

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

The California State University

I. Introduction

Introduction

In March 2022, the Board of Trustees of the California State University (CSU), through the Office of the Chancellor, engaged Cozen O'Connor to conduct a systemwide assessment of the CSU's implementation of its programs to prevent and address discrimination, harassment, and retaliation (DHR) based on protected statuses, including sex and gender (under Title IX).¹ Our work involved 24 separate and distinct assessments, one for each of CSU's 23 universities, as well as the Chancellor's Office headquarters. 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. We are grateful to the Chancellor,

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](#).

Our observations and recommendations are detailed in a Systemwide Report and university-specific written reports (University Report), which are available here: [The CSU's Commitment to Change | CSU \(calstate.edu\)](#).² The Systemwide and University Reports provide a distillation of the core themes and observations across all 23 universities, as well as the evidence base and support for urgent and critical recommendations for the CSU system. This Summary Report provides a high-level discussion of the core findings and observations, with references to the more detailed discussions in the full Systemwide Report.

II. Scope of Engagement

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unique mission, climate, culture, personnel, resources, and context. In our work with the CSU, we were

information about rates of incidence or prevalence. Nearly 18,000 students, staff, administrators, and faculty participated in the survey. Members of the CSU community were able to respond anonymously to the survey, which ensured that all campus community members had the opportunity to participate in the review in a manner that reduced barriers and allowed for candid participation without fear of retaliation.

III. Context

This assessment represents a snapshot – or in some instances, multiple snapshots – of the CSU’s Title IX and DHR programs at a particular moment in time. Our review occurred as universities across the country

work to be done. Our recommendations include steps to address some of the concerns identified in these external reports, including issues related to barriers to reporting or participating in a campus investigation or resolution process; concerns about retaliation; and challenges in the accountability processes for employees under contractual and statutory processes. These issues have shaped community members' perspectives of systemwide and campus leadership and CSU's Title IX and DHR programs. Consistent themes that we heard from all participating constituents included institutional betrayal and grave disappointment in response to these incidents.

This is an important

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While the CSU is taking actions to address gaps in policies, practices, and training, and to provide remedies, the system can only move forward in a meaningful manner if the changes are anchored in an understanding of how those gaps impact individuals, communities, and institutional culture.

IV. Findings and Observations

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As we synthesized and aggregated information learned at each of the 23 CSU universities, we identified a number of common themes across most universities. We also identified the need for more centralized and robust oversight of campus Title IX/DHR programs. Our systemwide findings, observations, and recommendations fall into six core areas: systemwide oversight and coordination; infrastructure; prevention and education; responding to other conduct of concern; addressing the trust

of the gaps in documentation and records management systems are plentiful. Campuses are not positioned to allocate sufficient resources based on documented and substantiated needs; to respond to patterns or trends within a particular location, setting, or department/program, or in some instances, by a single respondent; to track the effectiveness of supportive measures and other remedies to address harassment or discrimination; to adjust prevention and educational programming to incorporate university-specific information that would inform content; and, to understand the lessons that can be learned from studying the data as it relates to questions of prevalence, potential bias, or system improvements.

B. Infr

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Across the system, the infrastructure for effective Title IX and DHR implementation is insufficient as designed to carry out care and compliance responsibilities. In other words, the current organizational structure on most campuses simply does not include enough positions to carry out the Title IX and DHR responsibilities, which include prevention and education, awareness events, and training; intake, initial assessment, and oversight of supportive measures; investigation, hearings, sanctioning, and informal resolution; record keeping and documentation; proactive efforts to address culture and climate concerns;

and DHR Compliance Services and the Office of General Counsel; and, ensuring adequate supervisory models on each campus.

1. Title IX/DHR Per

On 19 of the 23 CSU campuses (and the Chancellor's Office headquarters), the Title IX and DHR functions are combined into one office. This combined approach is aligned with the structure of the current Nondiscrimination Policy, which addresses all forms of discrimination and harassment on the basis of all protected statuses, including sex discrimination and sexual harassment under Title IX, as well as retaliation related to a report of discrimination or harassment. On the remaining four campuses, the Title IX and DHR functions are led by separate offices (and separate administrators). We observed great variation in reporting structures. Currently, five universities have Title IX Coordinators that do not currently report to a vice-president or higher as required by Attachment B to the Nondiscrimination Policy (although two of the five have a dotted line to the President).

We also observed variation in the subject matter expertise and competencies of individual supervisors. Given the disparate skillsets of Title IX Coordinators across the 23 universities, the high rate of turnover-related transition on many campuses, and the deficiencies in records management systems, we observed a need for greater training and education for supervisors, the articulation of specific goals and objectives in the supervisory relationship, and the development of checks and balances to be able to troubleshoot and identify concerns before they escalate. Within the Title IX/DHR programs, the staffing levels on each of the campuses vary significantly. On nearly every campus, we heard a plea for more resources to be able to carry out the essential functions. Staff routinely shared their frustrations about limited resources, describing how it impacted their ability to carry out their core responsibilities. Title IX Coordinators and DHR Administrators uniformly described an inability to engage in proactive, strategic work to address culture and climate because of the need to triage incoming reports and manage ongoing tasks related to supportive measures, investigations, and case management.

Given the overwhelming nature of the workload, we heard significant concerns about burnout and resulting turnover. While a handful of campuses have had longstanding Title IX Coordinators, most have experienced more frequent transition, both at the coordinator level and with other positions within the office. The resulting vacancies and instability have impaired effective functioning and contributed to the trust gap on campuses. The impact of turnover has been exacerbated by gaps in records management systems and documentation practices, as well as a lack of routine protocols and practices for coordination with campus partners, which leads to a loss of institutional history.

The staffing gaps and turnover have hindered campus professionals' ability to consistently demonstrate

- x reviewing the current disciplinary processes for faculty to promote prompt and equitable processes.

1. **Individual Accountability**

Several factors impact the ability of campuses to seek accountability for individual actors, including: underreporting; threshold determinations based on incomplete information; complainants choosing not to respond, engage, or participate (or continue to participate) after the initial report, during intake, or during an investigation; protracted and challenged investigative processes; and protracted disciplinary processes that impact the ability to pursue and impose appropriate discipline.

2. Structure

At every level, there is a need for checks and balances, quality control, quality assurance, and other structures for accountability to ensure administrative capability and accountability. We observed gaps in the effectiveness of the supervisory structure for some Title IX/DHR programs. There are no formal standards or processes for implementing the systemwide Nondiscrimination Policy or any standardized quality control or quality assurance mechanisms in place. The Systemwide Report addresses current practices and discusses effective practices in the following areas: coordination of information and personnel; intake, outreach, and initial assessment; investigations and hearings; and documentation.

Within the CSU, system level oversight is essential to meaningfully and effectively implement the key elements of informed and effective Title IX and DHR programs. Accountability is essential. Currently there are insufficient mechanisms to promote and assure accountability. Because of the complexity of federal and state laws, the significance of these issues to campus constituents, and the integrity of the institution, developing accountability systems at the system level is the most urgent need and the top priority for the system.

3. Recommendations for

In the written reports, we provide detailed discussions about opportunities for enhancing and

- x arranging to have the confidential campus advocate available for each intake meeting with a complainant; and
- x providing the complainant with a written overview of the proposed course of action at the conclusion of the initial assessment.

The 23 universities currently use a mix of internal and external investigators to conduct investigations under the Nondiscrimination Policy. Investigator positions on many campuses are entry level, and investigators are frequently learning on the job as they often have no significant Title IX experience prior to joining the CSU. Like many universities across the country, the CSU has had a difficult time finding experienced and qualified Title IX and DHR professionals. On many campuses, the investigator positions are those that have remained vacant for long periods of time, leaving the investigative responsibilities to the Title IX Coordinator or DHR Administrator (in addition to all other job responsibilities). This understaffing impacts the timeliness and quality of investigations, even with the relatively low number of investigations on many campuses.

There are opportunities for the CSU to improve the process for initiating an investigation. These include streamlining the process for a formal complaint and the notice of allegations, while still providing sufficient written notice to a respondent. This streamlining will presumably lessen the time to complete an investigation. In general, each campus will benefit from a process mapping exercise, which will help to identify areas of delay and the underlying reasons for the delay. During the investigation process, safeguards and checks and balances should be in place to allow the Title IX Coordinator/DHR Administrator and/or their supervisor(s) to monitor the investigative progress, ensuring that all steps are taken to move swiftly with as little delay as possible.

The most common concerns we heard about campus investigations were tied to the overly legalistic, procedurally based nature of the process, which is driven by the complexities of Title IX and California state law, and the length of time it takes to complete an investigation. Few campuses completed investigations within one semester, with many having investigations that lasted more than a year from the filing of the formal complaint to the finding, with subsequent time needed for sanction and appeal. The length of investigations was identified as a significant reason complainants or witnesses declined to participate or continue to participate in campus processes. Across the system, we saw the need for access to and the availability of trained, experienced investigators who provide high quality, comprehensive, and robust but efficient subvttpli

