal or informal. Written, formal complaints are not required and no time limit exists for making a report.
- 4) The previous informal resolution process was eliminated. Complainants may elect to participate in an early resolution process by their own choice in order to resolve their complaint without an investigation; however, reports that are not resolved are investigated, and discipline initiated if findings reveal sexual misconduct.
- 5) At the end of the investigation, but prior to finalizing a report, the investigator must advise the complainant and respondent of relevant evidence supporting the tentative final outcome, and give them an opportunity to respond with additional evidence, if any, before making a final determination and issuing a final report.
- 6) The investigative findings can be appealed to the Chancellor's Office by both the complainant and respondent. Once any appeal is exhausted, the investigation findings are final.
- 7) Where students are found, after investigation, to have engaged in sexual misconduct, any subsequent discipline hearing is limited to determining appropriate sanctions. The investigative findings are not reconsidered in the hearing.
- 8) Complainants and respondents may also both appeal the resulting sanction to the Chancellor's Office.

A new category of misconduct has also been defined: Engaging in any sexual activity without first obtaining affirmative consent to the specific activity constitutes "sexual misconduct" and is a violation of the policy whether or not the conduct violates any civil or criminal law. This new term prohibits more than rape, sexual assault, sexual battery, domestic violence, dating violence and stalking. Any sexual activity without affirmative consent to the specific activity is a violation of CSU policy.

### **Sexual Assault Victim's Advocates**

Confidential sexual assault victim's advocates are now mandatory and in place on all campuses. Systemwide training was conducted for the campus-based advocates regarding CSU's revised policies and procedures so that they are equipped to assist victims and survivors in understanding rights and options for addressing sexual violence and sexual misconduct.

### **Establishing cross disciplinary teams**

Campuses have established cross-disciplinary collaborations involving Title IX offices, student conduct administrators, human resource professionals, campus police, and victim advocates, and others involved in implementing CSU's policies, to improve effectiveness in addressing sexual violence.

### **Reporting**

Beginning in fall 2016, campuses will be required to post on line, in a way that protects confidentiality, the numbers of sexual violence reports received, investigated, and resolved along with the findings of any investigations and the nature of any resolutions and resulting sanctions.

### **Training**

Mandatory annual training is required for all employees, including practical information on how to identify and report incidents to appropriate university officials. Mandatory training is required twice annually for resident advisors in light of the key role they play in students' daily lives and to help ensure that they respond properly if incidents are brought to their attention.

Mandatory (enforced with registration holds or disciplinary actions) education programs on sexual violence are required for all students, starting with incoming students, with annual refresher training for returning students. Additional and supplemental annual education is further required for student athletes, coaches, fraternities and sororities, and all other high risk student groups, as assessed and determined by each campus' unique student population.

Annual training for investigators and those implementing system policies is required, including two-day programs in San Francisco already completed in 2014 and 2015.

### **Routine Title IX reviews**

Beginning in October 2015, the Chancellor's Office will conduct routine Title IX reviews of each campus to ensure that they are complying with all policy requirements.

### **Systemwide Title IX Compliance Officer**

The CSU created the first of its kind Systemwide Title IX Compliance Officer to ensure system policies and procedures are implemented consistently and effectively. Assigned duties include oversight, assistance, leadership, and guidance over compliance with CSU's obligations to prevent and eliminate sex discrimination, sexual violence, and other

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sexual misconduct. The position works in concert with all 23 campus Title IX Coordinators and teams to oversee and guide CSU's efforts to prevent, address and eliminate sex discrimination, sexual harassment and sexual violence.